

# Value of proposed class action against Carter Holt Harvey soaring

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RELATED AUDIO: Adina Thorn discusses why she is taking a class action against Carter Holt Harvey (Mar 23)

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Faulty house cladding class action lawyer Adina Thorn is expecting to file a \$100 million case against Carter Holt Harvey over Shadowclad, a timber weatherboard cladding.

Adina Thorn Lawyers proposed funded class action has already validated claims for \$60 million over the alleged failures of Shadowclad and the firm expects that to top \$75 million by the end of this month.

The proposed Shadowclad action comes after Ms Thorn's firm launched a \$250 million class action against James Hardie for 1100 Auckland leaky building owners who are making negligence claims for the failure of fibre cement cladding products.

Ms Thorn says property owners have been registering at a faster rate than anticipated in the Carter Holt Harvey case. Her firm began seeking the first registrations less than two months ago.

"We were expecting the response to be slower given it is winter and Shadowclad is often used for beach and holiday homes, which people may not be visiting at this time of year.

Still experiencing a steady flow of new claims, Ms Thorn says some are quite large. "Single claims being made through body corporates can be for substantial claims - \$5 million for one building is not uncommon."

Ms Thorn says in these situations, the decision making is quite involved and takes some time, so she won't be surprised if the total value of claims does surge beyond the \$100 million mark. "That can happen quickly through the addition of just a relatively small number of high-value claims."

The action follows a large claim by the Ministry of Education against Carter Holt Harvey in relation to 880 school buildings, allegedly clad with



Adina Thorn  
registering a  
proposed Ca

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failed Shadowclad. The total value of this claim could be in excess of \$1 billion.

The value of proposed Shadowclad claims by leaky home owners has now met the value for the case to be funded by a leading litigation funder.

"As property owners are increasingly becoming aware, the real concern with litigation, particularly against large corporate defendants, is cost.

"With a funded legal claim building owners can join the action with the security of knowing they will not be incurring any legal or other fees, while in return the funder will take a share of any judgment or settlement sum awarded.

Ms Thorn says the course of the claim building her law firm has found many property owners in distressed financial situations through no fault of their own and others experiencing ill health as the result of leaks and mould problems.