

Statement by Shelley White Director of Litigation on behalf of NHLAA re Mayor's Press Release on Lead Litigation this afternoon

Speaking on behalf of the hundreds of New Haven children suffering from lead poisoning, waiting since last November for Health Department inspections of homes built during a time when lead paint was prevalent, NHLAA is severely disappointed in the legal papers filed by the lawyers and the press release issued by the Mayor.

The truth of the matter is that the legal papers filed today are flimsy on the law and evidence no intent to resolve the case, but rather an intent to continue to delay a case already over three months old.

We note that the City has now committed additional taxpayer dollars to hire lawyers from LeClair Ryan, a second high priced law firm, in addition to Winnick, Hoffnung, Ruben, and Peabody and Mendel. Such unnecessarily and costly expenditures are particularly unwise given the extensive testimony by Dr. Kennedy at the Court hearing that the City did not have the money to hire the necessary number of lead inspectors.

The Mayor pronounced at her press conference that all is solved – and that no lead accessible was found in the home on the lead plaintiff and that the City is ready to properly address the harms to hundreds of children. This was simply not true.

The Mayor incorrectly stated that the home of two year old Nyriel Smith had no lead paint accessible to the child. The XRF analysis done by the Health Department had found lead paint throughout the interior and exterior of the unit and issued orders requiring the landlord to abate the lead hazards for the child. As shown in numerous photos entered in exhibits of the case, the front porch of the premises has terrible chipping and flaking paint which the city's own XRF analysis has now confirmed is. When challenged on this fact by the press, the Mayor claimed that this chipping and flaking paint was not a hazard to the child because the mother had told the inspector said that the child does not spend time on the front porch. Our client never made such claims to the inspector and has clarified that of course her child comes in and out of the house through the front porch.

Moreover, other than a press conference, called in the midst of a heated primary election, the City has neither acknowledged the law's requirements nor committed to following the Court's interpretation of the law. Contrary to the Court's clear decision, she continues to call the law "ambiguous." Moreover, the City has yet to agree to conduct comprehensive lead inspections of the homes of all children suffering from lead poisoning at the levels mandated by City law and has yet to convene an open and transparent Advisory Board as required by City ordinances.

Contrary to the Mayor's statement that NHLAA is obstructing proper resolution, NHLAA stands committed to working with the City to resolve the pending litigation honestly and properly. If the mayor is serious in her statement that she wants NHLAA as a partner in addressing the lead poisoning crisis that prompted the litigation, then there must be a sincere negotiation of a court-ordered settlement agreement, that commits the Mayor's statements to writing and details how the work will be done to protect New Haven's precious children in the manner required by law. To date, the City has offered only for NHLAA to withdraw its case based on the Mayor's press conference. Such an offer is not consistent with our responsibilities to the hundreds of children.

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