

Todd Lantz Wins Trial and Appellate Victories in Landmark Case Involving Defective Construction Claims and Insurance Coverage

Des Moines, IA (June 2016) -- Todd Lantz represented the owner of a 300-unit apartment complex in complex civil litigation spanning nearly six years, which culminated in a Supreme Court opinion affirming a \$12.4 million jury verdict in favor of the firm's client.

First, Todd represented the property owner in claims against a developer/builder and over a dozen subcontractors arising from widespread construction defects that resulted in severe water penetration problems and property damage. After contentious litigation, in 2011, Todd helped negotiate a settlement under which the property owner received approximately \$3 million and an assignment of claims against one subcontractor and the insurance carrier that issued an excess commercial general liability policy to the builder.

Second, in 2012, Todd represented the property owner in a contractual indemnification action against a stone veneer subcontractor. Following a seven day bench trial in federal court, Todd's client was awarded over a half million dollars in damages and attorney fees.

Third, Todd represented the property owner in hotly contested litigation with the excess liability insurer, which had denied coverage for the defective construction claims by the property owner. Todd served as lead counsel throughout the representation, defeating numerous attempts by the insurer to dismiss the claims for insurance coverage. After a three-week jury trial, a jury returned a verdict in favor of the property owner for the full amount Todd requested in closing arguments (\$12,439,500).

In 2015-2016, after the insurer appealed, Todd successfully argued the case to the Iowa Court of Appeals and to the Iowa Supreme Court. In June 2016, the Iowa Supreme Court affirmed the entire verdict and ordered the insurer to pay a greater amount of interest—a complete victory for the firm's client. Experienced

construction lawyers have referred to this case as the most important legal case for the Iowa construction industry in decades.

“The owners of Westlake Investments, LLC are obviously thrilled with the decision by the Iowa Supreme Court,” explained Todd Lantz. “This lawsuit has been challenging in every way, and of course, we wish that the lawsuit had not been necessary. Fortunately, our clients had the resolve to see this through to a very positive ending.”

The Iowa Supreme Court opinion is available here:

http://www.iowacourts.gov/About_the_Courts/Supreme_Court/Supreme_Court_Opinions/Recent_Opinions/20160610/14-1274.pdf

The Iowa Court of Appeals opinion is available here:

http://www.iowacourts.gov/About_the_Courts/Court_of_Appeals/Court_of_Appeals_Opinions/Recent_Opinions/20151028/14-1274.pdf

Press coverage of the case is available here:

<http://www.desmoinesregister.com/story/money/business/2014/03/27/leaks-moldresult-in-124m-award-for-apartment-owners/6946851/>

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Weinhardt & Logan is located at 2600 Grand Avenue, Suite 450, Des Moines, less than ten minutes from the U.S. Courthouse and the Polk County Courthouse, and eight minutes from the Des Moines International Airport.

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