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Connecticut **LawTribune**

'We Had the Goods on Them': Small CT Firm Wins \$18 Million for Tenants

An \$18.7 million settlement was reached Friday between a New Haven attorney representing hundreds of tenants of a now-demolished New Haven [apartment](#) complex.

By **Robert Storace** | March 06, 2020 at 03:42 PM



Ceiling damage in an apartment. This is not a photo of the Church Street South Apartment Complex. Photo: Shutterstock.com

It wasn't easy.

The plaintiff's side took photos of more than 270 apartments, and submitted medical information for hundreds of people in a landlord-tenant class action lawsuit.

But in the end, plaintiffs counsel [David Rosen](#) clinched [an \\$18.7 million settlement](#), pending preliminary approval. His clients are 950 former tenants suing the owners of the now-demolished Church Street South Apartment Complex in New Haven.

"We are very pleased to get some measure of justice for people who don't always have that," Rosen said.

The settlement agreement—which was announced Friday—calls on Massachusetts-based Northland Investment Corp. to pay \$13.2 million in base payments to tenants who lived in the 301-unit low-income apartment complex from December 2013 to December 2016. It also requires Northland to pay \$2.65 million to those with mold-related injuries, \$2.86 million in attorney fees and \$200,000 in costs for administering the settlement.

Rosen, of David Rosen & Associates in New Haven, said the apartments in the complex, which was demolished in 2019, "had mold, bad air and water pouring from the ceiling."

"It was impossible to stay ahead of these conditions," he said. "You could bleach over and over, but they would still not resolve the problem."

The conditions in the complex led, in some cases, to respiratory ailments among tenants, Rosen said. A [lawsuit was filed](#) in October 2016.

The case pitted Rosen's small law firm against Northland's counsel at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo—an Am Law 100 law firm with 500 attorneys in eight cities, including headquarters in Boston and offices in New

York City, Washington, D.C., and London. Also representing Northland was Carmody Torrance Sandak & Hennessey, a midsize law firm with 75 attorneys in five Connecticut communities.

Representing Northland were David Hardy, Marc Kurzman and Fatima Lahnin, all of Carmody Torrance, as well as Henry Sullivan and Kevin McGinty with the Boston offices of Mintz Levin. The attorneys referred all inquiries to their client.

Northland, according to its website, is a real estate development company managing \$3 billion in real estate properties in New England, Texas and the southern United States.

A statement emailed Friday afternoon on behalf of Lawrence Gottesdiener, the company's chairman and chief executive officer, read: "After several years of litigation, we were very pleased that we could come together with attorney Rosen, as well as mediator and retired Judge Jonathan Silbert, to reach a resolution which placed the needs of the families above everything else."

The company statement continues: "As part of the settlement, the families will have specified preferential rights on affordable apartments included in such a (proposed) development (on site). That was very important to us because it will allow some of the former residents to return home if they wish."

In the end, Rosen said, he believed the plaintiffs were able to secure a multimillion-dollar settlement with Northland because of the careful work it had done.

"They thought we had the goods on them," he said. "They also had another important reason, in that they wanted to get this off the books if they wanted to redevelop the area. They wanted to build something else there, and that

wasn't going to happen until they were able to settle this lawsuit. They wanted to settle without the risk of going to trial."

According to the proposed settlement agreement, tenants who lived in the complex during the three-year period beginning in December 2013 will get at least \$5,000.

"Some people will get \$10,000, and some will get \$14,000," Rosen said. "It all depends on how long they lived there."

Final approval on the preliminary settlement is expected July 6.