



Jury awards \$7M in lead paint case

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A Baltimore jury awarded \$7 million to two children claiming to have suffered brain damage caused by lead paint in two homes.

The six-person jury took a little over an hour to reach the verdict yesterday — after declaring late Friday, when the case was given to them, that they wanted plenty of time to deliberate, said the plaintiff's attorney, Brian Brown of the Law Offices of Saul Kerpelman. The case began Feb. 1 before Baltimore City Circuit Judge Alfred Nance.

In one of the first cases of its kind, the jury found that Stanley Rochkind, who formed the corporations that held and managed the property, could be held liable for the children's injuries even though he wasn't the titled owner of the children's Fayette Street residence or an employee of its management company.

"The jury was asked, did Rochkind have charge, care and control of the property?" Brown said. "The jury said yes. He was the maestro and had care and control of everything."

Also held liable were defendants Kerwin Larkins and L & M Realty Inc., who owned and managed a Fairmount Avenue property lived in by the plaintiffs; and B.G.M. #7 Corp. and Dear Management Corp., who owned and managed the Fayette Street property. Rochkind was the sole shareholder in B.G.M #7 and reviewed its bills; he also hired employees of Dear.

According to Brown, Purnell and Nicole Spencer lived, at the time of their birth, at the Fairmount Avenue property but were moved to Fayette Street when their mother, Denise Wilson, discovered lead paint at the residence. When she specifically asked Dear Management if the Fayette property had lead paint, she was told no.

Both children had permanent brain damage, loss of I.Q. points and a "wide array" of learning disability and behavioral issues, Brown said.

Robert F. Dashiell, who represented B.G.M. #7 and Dear Management, said the verdict (\$5.5 million for Purnell and \$1.5 million for Nicole), will likely be reduced to less than \$1.5 million for both due to Maryland's statutory cap on non-economic damages.

"My take was that this panel of people had little regard for what the evidence really was," Dashiell said, noting that the defendants were "hamstrung" by pretrial rulings preventing them from seriously challenging the mother's credibility; and that the children were never brought into court.

"No expert can tell you that 25 milligrams of lead per liter of blood means you lose 10 points off

your I.Q.," he said. "We can't measure to that degree. The mother came asking for millions of dollars, and she never brought the kids."

Warren Weaver, who represented Rochkind, could not be reached for comment. Ralph Wilson, who represented Larkins and L & M, declined to discuss the case.

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