



AXIOM Claims Analytics

Resources for Construction Defect Claims Handling
Consulting Services, Expert Witness, Training

Plaintiffs Problem with Current CD Claims/Litigation Handling and Resolution System

Problem 1: Too much time from defect claim case inception to recovery. Plaintiffs often have a year or two of time and costs invested in investigation prior to submitting the claim.

Solution: The new CD claims approach will substantially reduce the time involved in investigating and resolving the CD claims/litigation. The plaintiff's investment in investigation time and costs will be substantially reduced.

Problem 2: Too much time and expense to participate in multiple mediations and settlement conference. Nothing appears to be accomplished in the majority of the mediations and settlement conferences.

Solution: The new CD claims approach will substantially reduce the number of mediations and settlement conferences. The cost of repair and the allocation to the parties involved in the CD claim/litigation will have been completed prior to the first mediation or settlement conference. All of the parties will be more willing to resolve the claim/litigation early.

Problem 3: The current adversarial nature of CD claims/litigation resolution efforts increases the time and costs for all parties to achieve a resolution.

Solution: The new CD claims approach will significantly reduce the adversity as the plaintiffs and the defendants will complete a joint investigation of the defects and damages and will be prepared to engage in settlement negotiations immediately.

Problem 4: When will the neutral general contractor expert be retained to begin the joint investigation?

Solution: A number of factors can affect the start date but probably within 120 days after the plaintiffs have submitted their defect list to the developer/general contractor. The developer/general contractor will need to complete their initial review of the new claim and place all of the parties on notice. They will be invite them to a meeting to discuss the use of the neutral general contractor expert and the neutral Consulting Insurance expert.



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Problem 5: Will the neutral general contractor expert be truly independent and diligently investigate to identify the true defects and damages? Also determine what the reasonable repair costs should be?

Solution: As part of the new CD claims approach the neutral general contractor expert is retained by all the parties who have elected to become a participant in the approach. The neutral general contractor has a duty to independently investigate the CD claim to identify the true defects and damages and to assist in the agreed cost of repair determination by both the defense and the plaintiffs.