



Date: 06/03/2025  
To:  
From: Pete Fowler Construction Services, Inc.  
Project: Habitability Claims Webinar 8/28/2025 (PFCS 24-0924)  
Regarding: Audience Handout Package

## Meet The Panel

Elgin Hakala

### TECHNICAL LEAD - PETE FOWLER CONSTRUCTION

A licensed general contractor in the state of California, Elgin Hakala has years of experience in contracting, remodeling, project management, landscaping, and team leadership. He has worked hands-on with electrical, plumbing, carpentry, drywall, concrete, paint, windows, doors, and insulation, with proficiency in engineering & architectural plans. Elgin is constantly working to better his expertise, with his latest accomplishments including mastery of the Matterport 3D Modeling Software and Green Belt Certification through Lean Six Sigma.

The years Elgin spent honing his craft executing full spectrum home remodels while leading and supervising a team of subcontractors are used to serve clients who are property owners and managers, developers and contractors, product manufacturers and suppliers, insurers, and lawyers here at Pete Fowler Construction. With the communication skills required to maintain positive relationships with project board members, clients, and construction teams, Elgin Hakala is a valuable addition to any project he gets his hands on.



## Lillian Harwell

### **PARTER - LEWIS BRISBOIS BISGAARD & SMITH LLP**

Lillian Harwell is a partner in the Los Angeles office of Lewis Brisbois and a member of the General Liability and Transportation Practices. Lillian has experience in state, federal, trial, and investigatory matters. She has represented individual and corporate clients in cases involving personal injury, trucking-transportation, breach of contract, unfair trade practices, fraud, indemnity and contribution, government tort liability, breach of fiduciary duty, and employment discrimination. She also has substantial experience representing clients across a wide range of practice areas, including insurance defense, product defect, negligence, premise liability, construction, FEHA sexual harassment and discrimination, retaliation, OSHA violations, wrongful termination, ADA violations, First Amendment violations, defamation, and malicious prosecution. Lillian has handled hundreds of childhood sexual assault cases, including AB 218 cases where the statute of limitations had been reopened decades after the assault occurred. She has also handled all aspects of sexual assault claims from prelitigation investigations through resolution. Lillian has extensive experience managing cases from inception to resolution, including pre-litigation negotiations and settlements, law and motion, taking and defending depositions, conducting written and expert discovery, drafting and arguing dispositive motions and motions in limine, case management, mediation, and first and second chairing on multiple trials.

## Heidi Inman

### **PARTNER - LEWIS BRISBOIS BISGAARD & SMITH LLP**

Heidi Inman is a partner in the San Diego office of Lewis Brisbois and a vice-chair of the General Liability Practice. Heidi Inman is actively involved in the ADA Compliance and Defense group and handles ADA defense and housing matters. Ms. Inman is experienced in handling products liability, general liability, trucking accidents, HOA disputes, construction defects, and property management related issues. She also has experience in mass tort litigation. Ms. Inman's experience with housing and landlord tenant law includes habitability claims, including mold and pest allegations, and related alleged injuries. She also handles a wide variety of other housing related injury cases.

Ms. Inman is an active litigator, who has tried cases including bench and jury trials. She acts as lead counsel in cases through all phases of litigation. She routinely obtains favorable resolution results for clients. She obtained favorable verdicts for clients in three bench trials and a defense verdict in a trip and fall case, resulting in an award for the defense. She mentors the associate attorneys in the San Diego office. Prior to law school, she worked at the Legal Aid Society of Orange County and in college, she interned with the Supreme Court of the United States.

Ms. Inman has represented HOAs in a variety of suits by owners regarding failures to enforce the CC&Rs, including failure to abate a nuisance and failure to remove a nuisance pet. Additionally, she represented a senior community with respect to a challenge to its validity and extension of declarations of restrictions resulting in a published appellate opinion.





