

Attorney, Webb slug it out in shoddy-work allegations

by Brent Whiting, The Arizona Republic

November 30, 2001 - He's a self-styled lawsuit king when it comes to cracked stucco, leaky roofs and other construction defects.

Thomas Miller, a media-savvy California attorney, has won more than \$400 million in judgements in several states.

Del Webb Corp., the developer of Anthem and other communities, is his latest opponent in a legal battle Miller calls a bare-knuckle slugfest.

On Sept. 4, Miller filed lawsuits on behalf of six Anthem residents, claiming a variety of defects at the master-planned community east of Interstate 17, about three miles north of the Carefree Highway.

Webb fired back with court papers asking the court to serve Miller with a gag order. The papers accused him of violating legal ethics in comments to the press about the two lawsuits.

William Doyle, a Phoenix lawyer for Webb, described Miller's comments as "self-promotion" and an attempt "to taint the jury pool."

Doyle also sought another order denying Miller, who is not licensed to practice law in Arizona, special privileges to appear in court and litigate the two lawsuits.

Michael White, a Scottsdale lawyer for Miller, fired back, calling the motions unfounded, "mean-spirited" and "nothing more than an unabashed cheap shot."

On Oct. 17, Judge Roland Steinle of Maricopa County Superior Court handed down a ruling that denied the gag order but barred Miller from trying the lawsuits.

"The court's order does not prohibit Mr. Miller from assisting in the preparation of the case," Steinle ruled in a two-page written decision that does not explain his reasons.

Miller, 53, whose law office is in Newport Beach, Calif., said he's already been granted privileges in two other pending lawsuits against Webb.

Those actions involve Terravita, a gated golf community southwest of Scottsdale Road and the Carefree Highway in north Scottsdale, he said.

Steinle may have been reluctant to allow an expansion of privileges to include the Anthem lawsuits, Miller said.

The lawsuits, which seek upward of \$50 million, allege defects, including roof and window

leaks; unacceptable cracks in stucco, slab and foundations; and inadequate drainage.

Miller and his lawyer daughter, Rachel, hire publicists and maintain a Web site that touts their practice and their expertise in suing builders.

Jacque Petroulakis, a Webb spokeswoman, and some Anthem residents said they are less than impressed.

Webb denies the allegations of shoddy work, Petroulakis said. Webb regards its construction standards as the best in the industry, she added.

"There are 3,000 residents in Anthem, and only six of them have chosen to join the lawsuit," Petroulakis said. "We regard this as evidence of buyer satisfaction in Anthem."

Webb believes the issues raised in the lawsuits "are individual in nature and not evidence of widespread construction problems," she said.