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Testimony of Anne Kohl, Homeowner

3321 Epsom Street  
Las Vegas, NV 89129  
Assembly Judiciary Committee  
May 8, 2003

Good morning Mr. Chairman and members of the committee. My name is Anne Kohl and I am a Las Vegas homeowner. I am here in support of Senate Bill 241. I am here today because I want to tell you my story.

In November of 2001, some lawyers knocked on my door. Without so much as a look around or inspection they told me that my home was defective. These lawyers were there to sign me on to a class action lawsuit against the builder of my home. During our conversation, I asked how many homes were going to be involved in this lawsuit. They did not know. I informed them that I would not commit to a lawsuit without knowing exactly what was involved and what was wrong. I refused to sign on to the class action lawsuit without answers to my questions.

The next day I spoke to my neighbor and she told me that the builder had found some construction problems in her home. She had received a letter from them saying that they would be coming in to do a thorough inspection and to fix any problems in her home.

A week or so later, the lawyers tried again to get my house involved in their plan to sue. That day, when I was at work, the same lawyer came to the house. My husband, Eddie, who is 26 years older than I answered the door. The lawyer invited himself in and proceeded to tell my husband that our home had toxic mold and was dangerous to our health. No testing or investigation to my home had been done. How the lawyers arrived at this conclusion is unclear.

My husband was bewildered and confused - - you see, I am a cancer survivor and had just completed several months of surgery and chemotherapy and, I had recently returned to work. Concerned for my health given my recent illness, my husband signed the document they placed in front of him. This all happened without my knowledge even though I had specifically told the lawyers we would not proceed further without answers to our questions.

In late December of 2001, I found out why I had not received the same offer from my builder to repair as my neighbor.

ASSEMBLY JUDICIARY

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SUBMITTED BY: Anne Kohl

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I was shocked to learn that – number one, our home was declared as defective in a lawsuit filed against the builder, without my knowledge;

Number two, that the builder had told the lawyers they would repair our home but that the lawyers refused any repairs; and,

Number three, that the lawyers had demanded that the builder buy our home from us.

For five years my husband, Eddie, and I lived comfortably in our home. We didn't know anything was wrong with it. I certainly had no desire to sell it, but without our knowledge that is exactly what the lawyer demanded. I called the lawyer's office on several occasions but my phone calls were never returned.

On December 31, 2001, I wrote a letter to the lawyers demanding that they remove us from their lawsuit immediately. A year and a half later, our name still appears in their lawsuit.

My builder did come in and they fixed everything in our house. They never asked us to sign anything. When they were done, they just shook our hands, thanked us and left us in peace.

I am so upset that those lawyers sat in my house, fully aware of the builder's offer to repair, and told me that the builder had been contacted and refused to repair problems. The lawyers told me a boldfaced lie to try to get me into their lawsuit.

My husband, Eddie and I have seen first hand how giving the builders a right to repair their own work is a satisfying and pleasant experience. This is what I believe homeowners really want. They don't want lawsuits and they don't want lawyers knocking on their doors. That is why I support Senate Bill 241. This bill provides the builder an opportunity to fix problems without asking the homeowner to give up any future legal rights.

Thank you for listening.

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