

Forensic Assignments



15th ANNUAL WESTFORD SYMPOSIUM ON BUILDING SCIENCE

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LEGAL ISSUES

The late Superior Court Judge Jerrod Oliver defined construction defect as:

1. *Not constructed per the plans and specifications.*
2. *Not constructed per the requirements of the Building Code.*
3. *Not constructed per manufacturer's recommendations.*
4. *Not constructed per industry standards.*

Senate Bill 800, 2000

Aas v. William Lyon Co. Decision, 2002



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SB 800 – RIGHT TO REPAIR BILL

In 2002, SB 800, the "RIGHT TO REPAIR" legislation to allow builders, developers and contractors to repair their defective work, and not have to pay for the repairs of their defective work by others after litigation, before any litigation begins.

This law defined construction defects.

A quirk in the bill **shortened the statute of limitations** on many issues, such as electrical and plumbing defects from 10-years to only 4-years.

In its short history, builders, developers and contractors **make only minor repairs**, if any, and **ignore major repairs**, the insurance companies won't pay for the repairs, and the various parties don't get involve in the process nor contribute funds for repairs.

The SB 800 give the builders, developers and contractors free discovery of information and, delays litigation.



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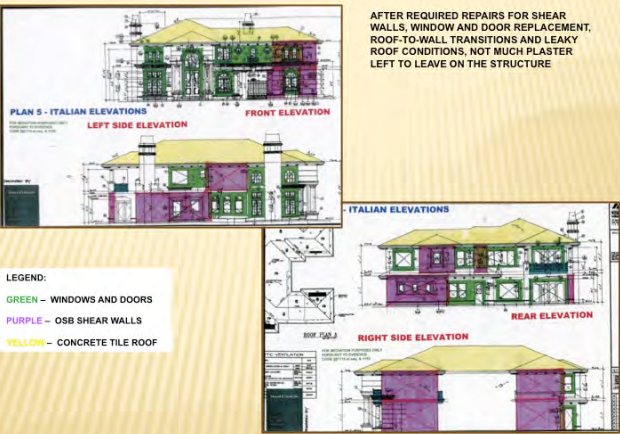
AAS DECISION

In 2002, in Alan Aas. v. William Lyon Co., the California Supreme Court ruled that a construction defect does not exist until **somebody is injured** or **something is damaged**, as a result of the negligent improper construction.



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PLAN 5 - ITALIAN ELEVATIONS
LEFT SIDE ELEVATION FRONT ELEVATION

RIGHT SIDE ELEVATION REAR ELEVATION

LEGEND:
GREEN - WINDOWS AND DOORS
PURPLE - OSB SHEAR WALLS
YELLOW - CONCRETE TILE ROOF


AFTER REQUIRED REPAIRS FOR SHEAR WALLS, WINDOW AND DOOR REPLACEMENT, ROOF-TO-WALL TRANSITIONS AND LEAKY ROOF CONDITIONS, NOT MUCH PLASTER LEFT TO LEAVE ON THE STRUCTURE

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The Vintage Club Clubhouse

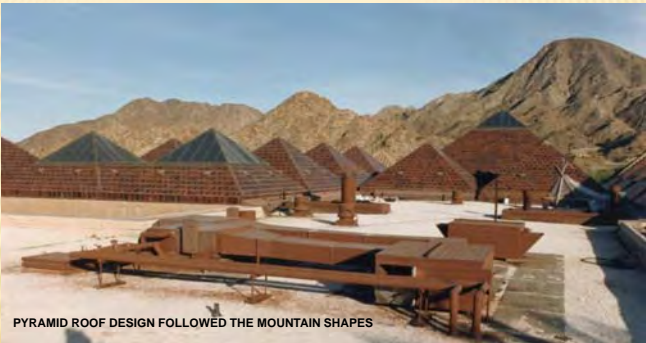
Indian Wells, California

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NATIONAL AIA AWARD WINNER - ROOF LEAKED FOR 8 YEARS BEFORE ITS RECONSTRUCTION


