

Bentley Place Condominium

Forensic Investigation & Construction Litigation Support



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Condo Association Awarded \$6.68 Million In Case Alleging Shoddy Workmanship

By Brian Moorar
Washington Post Staff Writer

A Montgomery County jury awarded \$6.68 million yesterday to a Rockville condominium association that said the builders of its complex were responsible for shoddy workmanship, leaky roofs, cracked ceilings and noise problems.

The defendants, Milton Co., Tuckerman Lane Development Co. and Vienna, Va., developer Milton Schneiderman, were found responsible for civil claims including breach of warranty, breach of contract and negligent misrepresentation raised by the Bentley Place Condominium Council.

"As far as I know, it is one of

the highest jury verdicts awarded to a condominium association for construction defects," Baltimore lawyer Barry L. Steelman said after the verdict was announced in Montgomery County Circuit Court.

"The most significant aspect of [the decision] is these people will finally get some money to fix their problems," Steelman said.

The defendants have filed lawsuits against subcontractors they claim were responsible for the flaws in the 240-unit development. Efforts to reach their lawyers by phone last night failed.

Plaintiffs presented evidence during the trial to show that the developers promised residents modern roofing, soundproofed

walls and floors, and other appointments.

Unknown to buyers of the condominium units, corners had been cut on construction and design plans veered away from, resulting in flaws that made life at the Bentley Place condominiums unbearable for some residents, Steelman and plaintiffs' co-counsel Nicholas D. Cowie said.

"There was a survey of the people living there, and people said it was so bad that if someone upstairs sneezed, the people downstairs would say Gesundheit," Cowie said.

The complex was built between 1987 and 1990, and the lawsuit was filed in October 1991.

Bentley Place Condominium is a 20 buildings garden apartment condominium complex with 240 condominium units. The buildings had a number of problems, including: interior soundproofing, structural design problems, exterior waterproofing, plumbing and HVAC systems. The property is located in Bethesda, MD.

Challenge:

- Davidson & Associates when performing the transition warranty analysis discovered a multitude of deficiencies including water infiltration, structural/life safety, and disturbing sound transition between vertical units.
- Additional forensic investigation and testing confirmed the cause of these deficiencies, most of which were concealed conditions. The documentation formed during this analysis substantiated the concealed deficiencies as systemic. The easy-to-follow presentation of this documentation during trial resulted in a lay jury awarding approximately 95% of the claim.

Value Added:

- Robert Davidson was the key expert witness for the Condominium Association his testimony and ongoing involvement during the three-week trial resulted in the largest settlement awarded to a condominium association for construction defects (\$14.4 million 2025 equivalent). The award was appealed and was affirmed for the Condominium. The case is now used as an example of case law for construction warranties.

Services Performed: Forensic Investigation & Construction Litigation Support

Client: Bentley Place Condominium

Law Firm: Barry L. Steelman Esq. LLC