

Arizona Jury Awards Tenant \$3.3 Million for Cognitive & Physical Injuries from Mold

Landlord allowed water leaks to go unrepaired until mold permeated her building.

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PHOENIX — A Phoenix jury has awarded \$3.3 million to a woman who blamed her mold exposure and related illnesses on her landlord's negligence in failing to make timely repairs. *Minium v. Pillar Communities LLC, et al.*, No. CV2004-014906 (Ariz. Super. Ct., Maricopa County.).

The nine jurors reportedly deliberated for two hours before reaching a unanimous verdict in favor of plaintiff Robin Minium and against her former landlord, Pillar communities LLC. The defendant is one of the largest developers and landlords in the Greater Phoenix area, with more than 4,000 apartment units, according to a trial report.

Minium is a former executive with American Express who sued Pillar in 2004, complaining that Pillar failed to warn of mold remediation in neighboring apartments and allowed water leaks to go unrepaired until mold permeated her building.

She alleged that she and other tenants had complained to Pillar of water leaks and of feeling ill before Pillar paid for remediation projects in other apartments.

Minium said she moved from her apartment in 2002, and she complained that Pillar lost or destroyed her possessions, including a family Bible, dishes, quilts, furniture and inherited items. Pillar asserted that the items were abandoned.

Trial on Minium's claims began on April 14 before Judge Craig Blakey, and ended on April 22.

At trial, Melanie Molenar, Pillar's executive vice-president, testified that Pillar intentionally did not warn Minium about remediation efforts in other apartments because it felt residents were safe.

Pillar also relied on allergist Miriam Anand, M.D., who testified that mold can't cause permanent or long-term injury.

Expert witnesses for Minium included Mark Van Ert, Ph.D., CIH, of Tucson, Ariz., who opined that, based on the remediation reports, Minium suffered from mold exposures sufficient to cause illnesses.

She also relied on Michael Gray, M.D., of Benson, Arizona, who concluded that Minium has disabling cognitive and physical injuries caused by mold exposure, and Tucson, Arizona, psychologist Robert Crago, Ph.D., of Tucson, who found through testing that Minium suffers a loss of cognitive abilities.

Andrea and Adam Watters of the Watters Law Firm in Tucson represent Minium.

Kendall Steele of Jardine, Hickman, Baker & Houston in Phoenix represents Pillar Communities.

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