## Cameron Kalunian

### **EQUITY PARTNER - LEWIS BRISBOIS BISGAARD & SMITH LLP**

Cameron Kalunian is a partner in the Los Angeles office of Lewis Brisbois, a vice-chair of the nationwide Construction Practice, and a member of the Complex Litigation Practice. Mr. Kalunian's practice is focused on multi-party litigation in a wide variety of cases involving claims related to breach of contract, fraud, unfair business practices, real estate, construction defect disputes, and various tort claims. Additionally, Mr. Kalunian has served as litigation counsel for both Fortune 500 companies and small businesses in matters involving intellectual property, employment, real estate, financial institutions, and environmental claims. Mr. Kalunian is an experienced trial lawyer who has garnered many favorable verdicts. His reputation as an aggressive and effective trial lawyer has also resulted in lucrative settlements for his clients.

Mr. Kalunian handles the following types of matters: Construction, Products Liability, Real Estate Litigation, Complex Business & Commercial Litigation, Professional Liability, and General Liability.

Mr. Kalunian has repeatedly been selected as a Rising Star by Southern California Super Lawyers.

## **Presentation Materials**

1. Lesson Plan
2. Power Point Slides



# Habitability Claims



## OFFICES

### **CALIFORNIA**

(949) 240-9971

1101 California Ave, #213  
Corona, CA 92881

### **NEVADA**

(725) 333-2365

2470 St Rose Pkwy, Ste 104  
Las Vegas, NV 89074

### **FLORIDA**

(407) 517-0650

9100 Conroy Windermere Rd,  
Ste 281  
Windermere, FL 34786

### **TEXAS**

(469) 677-8710



Pete Fowler  
**CONSTRUCTION**  
Services, Inc.

## INTRODUCTION

Habitability Claims have become common; especially in states where the law makes them easy to win. "Habitability is the conformance of a residence or abode to the implied warranty of habitability... It is an implied warranty or contract, meaning it does not have to be an express contract, covenant, or provision of a contract. It is a common law right of a tenant or legal doctrine." Although there is no concise, statutory definition of the term, there are LOTS of regulations mandating the minimum performance requirements of residential property being rented by owners to tenants. These claims are brought by residential tenants against landlords. Unlike other aspects of the building industry, the standards for judging these claims are same whether the building is a small apartment in Bakersfield or a mansion in Montecito.

Our Habitability Claims webinar will be an discussion of investigating & evaluating claims from a legal perspective, plus a building design, construction, maintenance, and operation perspective. We will spend 1-hour walking through the process of claims handling with experienced attorneys and a building expert.

## PROGRAM OUTLINE

1. Introduction
2. Case Studies
3. The Law
4. Onsite Investigation
5. Information Gathering & Analysis
6. Monetizing
7. Conclusion

## LEARNING OBJECTIVES

- Review case studies of various building and project types.
- Explain the basics of the law and building standards related to habitability claims.
- Gain perspective on investigating habitability claim investigations from a building expert perspective.
- Discussion of options for report formats.
- Review how habitability claims are monetized.

## BACKUP MATERIALS

- Case Study: [Condominium Conversion with Habitability Claims](#)
- Case Study: [A Custom Home in an Upscale Neighborhood with Water Intrusion and Habitability Claims](#)
- [California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities](#)
- [Habitability Inspection Checklist](#)
- [AI Research on Habitability Claims](#)

## PROGRAM CONTENTS

1. Introduction – 5 Minutes
  - A. Who We Are
  - B. Presenter Information
  - C. Program Outline
  - D. Introduction
  - E. Learning Objectives
2. Case Studies – 10 Minutes
  - A. Apartment Buildings In Receivership
  - B. Condominium Conversion with Habitability Claims
  - C. A Custom Home in an Upscale Neighborhood with Water Intrusion and Habitability Claims
3. The Law – 10 Minutes
  - A. The Law
  - B. Receivership
4. Onsite Investigation – 5 Minutes
  - A. PPE (Personal Protective Equipment)
  - B. Building Investigation Basics
  - C. Shock Factor (photos and videos)
  - D. Common Problems
5. Information Gathering & Analysis – 10 Minutes
  - A. Timeline & Players
  - B. Interviews & Testimony
  - C. Documents
  - D. Issues & Locations
  - E. Property Condition Report
6. Monetizing – 10 Minutes
  - A. Non-Building Damages (Personal injury, lost rents, pain & suffering, etc...)
  - B. Scope of Work
  - C. Cost of Repair
  - D. Cost Analysis
7. Conclusion – 5 Minutes
  - A. Continuing Education
  - B. Backup Materials
  - C. Feedback

