



## **The Miller Law Firm Recovers \$1.75 Million for The Capri Owners Association after SB 800 Failed**

**March 31, 2015**

The Miller Law Firm has recovered \$1,750,000 for the Capri Owners Association, amounting to a \$31,250 per unit recovery for construction defects.

This 56 residential unit condominium project in North San Rafael was completed between 2005 – 2006. The Board of Directors retained The Miller Law Firm after spending nearly two years in negotiations with the builder with no real offers to repair, or pay to repair for the serious defects and millions in damage.



The defects were numerous and serious, requiring emergency shoring on the elevated walkways. Adverse slope of the concrete paving resulting in ponding water, discolored, cracked and corroded stucco and resultant damage to weather resistive barriers, cracked waterproofing coat at elevated walkways allowing water intrusion, corroded and flaking paint off of exterior handrails, inadequately sealed penetrations for deck framing, cracks and spalls in the concrete sidewalks, corroded door hinges, broken, cracked and chipped roof tiles, and various fire protection issues were also investigated.

The lawsuit was filed in July, 2014, in the Marin County Superior Court. In January, 2015, the settlement was reached in mediation facilitated by Dave Henningsen, Esq. of DH Mediation.

According to Thomas E. Miller, CEO of The Miller Law Firm, “Builders argue that SB 800 gives them a ‘right to repair’ but it simply never results in real offers or real repairs for Associations. When a builder wants to conduct a band aid repair and an Association board faces millions in damage, what other choice do they have but to move into litigation or arbitration? Once this case was put in the court system with a real, court-approved timeline, the parties came together and the case settled in mediation in 6 months. But it was the pain of the entire 2 years of negotiations with the builder that really tells the truth about SB 800.”

According to Rachel Miller, Senior Partner of The Miller Law Firm, “It finally occurs to Association boards that, while asking the builder to repair one issue is reasonable, asking a builder to repair numerous and serious issues is just not going to amount to a full fix. And how can any builder fix really be permanent without a full investigation of truly independent experts? We are just happy we were given the opportunity to assist this Association in time.”

*Thomas E. Miller and Rachel M. Miller of The Miller Law Firm ([www.ConstructionDefects.com](http://www.ConstructionDefects.com)) are the co-authors of, “Home and Condo Defects: A Consumer Guide to Faulty Construction,” (Seven Locks Press, 2012), available online at [www.amazon.com](http://www.amazon.com). In 2014 The Miller Law Firm was awarded the National Litigator Award by the Trial Lawyers Board of Regents. This award honors only the top 1% of attorneys in the nation and based strictly on tangible verdict & settlement dollar achievement.*