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PYRAMID ROOF DESIGN FOLLOWED THE MOUNTAIN SHAPES

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ENTRANCE TO CLUBHOUSE



WOOD SLATS OVER GYPSUM BOARD BACKING FOR FIRE RESISTANCE REQUIREMENTS



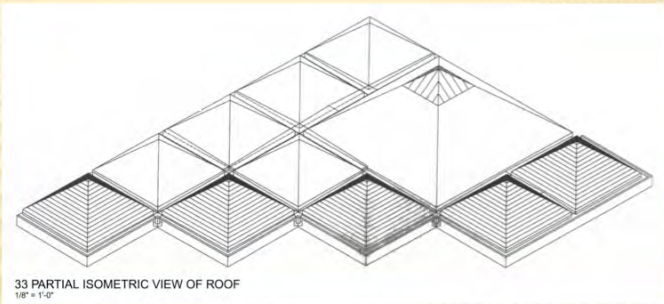
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SHEET METAL GUTTER TO CONTROL CONTINUED ROOF LEAKS AT THIS COLUMN INTO PLANTER BELOW, PER BOB BYRD

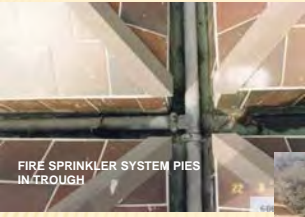


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33 PARTIAL ISOMETRIC VIEW OF ROOF
1/8" = 1'-0"


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FIRE SPRINKLER SYSTEM PIES IN TROUGH

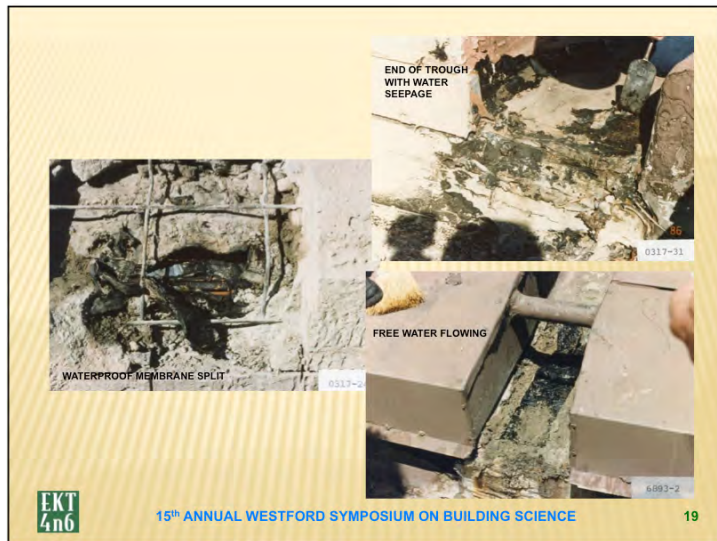
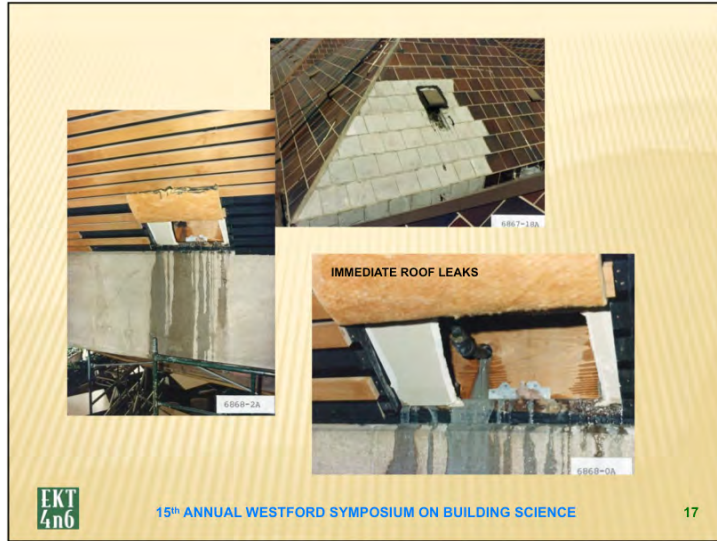


PETE SIMMONS CHECKING VENTS



STANDING WATER IN DRAINAGE TROUGH

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18 - 24' SQUARE WOOD TRELLISES
 4 - 24' SQUARE FLAT WOOD TRELLISES
 2 - 24' X 12' WOOD TRELLISES
 28 - 24' SQUARE PYRAMIDS
 4 - 24' SQUARE PYRAMIDS WITH SKYLIGHTS
 1 - 48' SQUARE PYRAMID
 2 - 48' SQUARE PYRAMIDS WITH SKYLIGHTS

VINTAGE CLUB CLUBHOUSE ROOF PLAN

PROPOSED SKY HORSE CRANE LOCATION

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TROUGH ELEVATIONS OF 1/2" PER FOOT SLOPE DELINEATED ON ROOF PLAN

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31 TRANSITION LOW POINT PLATFORM TO LOW POINT TROUGH W/ SCUPPER 3/8" = 1'-0"

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8d BOX NAILS INSTEAD OF 8d COMMON NAILS

NOT!

