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May 15, 2003

Chairman Anderson and Members of the Committee:

Primary sticking points and discussions on S.B. 241 as submitted by the Coalition for Fairness in Construction:

Application of the use of extrapolation in the right to repair (rtr) context as articulated by the NTLA renders right to repair meaningless. If suit can be brought on behalf of a small number of people (even where repairs were made but homeowners are not satisfied) and the next step in that process is a lawsuit and motion for class certification, we have been deprived of our right to repair, for all those who were not named in the original notice. Nothing in our bill precludes a homeowner or lawyer from contacting people in the community by advising them of problems. Anyone who feels they want to move forward and requests repair can do so. Also a builder may elect to forward a notice under our bill if the builder concludes that a problem is persuasive. Our bill does not mandate however that this be done. Importing extrapolation and class concepts into the right to repair is flawed. If we believe that the notice and the extrapolation is flawed, we have no means to challenge that until we are in front of a judge which does not work in favor of repair.

ASSEMBLY JUDICIARY

DATE: 5/16/03 ROOM: 3138 EXHIBIT F

SUBMITTED BY: JIM WADKAMS