

A NEW, DREAM HOME STORY

The E.M.T. shouts to the emergency room doctor, "We have a three year old female here and I think she'll live. We've got her breathing again, but there's a lot of lung damage, Her head is badly burned and I don't know if you can save her legs..."

Some time later the defendant approaches the witness stand nervously, knowing that at least two of the jurors have had unpleasant experiences with builders in the past. He perches tentatively on the edge of the chair as the plaintiff's attorney approaches and says, "Does your name on this building permit for the plaintiff's home mean that you are the contractor responsible for the construction of their home?"

"Yes sir, that's correct", replies the defendant.

"Are you aware that homes are most likely to catch fire when they are new because many new, untested systems are started up?", asks the attorney.

"Yes sir, I am." replies the defendant.

The attorney then asks, "Do you know that appliance manufacturers, such as Kenmore microwaves and G.E. dishwashers, sometimes recall their products for fire hazards after they are manufactured and installed?"

The defendant replies, "Yes sir I have seen that happen."

"Well, are you aware that your electricians never saw the home after permanent electrical power was installed, and your HVAC contractor never saw the home after the gas meter was installed?", asks the attorney.

"Yes sir, that's how our system works." replies the defendant.

"Then tell me this", says the attorney, "have you ever seen new home buyers move in with defective personal equipment; You know, like stuff damaged by movers, or damaged extension cords, or old space heaters?"

The defendant eagerly responds, "Yes sir, many of them have personal property that can be the cause of fires!"

"In my hand are the reports from the defendant's doctor and insurance company, labeled exhibits 2 and 3. The doctor states that the little girl will never walk and will need several more cosmetic face surgeries. The insurance company states that medical costs so far exceed 3/4ths of a million dollars and that the house is a total loss. Are you aware of these facts?", demands the attorney.

The defendant looks down at his shoes and mumbles, "No sir, I didn't know that."

The attorney waves the fire marshal's report in front of the defendant and says, "According to the fire marshal's report, labeled exhibit 1, the exact cause of the fire could not be determined; however, he concludes that the family had NO WARNING because their smoke detectors still had the dust caps and battery savers installed! Now, how can this be? You're a competent, experienced and reputable contractor who, knowing what you have testified to know, must certainly have personally started up and tested these people's smoke and fire protection system, didn't you?"

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You can take over the story now. There is no answer to the attorney's question that will matter to the jury or, more importantly, to the little girl. In fact, the only worse place to be in this story than the defendant's shoes is to be the little girl.

My hope is to get your attention, and to make you think about little things that matter.

I hate to report that in the last two months in my home inspection business, I have visited three new, occupied homes that all had little children and all had the smoke detector dust covers and battery savers still installed.

I'm scared – hope you are!