

Los Angeles homeowners recover \$1.32 million for hearing neighbors snore

By Emanuella Grinberg, Court TV

LOS ANGELES - June 4, 2004 - A Los Angeles developer who failed to soundproof a modern loft building has agreed to pay residents \$1.32 million after they complained they could hear neighbors using the bathroom — and much more.

One of the owners, multimedia artist Z. Zazhinne, thought she bought the home of her dreams when she settled into the Toy Warehouse Lofts complex in the artist's district of Los Angeles in January 2001.

From day one, however, when she realized she could hear her neighbors snoring, brushing their teeth and cooking food as though they were in the same room, the dream turned out to be a nightmare.

"At first, we thought it was a lifestyle issue, a matter of getting used to living in close quarters," said Zazhinne, who is also the president of the Toy Warehouse Lofts Owners Association.

"Over time, when people began visiting each other, they realized the stereo was just as loud in the neighbor's apartment as it was in theirs," she said.

Neighbors in the building compared notes and soon realized that nothing was private in the 20-unit loft complex filled with artists, most of whom lived and worked in their spaces.

"We were all new to listening to intimate details of our neighbors' lives," Zazhinne said. "It's a little disturbing to hear someone use the bathroom."

But the occupants were determined to stick it out in their prized lofts. When the luxury condos went up for sale in late 2000, ranging from \$200,000 to \$500,000 per unit, they were the first lofts of their kind to go on the Los Angeles real estate market.

"At first, everyone was so excited about our new community and its location, no one wanted to think about the flaws," Zazhinne said.

The settlement brings a mutually agreeable end to a process that legally began in January 2003.

"The Toy Warehouse is a very special loft project, and we believe the circumstances surrounding this project were unique," said Edward Morrison, lead attorney for the defendant, Toy Warehouse Lofts Realty Investors.

"It was believed by both parties that a settlement would be appropriate, and we're happy

this has been resolved in an amicable manner," he said.

Lawyers for Zazhinne and the Toy Warehouse Lofts Owners Association said the group went to court after almost three years of failed negotiations with Toy Warehouse Lofts Realty Investors.

"They complained to the builder for all that time, but he simply refused to negotiate," said Thomas Miller, one of the lawyers representing the loft owners. "They gave advance notice of the problems, asked to sit down negotiate, but in the end, it turned out they had to sue."

Further investigation revealed that the soundproofing had been part of the developer's structural plans, but never made its way into the completed product.

"Here we had someone who had blatantly failed to follow the plan for the sake of cutting costs," Miller said.

Three weeks into the trial, after the owners rested their case, the developers offered to settle for \$1.32 million, which covers the estimated cost to upgrade the facilities as well as lawyers' fees.

"As often happens, the builder's insurance company wanted to see what evidence would come in," Miller said, adding that the loft owners rejected an proposed \$125,000 settlement before the case went to trial.

The net result of \$800,000 will go toward tearing up drywall in each unit to install proper soundproofing material, but will exclude the cost of relocating the occupants while repairs take place.

"Now the artists can finally do it right," Zazhinne said. "We're accustomed to taking warehouse spaces and turning them around at our own expense, we're not in this to get the most money possible. We just want to get our units to the specs we were promised and that we paid for."