

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

OFFICE OF THE ATTORNEY
GENERAL, DEPARTMENT OF LEGAL
AFFAIRS, STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO. _____

PULTEGROUP, INC. and PULTE HOME
COMPANY, LLC,

Defendants.
_____ /

COMPLAINT

Plaintiff, Office of the Attorney General, Department of Legal Affairs, State of Florida (“OAG”), by and through its undersigned attorneys, hereby sues PulteGroup, Inc. and Pulte Home Company, LLC (“Pulte” or “Defendants”) and alleges as follows:

I. Jurisdiction and Venue

1. This is an enforcement action and an action on behalf of consumers for injunctive relief, equitable relief, restitution, damages, civil penalties, and attorneys’ fees and costs for Defendants’ violations of the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. §§ 501.201 et seq.

2. This Court has jurisdiction pursuant to the provisions of said statutes.

3. The statutory violations alleged herein occurred in or affected more than one judicial circuit in the State of Florida.

4. Venue is proper in the Second Judicial Circuit for Leon County because the causes of action arose at least in part in Leon County, Florida and because Defendants transacted

business in Leon County, Florida, including the marketing of homes.

5. The OAG is the enforcing authority of the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes.

6. The OAG has conducted an investigation and the head of the enforcing authority, Attorney General Pam Bondi, has determined that an enforcement action serves the public interest pursuant to Chapter 501, Part II, Florida Statutes.

7. Defendants, at all times material hereto, have engaged in “trade or commerce” by advertising, soliciting, offering, or distributing a good or service, within the definition of § 501.203(8), Florida Statutes.

II. The Defendants

8. Defendant PulteGroup, Inc. is a Michigan corporation with its principal place of business in Georgia. Defendant PulteGroup, Inc. conducts business through the activities of its subsidiaries, including through Defendant Pulte Home Company, LLC.

9. Defendant Pulte Home Company, LLC is a Michigan limited liability company authorized to do business in Florida and is a subsidiary of Defendant PulteGroup, Inc. Pulte Home Company, LLC maintains offices in Florida and transacts business throughout Florida. Defendants PulteGroup, Inc. and Pulte Home Company, LLC shall collectively be referred to herein as “Pulte” or “Defendants.”

III. Factual Allegations

10. From 2008 through 2016, Pulte sold more than 23,000 homes in Florida.

11. During this time, Pulte failed to disclose to certain home buyers that homes sold by Pulte were not built in accordance with applicable building codes.

12. As a result, hundreds of homes built by Pulte in Florida have needed repairs due to problems arising from construction defects.

13. Further, Pulte unfairly denied certain Florida homeowners' repair claims for various reasons, including lack of homeowner maintenance, when the home's problems were attributable to defective construction rather than lack of maintenance.

14. Pulte also unfairly denied certain Florida homeowners' repair claims without performing an adequate inspection of the home.

15. In certain instances, Pulte withheld a customer's deposit unfairly.

Count I

Violation of the Florida Deceptive and Unfair Trade Practices Act

16. This is an action against Defendants PulteGroup, Inc. and Pulte Home Company, LLC in excess of \$15,000, exclusive of attorneys' fees and costs, for violation of the Florida Deceptive and Unfair Trade Practices Act.

17. Plaintiff OAG adopts, realleges, and incorporates by reference paragraphs 1 through 15 above as if fully set forth herein.

18. Section 501.204(1), Florida Statutes, declares that unfair, deceptive, or unconscionable acts or practices in the conduct of any trade or commerce are unlawful.

19. Defendants PulteGroup, Inc. and Pulte Home Company, LLC have committed the following acts or practices that are unfair, deceptive, or unconscionable in willful violation of Chapter 501, Part II, Florida Statutes:

a. Failing to disclose to certain home buyers in Florida that the homes were being constructed in violation of applicable building codes;

b. Unfairly denying certain homeowners' repair claims for various reasons, including lack of homeowner maintenance, when the home's problems were attributable to defective construction rather than lack of maintenance;

c. Unfairly denying certain Florida homeowners' repair claims without performing an adequate inspection of the home; and

d. Unfairly withholding a customer's deposit in certain instances.

20. Defendants' acts and practices have caused injury, damages, and prejudice to consumers and the public and constitute unfair, deceptive, or unconscionable acts or practices within the intent and meaning of Section 501, Part II, Florida Statutes.

21. Unless Defendants are permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendants will result in irreparable injury to the public for which there is no adequate remedy at law. The public interest favors the entry of injunctive relief to protect the public and consumers from Defendants' conduct.

PRAYER FOR RELIEF

22. Accordingly, the Office of the Attorney General, Department of Legal Affairs, State of Florida requests that this Court:

a. Adjudge and decree that Defendants violated Section 501.204, Florida Statutes;

b. Award to the State of Florida any equitable relief as the Court finds appropriate to redress Defendants' violations of law;

c. Award to the State of Florida statutory damages, restitution, and equitable disgorgement for the benefit of the state and its consumers, as appropriate;

d. Award to the State of Florida the maximum civil penalties under Sections

501.2075 and 501.2077, Florida Statutes, for each violation of the Florida Deceptive and Unfair Trade Practices Act;

e. Enjoin and restrain, pursuant to state law, Defendants, their affiliates, assignees, subsidiaries, successors, and transferees, and their officers, directors, partners, agents and employees, and all other persons acting or claiming to act on their behalf or in concert with them, from continuing to engage in any unfair, deceptive, or unconscionable conduct and from adopting any practice, plan, program, or device having a similar purpose or effect to the unfair, deceptive, or unconscionable actions set forth above;

f. Award to the State of Florida its reasonable attorneys' fees and costs, as may be appropriate under the law, including expert witness fees and investigation costs; and

g. Order any other relief that this Court deems just and proper.

PAMELA JO BONDI
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