

Lawyer, wife sue The Fitzgerald over noisy neighbors, terminated lease

The Daily Record (Baltimore, MD)

February 9, 2015 Monday

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Section: NEWS

Length: 594 words

Byline: Danny Jacobs

Body

The young husband and wife were expecting their first child and looking for a safe, peaceful Baltimore apartment to start their family. She also worked night shifts as a nurse, so a quiet apartment was important, too.

Rignal W. Baldwin V and Danielle N. Mello were led to believe they found a perfect fit at The Fitzgerald in a two-bedroom unit overlooking a “meditative Zen garden” courtyard. But “shoddy construction” meant noise from the apartment above them became an immediate and unrelenting problem, according to a lawsuit filed in Baltimore City Circuit Court.

“The Baldwins could hear stomping, thumping, running, screaming, crying, thrown objects and the rearranging of furniture at all hours of the day and night and into the early morning,” the complaint states. “At times their whole apartment shook.”

The couple alleges The Bozzuto Group, which built and manages The Fitzgerald, terminated their lease and kicked them out of the building after they complained about the noise even though the company was aware of the “sound-transmission defects” and years of previous complaints about the tenants who lived above them, according to the complaint.

The Baldwins are seeking \$50,000 in compensatory damages and \$500,000 in punitive damages, according to the complaint.

Baldwin, of BaldwinLaw LLC in Baltimore, declined to comment Monday on the complaint filed last week. John Hermina of the Hermina Law Group in Laurel, a lawyer for the couple, also declined to comment.

A spokeswoman for Bozzuto did not respond to requests for comment.

The Fitzgerald, which opened in Mount Vernon in the summer of 2010, has 275 luxury apartments. Monthly rent in the building ranges from \$1,400 for a studio apartment to \$2,400 for a two-bedroom apartment, according to the building's website.

The lawsuit alleges Baldwin and Mello's apartment, which they moved into in November 2013, was constructed with "inadequate sound attenuation design and materials," leading to noise problems identical to the ones detailed by the previous tenant.

Despite Baldwin and Mello's multiple complaints, Bozzuto representatives said they did not hear "any noise out of the ordinary" after multiple investigations and could not locate the source of the noise, according to the complaint.

Yet "when the upstairs neighbors walked or ran in their unit, the Baldwins' entire apartment reverberated like a drum," the lawsuit states.

The couple hired a lawyer in January 2014 to deal with the ongoing noise problems, according to the lawsuit. One month later, Bozzuto terminated the lease because Baldwin had rapped on the ceiling several times in the hope the neighbors would quiet down, the lawsuit states. The couple was given 30 days' notice as opposed to the 60 days' required by city law, the lawsuit states.

Mello was eight months pregnant the day Bozzuto terminated the lease and thought she was going into pre-term labor because of the stress, according to the complaint. The noise in the apartment caused her headaches, fatigues and nausea, according to the complaint.

The Baldwins moved out of the apartment in March, one month before their child was born, according to the complaint.

The lawsuit seeks damages for fraud, negligent misrepresentation, violations of the Maryland Consumer Protection Act and improperly terminating a lease.

The case is Rignal W. Baldwin V et al., v. Bozzuto & Associates Inc. et al., 24C15000594, Baltimore City Circuit Court.

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Load-Date: February 13, 2015