WEBINAR

THURSDAY, AUGUST 28<sup>TH</sup>, 2025 @ 10:00AM PT



# Habitability Claims

With Elgin Hakala, Lillian Harwell, Heidi Inman & Cameron Kalunian



ABOUT US

# Building Experts.

Helping Smart People  
Make Smart Decisions



Construction Defects



Property Claims



Personal Injury Claims



Contract Claims



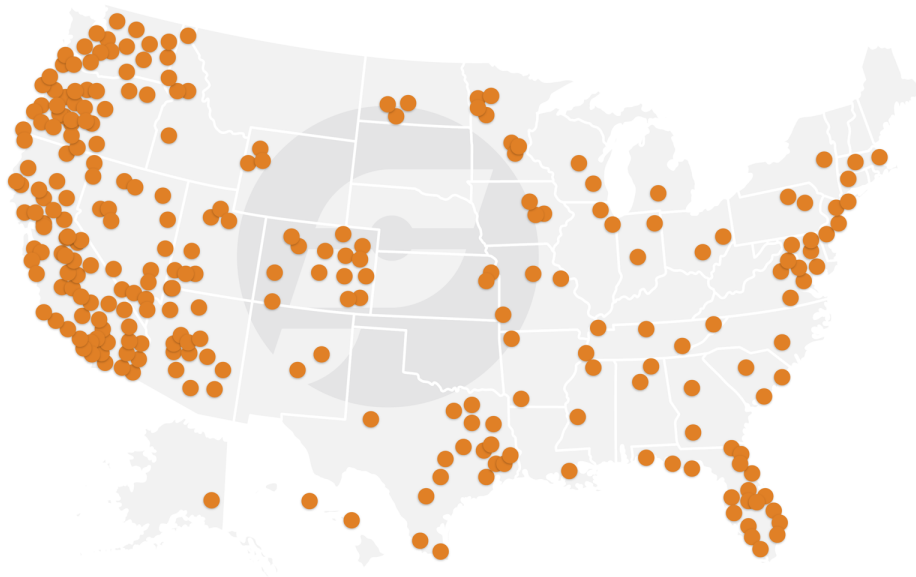
Estimating, Quality & Construction Management



Fire Claims



## Project Map



### Our Clients

- 1 Lawyers
- 2 Insurers
- 3 Builders, Developers & Construction Contractors
- 4 Product Manufacturers & Suppliers
- 5 Government
- 6 Financial Institutions Including Lenders
- 7 Property Owners & Managers





