

The half-truth and nothing but the half-truth

By Linda Bentley, Sonoran News

So help us, Terravita

Scottsdale, April 3, 2002 - Daniel Clifford of the Miller Law Firm, LLP sent out a letter to Terravita homeowners on March 21, 2002 to provide them with an important update regarding class action certification and the running of statutes of limitation.

Although the court did not approve class certification at this time, according to Thomas Miller of the Miller Law Firm, "The judge provided us with a road map of how to 'repackage' it, suggesting they break the common issues down by subcontractor and come back with it in 60-90 days to resubmit it for class certification."

What Miller found interesting in this case, as with the suit against Del Webb Corp.'s Sun City West, was that people would sign petitions in support of Del Webb, without knowing whether or not they did, in fact, have construction defects, and prior to notification that a class has been certified, whereas they could then opt out if they wished.

He found it peculiar only until he found that Bernstein Communications Inc. (BCI), a national public relations agency specializing in crisis response, issues management, litigation consulting and related services, was behind the petition drives, as well as the letters sent out to homeowners by Del Webb President Anne Mariucci.

On March 25, Mariucci sent out another letter to Terravita residents stating, "Thank you for this opportunity to update you on the status of the lawsuit brought by four Terravita residents."

Her letter goes on to say, "The judge ruled that these individual concerns were not pervasive in the community, and that the plaintiffs were not representative of the other residents at Terravita.

"While we are pleased with the Court's ruling, we continue to be disappointed that we were not allowed to repair the individual homes earlier to avoid litigation."

So are a good number of homeowners; one, who asked not to be identified, has been trying to get his floors repaired since 1996. The settling and subsequent cracking to his slab and tile flooring make it look like the San Andreas Fault runs through his house.

Meanwhile, according to residents Del Webb has hired painting contractors, such as Excel, that have been in a frenzy throughout Terravita painting as many homes as possible to cover visible stucco defects.

According to neighbors, Terravita Country Club President David Neuer, who was one of the sponsors of the early petition drive expressing satisfaction with Del Webb, has just recently

had his house painted to cover up what neighbors say was iron pyrite staining from aggregate in the stucco.

Why the painting frenzy?

BCI appears to be at work, full force, as Mariucci's letter continues, "unfortunately, in the wake of the judge's ruling, we anticipate that other Terravita residents will be solicited to participate in the lawsuit on an individual basis in an effort to widen the case."

There is a crisis going on at Terravita and BCI, as Del Webb's PR firm, seems to be doing everything they can to mitigate the damages.

Mariucci continues, "We have spoken with many Terravita residents who feel as strongly as we do about this continued threat to the community and to your resale values."

Remember why Del Webb has used BCI for twelve years ... crisis response.