TWO RELIEF VENTS AT LOW POINTS AND ONE BRIEDERT VENT AT CENTER OF ALL NEW WALKWAYS

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3690-6

TO LIFT THE 10,000 LBS WOOD TRELLIS, A HELICOPTER FROM THE PACIFIC NORTHWEST LOGGING AREA IS REQUIRED AT \$70,000 PER TRIP PLUS DOWN TIME - **TAKAHASHI WINS**


LAKE DRAINED FOR CRANE ACCESS. NEW LINER REQUIRED.




4400-15A

TAKAHASHI'S FOLLY: SKY HORSE CRANE AT LOADING DOCK (\$185,000) Versus \$7,000 HELICOPTER ALLOWANCE

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SLATE ROOF INSTALLATION



53369-13

FIRE SPRINKLER PIPES IN LEAD FLASHING

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PRE-CAST CONCRETE SCUPPER INSTALLATION

THIS SUB'S REQUEST FOR PAYMENT TRIGGERED 2-PARTY CHECKS, 2 MONTHS BEFORE THE GENERAL CONTRACTOR CLOSE HIS DOORS




52365-2


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Northridge Meadows Apartments
Northridge, California

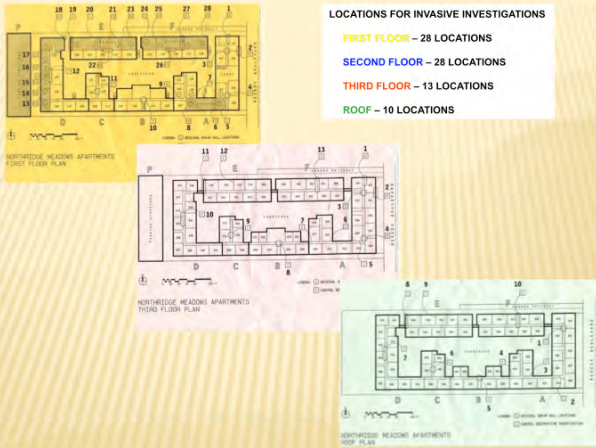
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JANUARY 14, 1994
NORTHRIDGE MEADOWS APARTMENTS
Northridge, California




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LOCATIONS FOR INVASIVE INVESTIGATIONS
FIRST FLOOR – 28 LOCATIONS
SECOND FLOOR – 28 LOCATIONS
THIRD FLOOR – 13 LOCATIONS
ROOF – 10 LOCATIONS

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100 DB
E-73



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The top-left photo shows a wall with handwritten notes: "BASE LAYER NOT VERTICAL", "BASE LAYER NOT VERTICAL & JOINTS NOT STAPLED", "NO BLOCKING AT JOINT", and "NO JOINT STAPLED". The top-right photo shows a wall with handwritten notes: "2' BLOCKING AT JOINT", "1 1/2\"/>

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The top photo shows a wall with handwritten notes: "NO SHEAR BLOCKING AT TOP", "NO JOINT STAPLING TO TOP", "NO JOINT STAPLING TO TOP", "NO JOINT STAPLING TO TOP", "NO JOINT STAPLING TO TOP". The bottom-right photo shows a wall with handwritten notes: "NO JOINT STAPLING TO TOP", "NO JOINT STAPLING TO TOP", "NO JOINT STAPLING TO TOP", "NO JOINT STAPLING TO TOP".

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The top photo shows a rafter with a handwritten note: "NO NAILS THROUGH SIDE FLANGES TO HOLD RAFTER IN PLACE". The bottom-left photo shows a wall with a handwritten note: "MISSING SHEAR TRANSFER BLOCKING".

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Thousand Oaks Library
 Thousand Oaks, California

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