

# Galloway Obtains Complete Defense Verdict in Landlord-Tenant Lawsuit

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Galloway attorney Nathan L. Burrow recently obtained a complete defense verdict in favor of the firm's clients in a landlord-tenant lawsuit in the Circuit Court of Jefferson County, AL. The plaintiff alleged that she and her children developed reactive airway disease and asthma due to exposure to mold in her apartment following a series of water leaks. She filed suit against the apartment owner and property manager, alleging breach of contract, breach of the habitability provision of the Alabama Uniform Residential Landlord-Tenant Act, negligence, and wantonness.

Nathan was able to use a jury-waiver provision in the lease agreement to strike Plaintiff's jury demand and have the matter heard at a bench trial. Following almost two weeks of testimony, the plaintiff's counsel asked for an award of \$750,000 in compensatory and punitive damages. However, the court concluded that the plaintiff failed to prove the landlord and property owner violated the warranty of habitability or were negligent, found the plaintiff's mold expert lacked credibility, and accepted the defense expert's opinion that mold levels in the apartment were normal.

What can landlords and property managers take away from this win?

- Jury-waiver provisions in residential leases are enforceable in Alabama provided the waiver is clear, and the circumstances demonstrate the tenant intelligently and knowingly waived the right to a jury trial.
- Maintain complete and accurate tenant files documenting any service calls and repairs performed at the property, including work performed by third-party contractors.
- Ensure maintenance personnel are properly trained and conduct themselves in accordance with company policies and procedures.

## Related Practices

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Leisure  
Construction  
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## Attorneys by State

### ALABAMA

Nathan L. Burrow