

Six years on, Kolter Signature Homes lawsuit goes to trial

\$36 million lawsuit is seeking damages for alleged sub-standard work

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By James Teeple

After six years of legal maneuvering one of the longest-running cases over faulty construction in Florida is finally going to trial.

Jury selection starts Tuesday in a case pitting the San Matera Condominium Association against Kolter Signature Homes, and other defendants for alleged sub-standard architecture, engineering and construction work at San Matera at the Gardens, located just off PGA Boulevard in Palm Beach Gardens in Palm Beach County.

More than 30 lawyers have worked on the case over the years, and the trial will be held in a specially modified courtroom in Delray Beach in order to accommodate the large number of defendants, lawyers and plaintiffs.

David Haber, of Haber Slade, the Miami-based firm that is representing the San Matera Condo association, said his firm is seeking \$36 million in damages from Kolter and other defendants. He said Kolter Signature Homes reorganized behind The Grand at Palm Beach Gardens, a limited liability Delaware-based corporation, but that Kolter served as both the developer and contractor on the project. "The main defendant is the Grand, and Kolter Signature Homes, the contractor, because Kolter Signature Homes built it," said Haber.

Kolter itself has sued a number of sub-contractors on the project, but Haber said ultimately Kolter is responsible for what happened at San Matera. "The court has issued rulings already that the developer and the contractor can't waive away their statutory obligations under the condominium act, nor can the general contractor push off on someone else their obligation to build within the building code."

Michael Hornreich, of the Orlando-based firm Weinberg Wheeler, who is representing Kolter Homes, declined to comment on the case.

Condo owners say years after they moved into their units, water continues to leak through sliding glass doors, and windows down to foundation slabs. Jackie Durham, the San Matera condo board president, said owners have already spent about \$2 million on repairs, to fix structural damage that was largely hidden from view when the owners bought their units because much of it was behind exterior walls or in roof areas.

"It's really bad, we're having to take stucco off and replace plywood sheeting, which is usually soaking wet, with rusting studs, down to the substrate," Durham said. "We just had a board meeting and a man said water was leaking into his bedroom."