## Meet our Presenters



**Elgin Hakala**

**Technical Lead**  
Pete Fowler Construction



**Lillian Harwell**

**Partner**  
Lewis Brisbois Bisgaard & Smith LLP



**Heidi Inman**

**Role**  
Lewis Brisbois Bisgaard & Smith LLP



**Cameron Kalunian**


**Equity Partner**  
Lewis Brisbois Bisgaard & Smith LLP

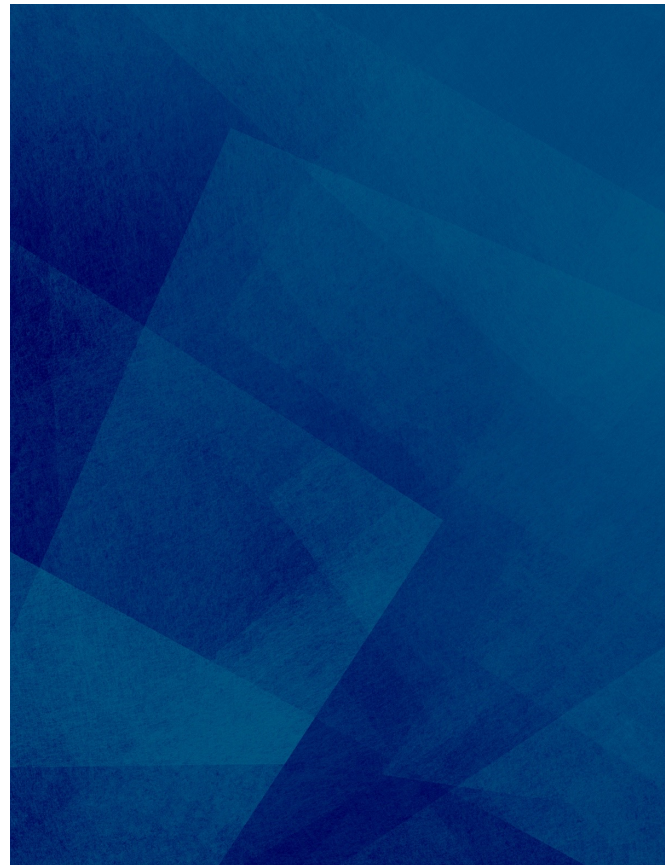




# Program Outline

## HABITABILITY CLAIMS

	Introduction
	Case Studies
	The Law
	Onsite Investigation
	Information Gathering & Analysis
	Monetizing
	Conclusion



# Introduction



## Learning Objectives

---



Review case studies of various building and project types.



Explain the basics of the law and building standards related to habitability claims.



Gain perspective on investigating habitability claim investigations from a building expert perspective.



Discussion of options for report formats.



Review how habitability claims are monetized.

# Case Studies





||

# Apartment Buildings in Receivership

---



# Condominium Conversion with Habitability Claims

---



# A Custom Home in an Upscale Neighborhood with Water Intrusion and Habitability Claims

---

||





||



# The Law





# The Law

- Water intrusion vs habitability
- Habitability is habitability, no matter the location.
- California Tenants: A Guide to Residential Tenants' and Landlords' Rights and Responsibilities
- Habitability Inspection Checklist



# Receivership

- When and how is it allowed?
- Who says so?



# Onsite Investigation



# Personal Protective Equipment (PPE)

---





# Building Investigation Basics





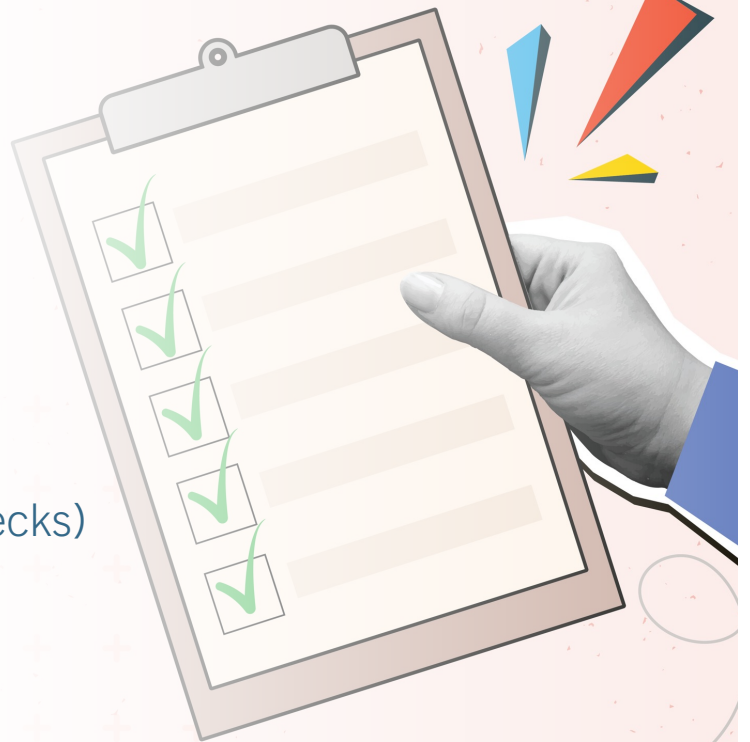
Shock  
Factor



## Common Problems

---

- ☞ Plumbing
- ☞ Roofing
- ☞ Building wall leaks  
(especially exterior walking decks)
- ☞ Others?

