

Judge rules on more claimants joining \$250m faulty house claddings claim

SALLY LINDSAY · THURSDAY OCTOBER 20, 2016



Adina Thorn

An Auckland High Court judge has ruled that 15 more claimants can become part of the \$250 million faulty cladding class action against Australian-listed James Hardie.

It is the second time in the past week the High Courts in Wellington and Auckland have ruled other litigants can join separate claims against James Hardie over alleged defective cladding products.

The fully-funded Auckland class action involves various companies within the James Hardie Group and now involves 360 buildings and 1000 property owners.



The \$20-25 million self-funded Wellington action involves two claims which other people who have leaky buildings clad in James Hardie products can join.

The property owners in Auckland-based Adina Thorn Lawyers case and similarly in the Wellington action are alleging they suffered losses arising from the use of non-performing cladding materials marketed as Harditex, Titan Board and Monotek.

The application for the additional claimants to join the Auckland case was opposed by various James Hardie entities fighting the claim.

Lawyer Adina Thorn says the next stage in the proceedings is the first hearing of interlocutory applications, which is set down for two to three days in the High Court towards the end of November.

Ms Thorn says James Hardie is a sophisticated large organisation, which has a long history of litigation, particularly with asbestos-related claims.

“We are fortunate our claim against the company is well-resourced, through funding from London-based Harbour Litigation Funding – the biggest in Europe.”

It has put the money up for a well-resourced legal team that is backed by a big team of experts including building experts, a tax law professor, forensic accountants, a marketing professor, and overseas experts, Ms Thorn says.

“Yesterday’s decision is an encouraging step in the road to justice for the claimants, many of who have experienced severe health from the effect of black mould and financial damage as the result of James Hardie companies designing, manufacturing and knowingly selling faulty cladding materials,”

