

Copyright (c) 2008 Thomson/West
Superior Court, Napa County, California.

Napa Valley Club Homeowners Association vs. Draeger Construction Inc.

TOPIC:

Synopsis: Homeowners Associations sues for construction defects

Case Type: Construction Defects; Multiple Systems

DOCKET NUMBER: 2629862

STATE: California COUNTY: Napa
Verdict/Judgment Date: February 1, 2008

JUDGE: [Mark S. Boessenecker](#)

ATTORNEYS:

Plaintiff: [Eugene Haydu](#), Law Offices of Eugene Haydu, Sacramento.

Defendant: [Eugene Bennett](#), Koletsky, Mancini, Feldman & Morrow, Oakland; [Michael T. Kennedy](#), Koletsky, Mancini, Feldman & Morrow, Oakland.

SUMMARY:

Verdict/Judgment: Defendant

Verdict/Judgment Amount: Defense

Range: \$0

Trial Type: Jury

Trial Length: 20 days.

Deliberations: 5 hours.

Jury Poll: 11-1.

EXPERTS:

Plaintiff: [Albert DeBonis](#), Ph.D., wood science/construction expert, Wood Advisory Services Inc., Millbrook, NY.;

William Kaler, general contractor.; [Jerry Lewis](#), architect.

Defendant: [Ross BeVier](#), general contractor, Sonoma.

TEXT: CASE INFORMATION FACTS/CONTENTIONS

According to Defendant: Plaintiff Napa Valley Club Homeowners Association was the homeowners association for a 130-unit townhome complex. After settling a construction defect case against the original developer in 1998, plaintiff hired defendant Draeger Construction to perform repairs to siding, windows, crawlspace drainage, decks, framing, and some flashing, pursuant to a design prepared by architects Richard Avelar & Associates. Plaintiff claimed construction defects to hardboard siding, sheet metal flashing, window leaks, crawlspace drainage, and installation of decking.

CLAIMED INJURIES NA

CLAIMED DAMAGES According to Defendant: \$1.7 million cost of repair.

SETTLEMENT DISCUSSIONS According to Defendant: Demand: \$949,000, reduced to \$749,000 prior to trial ([CCP § 998](#)). Offer: \$250,000 ([CCP § 998](#)).

COMMENTS According to Defendant: The **insurance** carriers were Gemini, Safeco, and Royal. Defendant filed a motion to recover attorney fees under its contract. Plaintiff filed a motion to tax costs.

Trials Digest, A Thomson/West business
Napa County Superior Court
7 Trials Digest 11th 6 (Cal.Superior), 2008 WL 382329

END OF DOCUMENT