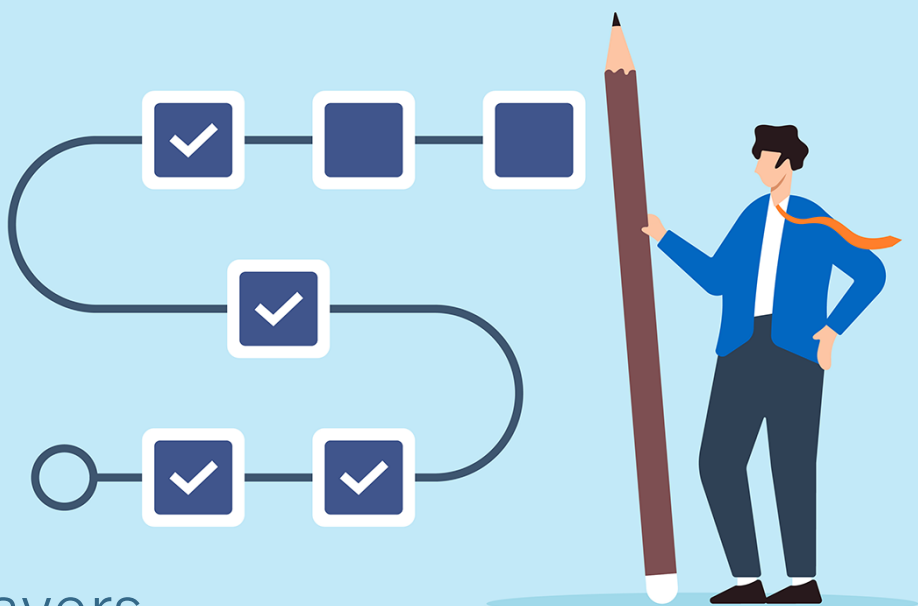




# Information Gathering & Analysis







## Timeline & Players

---



A blurred background image showing the back of a person in a dark suit standing at a wooden podium. A microphone is positioned in front of them. The scene is dimly lit, with some light reflecting off the podium's surface.

## Interviews & Testimony

---



A close-up photograph of a person's hand sorting through a large stack of white papers. The papers are organized with colorful tab dividers in shades of teal, pink, yellow, and black. The background is blurred, showing a desk and other papers.

# Documents



## Issues & Locations

---



# Property Condition Report

---





# Monetizing



# Non-Building Damages

---





## Scope of Work

---







## Cost of Repair

---

# Cost Analysis



Conclusion





## Learning Objectives

---



Review case studies of various building and project types.



Explain the basics of the law and building standards related to habitability claims.



Gain perspective on investigating habitability claim investigations from a building expert perspective.

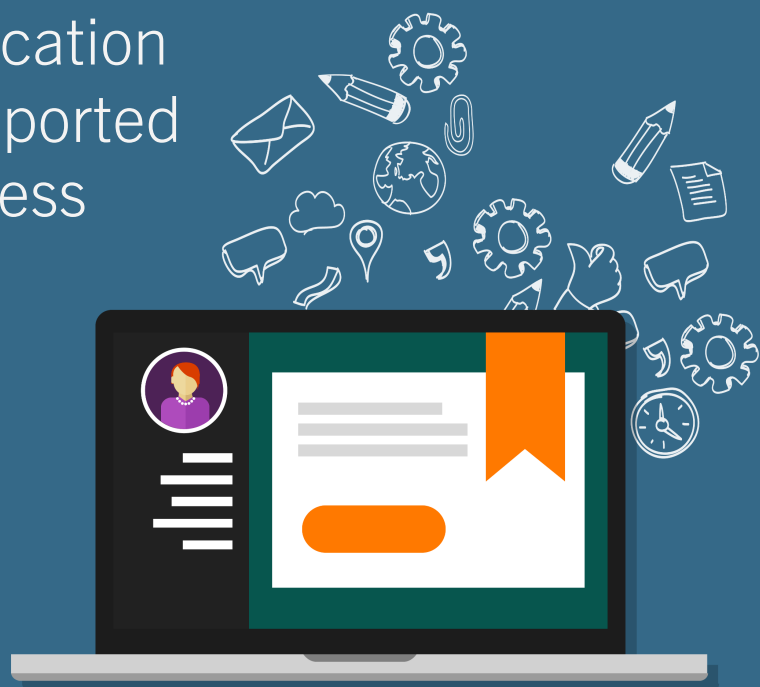


Discussion of options for report formats.



Review how habitability claims are monetized.

Continuing Education  
Credit will be reported  
within 10 business  
days.



||

We Want Your  
Feedback

---





WEBINAR

THURSDAY, SEPTEMBER 25<sup>TH</sup>, 2025 @ 10:00AM PT

# Construction Cost Estimating in a Turbulent World

---

With Pete Fowler, Parker Anderson, Catherine Deter & Ivette Kincaid

