

# Overview of Construction Defect Litigation in Colorado

*Prepared by:*



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- I. Construction Defect Group Practice Description ..... 1
- II. HHMR Contact Information..... 1
- III. Residential Construction in Colorado..... 2
  - A. Geotechnical Background..... 2
  - B. Structural Engineering and Design ..... 3
- IV. Claims Typically Brought in Construction Defect Cases ..... 3
  - A. Breach of Express Warranty ..... 3
  - B. Breach of Implied Warranty ..... 4
    - 1. Claims for Breach of Implied Warranty ..... 4
    - 2. Disclaimer of Implied Warranties..... 4
  - C. Negligence..... 5
    - 1. Contractor’s Liability for its Own Negligence ..... 5
    - 2. Contractor’s Liability for the Negligence of its Subcontractors..... 5
      - a. Non-Delegable Duty Doctrine ..... 5
      - b. Inherently Dangerous Activity Doctrine..... 6
  - D. Negligent Misrepresentation/Omission ..... 6
  - E. A Contractor’s Violation of the Soils Disclosure Statute, C.R.S. § 6-6.5-101 ..... 7
  - F. Negligence *Per Se*..... 7
  - G. Colorado Consumer Protection Act, C.R.S. § 6-1-101, *et seq.* ..... 8
- V. Defenses Typically Raised in Construction Defect Cases ..... 10
  - A. Statutes of Repose and Limitation ..... 10

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B.	Failure to Mitigate Damages/Comparative Negligence.....	11
1.	Failure to Mitigate.....	12
2.	Comparative Negligence.....	12
C.	The Economic Loss Rule .....	12
D.	Special Consideration Related to Second Homeowners.....	13
E.	Additional Insured Coverage and A.I. Carrier Participation in a General Contractor’s Defense.....	13
VI.	Damages.....	13
A.	Punitive Damages.....	14
1.	Exemplary Damages Pursuant to C.R.S. § 13-21-102.....	14
2.	Treble Damages Pursuant to the Colorado Consumer Protection Act .....	15
B.	Prejudgment Interest.....	15
VII.	Defense Strategy and Practical Issues.....	16
A.	The Notice of Claim Process .....	16
B.	Third-Party Claims.....	17
C.	Designated Nonparties at Fault.....	17
D.	Joint and Several Liability .....	18
E.	Arbitration.....	19

## I. CONSTRUCTION DEFECT PRACTICE DESCRIPTION

There has been an explosive increase in commercial and residential construction activity in Colorado in the last two decades. This construction activity has brought about a corresponding increase in construction defect litigation. Higgins, Hopkins, McLain & Roswell, LLC was formed as a specialized practice group to meet the needs of developers, builders, subcontractors, design professionals, and insurers that are faced with construction defect claims and lawsuits.

The lawyers at Higgins, Hopkins, McLain & Roswell, LLC have been directly involved in all aspects of construction defect litigation for many years. We have defended developers and builders in several of the largest class action suits filed in the state. We have handled cases involving expansive soils, steeply dipping bedrock, virtually every building material used in residential construction, grading, drainage, interior and exterior flatwork, streets and roads, waterproofing, and prestressed concrete, to name a few. We have mediated, arbitrated, and tried construction defect cases throughout Colorado. We have obtained settlements, including cash settlements, “performance” settlements, and “buy-out” settlements in cases involving thousands of structures. We have litigated cases brought by individual homeowners, condominium associations and townhome associations, businesses, and governmental agencies.

We have also drawn upon our experience in construction defect litigation to develop methods and strategies to help our clients avoid claims. For example, we provide advice to our clients on matters involving disclosures in purchase and sale agreements, contracting with subcontractors, and construction project quality control. In short, we provide an array of specialized legal services to the construction industry and its insurers.

## II. CONTACT INFORMATION

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