

## **Lowe's Drops Appeal After \$1.5M Faulty-Roof Settlement**

By **Matthew Santoni**

*Law360 (February 5, 2024, 7:26 PM EST)* -- Lowe's Home Centers and a Philadelphia woman will drop their appeals after reaching a \$1.5 million settlement over claims that the company improperly denied warranty repairs after an affiliated contractor allegedly botched a \$9,500 roof installation, court records showed.

In addition to \$114,500 in compensatory damages, plaintiff Laura Lucas will keep more than \$1.4 million of the \$2 million in punitive damages that a Philadelphia jury had awarded her in 2022; Lowe's will withdraw its appeal of the punitive damages verdict to the Superior Court; and Lucas will withdraw her cross-appeal for additional damages, according to a Feb. 1 joint application to discontinue the cross-appeals.

"Both sides felt they had some basis for success in the appeal... but my client wanted to mitigate her risk and get the case over with," Bruce J. Chasan, representing Lucas, said Monday. "Considering it was a \$9,500 roof job, it was a remarkable result."

Lowe's appellate counsel declined to comment.

The settlement and discontinuance of the appeals closes a case that had been running since 2019, stemming from a 2016 roof installation at Lucas' home.

According to the trial court's opinion in the underlying lawsuit, Lucas had purchased a new roof with a one-year warranty through Lowe's, which was assigned to and installed by LDK Construction LLC in November 2016. Within six months of completing the job, LDK was called back and did some minor repairs, then did so again in September 2017 and April 2018 as Lucas kept reporting leaks.

Lowe's hired a third-party adjuster to assess the roof and any damage in August 2018, but despite a report that allegedly recommended redoing a larger portion of the roof and blamed the leak for damage to Lucas' home, Lowe's allegedly denied the warranty claim as unfounded and sat on the assessment, the court's opinion said.

Chasan said the adjuster wrote a 75-page report, with 120 photographs, confirming the damage to the roof and the inside of the house, but Lucas had to "invade" her retirement account to fund temporary repairs and mold remediation when the claim was denied.

After Lucas sued, a jury awarded Lucas \$2 million, which the trial judge said was supported by evidence

that the home improvement retailer's conduct was "outrageous." The parties settled on \$100,000 in compensatory damages, plus delay damages and post-judgment interest, but filed cross-appeals on the punitive damages side of the case.

Chasan said that after both sides filed their briefs to the Superior Court, they entered mediation late in 2023 and eventually reached the settlement, which was signed Jan. 24. The parties notified the Superior Court that they were discontinuing the case Feb. 1.

Lowe's did not admit to liability with the settlement, the agreement said.

Lucas is represented by Bruce J. Chasan.

Lowe's Companies Inc. and Lowe's Home Centers LLC are represented by Thomas G. Wilkinson Jr. and Matthew L. Bleich of Cozen O'Connor.

The case is Lucas v. Lowe's Companies Inc. et al., case number 190100018 in the Court of Common Pleas for Philadelphia, Pennsylvania, and case numbers 322 EDA 2023 and 324 EDA 2023 in the Superior Court of Pennsylvania.

--Editing by Patrick Reagan.