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PRESS RELEASE

Jury Awards Austin Family \$3.1 Million in Toxic Home Case

Lawsuit: Biotoxins allegedly caused by building defects left family of six with long-term neurological and physical injuries

AUSTIN, August 17, 2023 /PRNewswire/ -- A Travis County state district court jury awarded an Austin family \$3.1 million after finding that they lost their home and belongings to toxic mold caused by poor construction and a failed heating, ventilation and air conditioning (HVAC) system, according to Just Well Law, PLLC.

The jury in the 353rd District Court found that a homebuilder, a roofing company, and an HVAC company were negligent in the construction of the home. The jury also found that the only defendant not settling before trial, the HVAC company Woods Comfort, violated the state deceptive trade practices act and awarded punitive damages against the company. The final judgment will be determined by the court. The family separately confirmed pending settlements with all of the defendants except Woods Comfort, which offered only a low five-figure amount to settle the lawsuit before trial.

Kristina and Evan Baehr and their four minor children alleged in the case that they lost their home and their possessions to toxic mold during the Covid 19 pandemic in 2020. According to the lawsuit, “The damage was caused by grossly negligent — and even reckless — design and construction... The Defendants neglected to waterproof the home, even in the areas most prone to water intrusion, and then they insulated the home with spray foam, without proper exits, so that the water festered in the wall cavities. Meanwhile, they installed an HVAC system that had no way to properly condition the space without creating high levels of humidity. Water damage, rot, and growth then grew into the walls, undetected for years on end, creating an unsafe environment for the Baehrs to raise a family.”

The Baehr family is represented by Kevin Terrazas, of Terrazas PLLC in Austin, and Robert McKee, of The McKee Law Group in Florida.

Kristina and Evan Baehr said, “We’re thankful that this verdict and the pending settlements will help our family continue to heal. We’re grateful for the efforts of our lawyers, Kevin Terrazas and Robert McKee, who believed in us from the beginning. This has been a difficult journey. It’s terrifying to be scared of your own home. We brought this case not only for our own family but for all those who have been poisoned by the negligence of companies that turn a blind eye to toxic exposure they create. Every family has the right to a home with safe air, and we want families like ours to know that there’s hope in the justice system.”

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Kristina Baehr, an attorney, said the family's experience with the toxic home led her to focus her law firm, Just Well Law, PLLC on helping families with related legal claims.

The case is "Kristina and Evan Baehr, and as Next Friend to CB, MB, EB and SB v. Williams-Austin Builders, Inc.; Sarah and Jason Williams; Ortiz Sheet Metal Roofing LLC; Guzman Framing; TexCode Inc.; Doyle Williamson; James Earl Westbrook; Westbrook Engineering, LLC; Randy Herrera; and Randy Herrera Designer, LLC, and Woods Comfort Systems, Inc," Cause No. D-1-GN-21-002112, in the 353rd District Court of Travis County, Texas.

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