



TAYLOR AND WALKER P.C.

PRESS RELEASE

Taylor & Walker partner, Brian N. Casey, wins summary judgment in EIFS (exterior insulation finish system) indemnity case.

September 20, 2005

Norfolk - Norfolk Circuit Court Judge Joseph A. Leafe granted summary judgment in favor of a roofing company represented by Mr. Casey which had installed roofs on a large condominium project. After the project was completed, the condominiums developed significant water damage which the owners association attributed to a defective EIFS system used to clad the buildings. The owners association brought suit against the builder which settled the owners association's claim by agreeing to a consent judgment against it for 4 million dollars, by paying 1.4 million dollars to the association, and by assigning its rights against the EIFS manufacturer to the association which then won a large judgment against the manufacturer.

The builder then brought an indemnity action against the roofing subcontractor represented by Mr. Casey, and other subcontractors and suppliers, to recover the amount of the consent judgment plus attorney fees and costs incurred in defending the owners association's action, less the amounts recovered from settling subcontractors and suppliers.

Judge Leafe agreed with Mr. Casey's argument that the roofing company was not liable for a percentage of the consent judgment as claimed by the builder and its expert who apportioned responsibility for the water intrusion into the condominiums among the several subcontractors and suppliers based upon an investigation of the sources of the water which got behind the barrier EIFS and caused damage. Judge Leafe dismissed the case.

Mr. Casey and Taylor & Walker attorneys represent owners, builders, contractors, subcontractors, design professionals, and insurance carriers in construction litigation throughout Virginia.

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