

KEEP IT SIMPLE STUPID: REMEMBERING THE BASICS IN A CONSTRUCTION DEFECT INDEMNITY CASE TO MINIMIZE SURPRISES DOWN THE ROAD

December 31, 2017 | News Publications



By: [Michael Ludwig](#) & [John Gregory](#)

There is an old saying: familiarity breeds contempt. Admittedly, residential construction defect cases can be repetitive. They usually involve the same Plaintiffs attorneys, the same alleged defects, and resolve in the same fashion for the same per-home amount. As a result, there is a dangerous tendency to view new construction defect (“CD”) lawsuits as homogenous. So what happens when the courts in which we practice throw us a curveball? It turns out, as illustrated by recent developments in the authors’ home jurisdiction of Arizona, a curveball can be a blessing in disguise by providing defense counsel a chance to get back to basics.

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