

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT IN AND  
FOR ORANGE COUNTY, FLORIDA

CASE NO.: \_\_\_\_\_

GEORGINA VIERA,

Plaintiff,

vs.

CLASS REPRESENTATION

LENNAR HOMES, LLC  
f/k/a LENNAR HOMES, INC.,

Defendant.

\_\_\_\_\_ /

**COMPLAINT**

COMES NOW, the Plaintiff, GEORGINA VIERA, (“Plaintiff” or “Viera”), by and through her undersigned counsel, and sues the Defendant, LENNAR HOMES, LLC f/k/a Lennar Homes, Inc. (“Lennar”), in accordance with 1.220 FRCP and alleges:

**Parties, Jurisdiction, and Venue**

1. This is a class action for damages in excess of the jurisdictional limits of this Court.
2. Plaintiff is a resident of Orange County, Florida.
3. Lennar is a Florida corporation having its principal office at 700 NW 107<sup>th</sup> Avenue, Miami, Florida.
4. Venue is proper pursuant to Fla. Stat. § 47.011.

**Class Representation Allegations**

5. Lennar touts itself as one of the nation’s leading builders of quality homes.
6. Upon information and belief, Lennar currently builds and sells homes in 18 different states.

7. Lennar was the builder of a certain project located in Southeast Orange County comprising of the Lee Vista Square and Warwick subdivisions (the "Development").

8. Upon information and belief, the two subdivisions comprise roughly 450 homes as part of a 950-acre community.

9. Lennar sold homes and real property at the Development.

10. Upon information and belief, the Development was constructed atop a World War II Army bombing range.

11. In recent months, homeowners in the Development have been notified about the prior use of the property which comprises the Development and of the uncovering of live bombs thereon in recent years.

12. Lennar knew or should have known that the Development site was a former bombing range.

13. Lennar failed to disclose this information to consumers purchasing homes at the Development.

14. Plaintiff brings this action on behalf of herself and as a representative of a class pursuant to the provisions of Florida Rule of Civil Procedure 1.220. Plaintiff seeks class certification under subsection (b)(2) and, alternatively, (b)(3) of Rule 1.220. Plaintiff's claims arise from the same events, practices, or course of conduct by Lennar, which give rise to the claims of the class. Plaintiff's claims are based upon the same legal theories as those of the class. There are questions of law and fact common to all members of the class. Plaintiff's claims are typical of the class claims in that Plaintiff

and the class members were damaged by Defendants' same wrongful conduct and the relief sought is common to the entire class.

15. Lennar has acted on grounds applicable to all the members of the class. Accordingly, this action is maintainable under subsection (b)(2) of Rule 1.220. Moreover, class representation is superior to other available methods for the efficient adjudication of this controversy in that (a) there are no other suits known to be pending against the Defendants with the same allegations, which would indicate a desire by class members to control the litigation, (b) the instant forum is a desirable forum for concentrating this litigation because the Plaintiff resides in Orange County and the cause of action arose before this Court's jurisdiction, and (c) there will be no problem managing the case given that the Defendants' practices and the relief sought are subject to generalized proof by virtue of their being uniform. Accordingly, this action is maintainable under subsection (b)(3) of Rule 1.220.

16. These common questions of law and fact are common to the class and predominate over any other questions affecting only individual class members.

17. The proposed class that Plaintiff seeks to represent consists of all persons affected by Lennar's actions leading up to and including the sale of homes in the Development during the applicable limitations periods.

18. The class is estimated to consist of more than 400 persons.

19. Plaintiff will fairly and adequately protect and represent the interests of each member of the class in that she has no conflicts with the class and has retained counsel experienced in the prosecution of complex litigation.

**Facts Relating to the Representative Plaintiff  
(Georgina Viera)**

20. On or about January 30, 2007, Viera purchased a home from Lennar located within the Development, more particularly described as Lot 109, Lee Vista Square, according to the plat thereof recorded in Plat Book 58, Page 1, of the public records of Orange County, Florida.

21. Lennar failed to disclose that the Development was a former bombing range.

22. Lennar failed to disclose that Viera's home was situated atop a former bombing range.

**COUNT I - NEGLIGENCE**

23. Plaintiff realleges and reincorporated the allegations contained in paragraphs 1-22 above, as if fully restated herein.

24. Lennar knew or should have known of the Development's former use as a bombing range.

25. Lennar knew or should have known that the property sold to Plaintiff and other class members was a former bombing range.

26. Lennar owed Plaintiff and the class a duty to disclose information about the Development's former use as a bombing range.

27. Lennar owed Plaintiff and the class the same duty to disclose information about each specific property.

28. Lennar breached its duty by failing to so inform Plaintiff and the class.

29. Plaintiff and the class members have been substantially damaged because of Lennar's actions and omissions.

WHEREFORE, Plaintiff respectfully requests judgment against Lennar Homes, LLC, as follows:

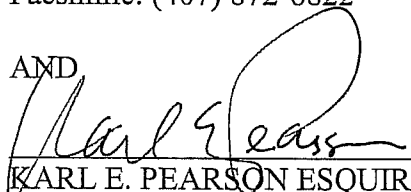
- a. A declaration that this action is a proper class action on behalf of the class as defined herein, and an order directing that reasonable notice of this action be given, at Lennar's expense, to each member of the class;
- b. An award to Plaintiff and each member of the class of damages in accordance with applicable law;
- c. An award to Plaintiff and the class for the costs of this suit, including expert fees, interest where applicable, and reasonable attorney's fees, as provided by law;
- d. An award for such other relief as this Court deems just and proper.

**Jury Demand**

The Plaintiff demands trial by jury on all issues so triable.

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