

Rule hearing set in class action against Dept. of Social Services

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A rule hearing for a class action suit against the Louisiana Department of Social Services (LDSS) is set for June 18 in Orleans Parish Civil District Court.

Gretna attorney Robert Creely and New Orleans attorney Mickey Landry filed the nine-year-old suit on behalf of employees of the LDSS who were allegedly exposed to toxic mold and mold spores in the building they worked at from 1996 to 2002.

New Orleans resident Sherry Watters is the lead plaintiff of the class.

The suit alleges that the offices at Plaza Tower -- owned and operated by BG Real Estate, Bahar Development, Baha Towers LP, NOOB I GP and NOOB I LP -- had problems with "water leaks, defective elevators, the presence of unknown toxic substances and safety hazards." The exposure to mold allegedly caused "sinus and allergy problems, debilitating headaches, skin irritation, watery eyes, and fatigue."

This class action was consolidated with a similar class action, Kristen Rhodes et al vs BG Real Estate Services Inc. et al, filed by New Orleans attorney Richard Stanley on behalf of a class of foster parents that were contractually obliged to enter the LDSS offices at the Plaza Tower.

Metairie attorney William Starr represents BG Real Estate, Bahar Development and Baha Towers LP. New Orleans attorney Michael Rolland represents NOOB I GP, LLC and NOBB I, LP.

Orleans District Court Judge Paulette Irons will hear three motions in this case. The defense brought the first two motions to quash subpoenas duces tecum on April 27 after the plaintiff attorneys requested a list of all the employees and "contract foster-parents" which were present in the tower from 1996 until 2002.

The defense stated that the "information requested is not relevant to any material issue in this case, nor is the use of a subpoena appropriate under the circumstances."

The plaintiffs responded by saying their subpoena was "seeking materials evidencing the names and addresses of potential class members" and that information "is critical to ensuring that these individuals can pursue their claims."

A seven-day bench trial in March 2008 awarded five of the class representatives \$25,000 in general damages for pain and suffering and \$10,000 for mental anguish and emotional distress. The ruling was affirmed on appeal and is the final judgment.

A status conference was held on April 8 to determine the award for the remaining class members and to discuss possible mediation.

Negotiations stalled because the plaintiffs could not name all the members of the class.

Orleans Parish Case 2001-17775.