

\$250m plaster claddings class action hearings to start next week

SALLY LINDSAY · THURSDAY NOVEMBER 17, 2016



Adina Thorn leading \$250 million class action against James Hardie group

Two to three days next week have been set down by the High Court in Auckland for the interlocutory applications in the \$250 million-plus plaster cladding class action against the Australia-headquartered James Hardie group of companies.

It is one of the earliest hearings in the case after the High Court last month ruled 15 new plaintiffs could join the action, a decision that had been contested by James Hardie.

The hearing will start on Monday and the matters to be argued during the hearing include:



- summary judgment applications – two of the seven James Hardie defendant companies have applied for early judgment to be removed from the claim. The 365 plaintiffs, represented by Mark O’Brien QC and Jenny Cooper, have opposed these two applications.
- protest to jurisdiction – the parent company of the James Hardie group, James Hardie Industries plc, has opposed the claim being heard in New Zealand. This application is being opposed by the plaintiffs.
- particulars – James Hardie group of companies are seeking further details of the plaintiffs’ claims against them.

The litigation-funded action against James Hardie is being led by Adina Thorn Lawyers and involves 1000 owners of 365 buildings, including 29 large body corporate complexes.

Ms Thorn says the plaintiffs allege they have suffered financial losses and significant health issues arising from the use of non-performing cladding materials marketed as Harditex, Monotek and Titan Board.

The James Hardie group has a long history of litigation, particularly with asbestos-related claims in Australia.

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