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Menu

Categories

[Consumer](#)

[Expectations](#)

[Economic Issues](#)

[Education](#)

[Conference](#)

[Energy – Costs & Conservation](#)

[Green Initiatives](#)

[Independent/Small Owner Issues](#)

[Legal](#)

[Issues/Lawsuits](#)

[Maintenance](#)

[Issues](#)

[Marketing & Leasing](#)

[Operations](#)

[Personal](#)

[Development & Training](#)

[Risk Management](#)

[Wild Card!](#)

NAA Home > Blog > Posts > NAA Files Amicus Brief in Mold Case

9/1/2009

NAA Files Amicus Brief in Mold Case

On Aug. 31 NAA filed an amicus curiae (friend of the court) brief in an Arizona state appellate court. The brief sets forth legal and public policy arguments that address litigation arising out of a resident's exposure to mold at an apartment community – specifically, the dearth of scientific evidence supporting a causal link between mold exposure and adverse health effects. Claims of physical injuries attributed to the presence of mold in housing have been the basis for an explosion of litigation over the past twenty years. In 2003, the Insurance Information Institute estimated that 10,000 mold-related suits were pending nationwide; a 300 percent increase since 1999. Mold litigation represents significant risks to providers of rental housing as evidenced by a recent jury award of \$3.3 million to a plaintiff who blamed her illnesses on her exposure to mold in her rental home. Litigation and judgment awards based on junk

science harm the apartment industry, and greatly increase the cost of housing for residents.

The scientific studies, described in the amicus brief, debunk the notion of a causative effect between the presence of mold and the wide ranging health-related damages claimed in these cases. In its brief, NAA argues that because the plaintiffs base their claims on faulty science, and it is generally accepted in the scientific community that no causal link between mold and poor health can be demonstrated, the decision of the trial court dismissing the case should be affirmed on legal and public policy grounds.

The case is *Mason v. Eastside Apartments, Inc., et al.* 1 CA-CV 09-155 and the appeal is pending before the Court of Appeals for the State of Arizona, Division One. For more information on this case, mold litigation or how to apply for NAA amicus assistance, please contact Michael Semko at 703.518.6141 ext. 111.

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