



Press Releases

Munck Wilson Mandala Litigation Team Secures \$10 Million Settlement for Homeowners from Fifth Circuit Court of Appeals

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A Munck Wilson Mandala litigation team led by Austin partners Rob Linkin and David Rowe has secured a \$10 million settlement on behalf of homeowners who filed a class action in *Matson v. NIBCO*. The settlement was approved last year by the Western District of Texas and appealed by a lone appellant in *Jose Garcia v. Matson v. NIBCO* in the Fifth Circuit. In a per curiam opinion released Oct. 12, 2022, the Fifth Circuit rejected the lone objection and cleared the way for a settlement that provides \$7.65 million to homeowners whose houses were plumbed with a flexible, cross-linked polyethylene material known as PEX pipe and fittings that were manufactured by NIBCO, Inc. NIBCO also agreed to separately pay \$2,330,000 in attorneys' fees so the homeowners will not have to pay legal fees from their settlement fund.

The case was brought on behalf of homeowners in the San Antonio metropolitan area and the Birmingham Alabama metropolitan area who owned homes built by D.R. Horton. The homes contained NIBCO PEX Pipe, a product reported to have manufacturing defects that led to massive leaks.

Pursuant to the approved settlement, class members who previously have suffered from leaks will be entitled to cash payments which will compensate them for past damages, and class members who have had multiple leaks will be entitled to payments for the re-piping for their home. The settlement is a huge win for the class members, who were previously excluded from a settlement approved a few years back in the *Cole v. NIBCO* litigation which was pending in the district of New Jersey. On a *pro-rata* basis, the proposed settlement is approximately nine times larger than the settlement in *Cole*.

Plaintiffs are represented by MWM partners Linkin and Rowe, Austin Tighe of Nix Patterson, LLP, and Kirby Farris of Farris, Riley & Pitt, LLP. NIBCO is represented by Gordon Cooney and Franco Corrado of Morgan Lewis, LLP. The objector is represented by George Fleming of Fleming, Nolan, & Jez, LLP.

Munck Wilson Mandala is a full-service, technology-focused law firm known for its powerful litigation teams that represent clients in patent, trade secret, trademark, and other intellectual property disputes as well as high-stakes and complex commercial litigation. Named a Texas Regional Powerhouse by Law360 in 2021 and a Litigation Department of the Year by Texas Lawyer in 2020, the firm has offices in Dallas, Austin, Houston, and Waco, Texas, Los Angeles, California, and South Florida (Boca Raton). Munck Wilson Mandala represents clients from start-ups to Fortune 50 companies. Learn more about the firm at <https://www.munckwilson.com>.

Related People

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