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Lawsuit: Andersen windows caused mold and fungus growth

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A new federal lawsuit claims Andersen Windows Inc. knowingly sold defective windows to thousands of Minnesota customers.

Rural Sylvan residents Troy and Lorie Gratke sued the Bayport company after they found mold and fungus growing on the 11 Andersen 400 Series Tilt Wash vinyl clad windows they installed in their new home less than four years earlier.

A gap in the window seal let moisture inside the window, according to the complaint, rotting the wood windows from the inside and encouraging mold and fungus growth on the exterior. The Gratkes' filing claims that other customers have complained of the same problem, and that a fix offered by Anderson only slowed the decay.

According to an affidavit by Andersen Marketing Director Blaine Verdoorn, the company has sold the windows continuously since 2001, with sales of the window between 2001 and 2009 to Minnesota distributors, dealers and retailers exceeding \$18 million.

The suit, moved by Andersen from Crow Wing County to Minneapolis' U.S. District Court, seeks class action status and alleges breach of contract, express warranties and implied warranties, violation of consumer protection and trade practice laws, unjust enrichment, reckless misrepresentation and negligence. The suit seeks damages in excess of \$50,000 for each of the eight claims against Andersen.

Andersen Corp., Andersen Window's parent and also a defendant in the case, is North America's largest window and door manufacturer, with more than 10,000 employees. Andersen spokeswoman Maureen McDonough said the company does not comment on pending litigation.

Attorney Robert Shelquist of Minneapolis law firm Lockridge Grindal Nauen is representing the Gratkes. Andersen is represented by Oppenheimer Wolff & Donnelly attorneys Meghan Anzelc, Heidi Fisher, and Gary Hansen. The case has been assigned to Senior U.S. District Judge James Rosenbaum.

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