

# The woman behind the country's second biggest class action

Sally Lindsay

Lawyer Adina Thorn is probably one of the few people equipped to take on the might of global cladding manufacturers.

Her combined law and property degrees give her a head start and her penchant for research makes her well-prepared for the lawyered-up might of James Hardie and other manufacturers in a \$100 million plus class action she is launching against them for defective cladding materials.

Ms Thorn, a slight woman with a big laugh, warm personality and resolute determination to win, has been a lawyer for more than a decade, variously working for Queen's Counsel Jim Farmer, Heaney & Partners and Grimshaw & Co before starting her own company nearly five years ago.

Her interest in New Zealand's \$112 billion leaky building crisis was piqued while working for Heaney & Partners, which specialises in defending councils against claims from thousands of homeowners.

A 2009 government-commissioned report by PWC estimated there were up to 89,000 leaky homes in New Zealand. Homeowners associations claim there are still leaky buildings being constructed.

Mr Thorn became conscious of the costs for people taking claims and felt sorry for them. "I was seeing people who had done nothing wrong. They obtained a pre-purchase report, a LIM, bought a house that turned out to be leaky and were going to be crippled with debt for a lifetime."

Mr Thorn says she saw hundreds of people and that stayed with her. In her own law firm, she is still dealing with hundreds of individual settlements. "It is devastating."

She says councils mostly sue builders for leaky building shortcomings and join in everybody they can think of in actions.

"It is a one recipe fits all and I believe the courts



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have gone about settling claims the wrong way in splitting 80% of blame on building parties and 20% on councils. This misses the fundamentals of the building materials' shortcomings.

"The questions are why do the products not work and why did the government and councils not test them?"

"And a further question is what about people who followed descriptions of how to put up the cladding, often in text book fashion, and still ended up with a leaky building? They have been left in a dire situation."

Extensive research and discussions with experts on claddings kept her curiosity levels high. Over the past two years, between other legal work, she has discovered there are two types of cladding – fibro-cement and polystyrene.

"The more I researched the clearer it became that cladding manufacturers got their products wrong and we are launching the class action on product liability."

She says it is mystery why nobody at official level asked questions early on about the products. "It has led to probably the country's biggest eco-

nomics crisis and all the blame has centred on installation, instead of defective products."

Armed with considerable knowledge, Ms Thorn says she is comfortable launching the class action herself. She has had opinions from top barristers and lawyers who have supported her views, so doesn't feel quite so alone.

Cases have been launched against cladding manufacturers in other countries but Ms Thorn says they have been little bites and nothing of the scale the New Zealand class action will be.

She is not intimidated at the thought of facing the cladding manufacturers across the courtroom. "I will be as well lawyered-up as they and have the comfort of a big litigation funder behind me.

"I wouldn't be bringing this case if had not been well received by a litigation funder. After going through the funder's massive process and every hope you can imagine, I am confident of the action being brought."

Questionnaires have been sent out to 1200 leaky building owners and body corporates to assess the claims and determine those that will be joined into the action.

"Within a week we had the majority back. It must be some sort of record, but shows the desperation of people who feel they have nowhere to turn." Ms Thorn says the class action will probably be well over \$100 million by the time proceedings are filed in the High Court.

Some of the country's top QCs, barristers, lawyers and dozens of building surveyors want to be involved in the class action and Ms Thorn's husband, an Auckland University law lecturer, has also spent time on the claim. Many students have also contacted Ms Thorn's five-person law firm wanting to work on the case for experience that could be a once-in-a-lifetime opportunity.

Outside of the sometimes exhausting work on the claim, Ms Thorn relaxes by going to the gym, walking and reading.

## Quinn splurges on Queenstown apartment from proceeds of VIP Petfoods

Chris Hutching

Racing entrepreneur and pet food millionaire Tony Quinn has bought a central Queenstown three-unit luxury apartment for \$7 million.

The price is believed to be a record for a central Queenstown home according to the local Mountain Scene newspaper which reported the deal.

If the price was slightly above market, it was no problem to Mr Quinn and wife Christina. Last month they sold their VIP Petfoods for \$410 million to Sydney-based Quadrant Private Equity. They founded the company in 1994. They will retain a shareholding and their older son Kent will retain a management role. The company has six manufacturing plants and 600 staff.

Meanwhile, land records give a rating value of \$1.7 million for the five-

level Q1 Apartment in Queenstown with floor area of 229m<sup>2</sup> located opposite O'Regan's Wharf in Queenstown Bay. The \$7 million sale to Quinn Corp was registered in April. He acquired the property from Amanda and Warren Law.

Mr Quinn was also recently in the news for his purchase of Hampton Downs Motorsport Park at Te Kauwhata south of Auckland for \$15.5 million.

It complements his family-oriented motorsport venue in Central Otago, Highlands Motorsport Park. The local Queenstown newspaper reports he has quit involvement in the Race to the Sky hill climb up the Cardrona Valley to the top of Pisa Range.

The track is owned by Southern Hemisphere Proving Grounds.

Mr Quinn wasn't prepared to meet costs which have risen from \$35,000 eight years ago to \$90,000.