

# Landlord loses major mold case

A family is awarded \$2.7 million after health problems.

**By Andrew LePage -- Bee Staff Writer**

***Published 5:11 AM PST Friday, Nov. 9, 2001***

In one of the nation's biggest personal injury verdicts related to mold, a Sacramento jury has awarded a local family more than \$2.7 million after finding their former landlord guilty of negligence stemming from mold in their apartment.

"This is just going to send shock waves through the industry," said Jim Lofgren, executive director of the Rental Housing Association of Sacramento Valley.

The defendants -- two local individual investors and the company that managed the property -- vowed to appeal within the allotted 70-day period.

The plaintiffs -- Darren and Marcie Mazza, ages 32 and 30, respectively, and their 8-year-old son, Bryce -- testified that they suffered from a host of serious health problems over nearly three years because of mold in their rental unit at the Partridge Pointe Apartments, at 4001 S. Watt Ave. in Sacramento.

The family claimed the complex's ownership and management had ignored their repeated complaints regarding water intrusion and mold and had failed to properly maintain and repair their unit.

The jury was unanimous in finding the defendants -- Sacramento-based investors Raymond Schurtz and Janak Mehtani and Sacramento-based Westcal Management -- liable on each of five claims, including that of negligence. The jury also awarded the exact damages sought, totaling just over \$2.7 million, said the Mazzas' Sacramento attorney, John C. Miller.

Miller said the defense tried to argue that the Mazzas' reported health problems stemmed from allergies to their three cats.

Rick Rodgers, the defendants' Sacramento attorney, said he could not discuss the case, except to say his clients will be "filing standard post-trial motions seeking relief and, assuming those are not successful, we would go forward with a full appeal."

But the verdict finalized Thursday instantly instilled fear in the local rental industry, which has seen a fast-growing number of mold-related lawsuits from tenants.

Lofgren, who heads the local rental industry association, predicted that the verdict will spur more mold-related personal-injury cases and cause more

insurance companies to exclude mold-related claims from their coverage for rental property.

The problem, Lofgren said, is that landlords and management companies will be more vulnerable to large claims and investors will be turned off to rental property, all of which puts upward pressure on rents.

He and others in the rental industry are particularly frustrated by the verdict because currently there are no state or federal standards specifying what level of mold exposure is harmful, and because some of the top state and federal health experts have stated publicly that there hasn't been enough research to positively link mold to many of the health problems the Mazzas and thousands of others have cited in their lawsuits.

The Mazzas' reported symptoms included constipation, asthma, diarrhea, and severe headaches. Marcie Mazza said those problems caused her husband, an emergency medical technician, to miss 26 days of work and her son to miss 39 days of school.

But Miller, who specializes in mold cases, said the jury was convinced by the Mazzas' testimony and that of the health experts he called to testify. He said the verdict is significant because it sends a clear message to landlords and their insurers -- that mold-related health problems are real and that they will be held liable.

"We've been waiting for one of these cases to go to trial and now we know what juries will say when they get these cases," Miller said. "They're not going to say, 'We don't believe in the science or the medicine.' They're going to say, 'If you don't maintain and repair your property and molds develop in that property, you're going to be held accountable for the injuries that result.' "

Attorneys specializing in mold-related cases and other sources that track such litigation nationally said they were not aware of a bigger award in a mold case based on personal injury. They cited a \$32 million jury award earlier this year in a Texas case alleging property damage and bad-faith handling of claims by an insurer.

---

#### **About the Reporter**

-----

The Bee's Andrew LePage can be reached at (916) 321-1065 or [alepage@sacbee.com](mailto:alepage@sacbee.com) .

---