

Recent Developments in the Law

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The Court of Special Appeals of Maryland has decided another recent case favorable to defendants in lead paint litigation. The issue decided by the Court was lead paint plaintiffs must provide evidence that the premises were dangerous at the time of rental in order to show the landlord had knowledge of the dangerous condition to survive a motion for summary judgment.

Donnell Webb, Jr., a minor, v. Joyce Real Estate, Inc., CSA No. 889, Sept. Term 1995. Filed **March 4, 1996**, the Court held that lead paint plaintiffs, in order to impute knowledge of dangerous lead conditions on a landlord, must provide evidence that the dangerous conditions existed at the time of rental.

This case is deemed important as it brings lead paint liability closer to traditional premises liability cases, as opposed to the theory of strict liability in tort. This case is viewed as a landmark case as it can be asserted to obviate liability as a matter of summary judgment unless the plaintiff proves the landlord knew or should have known of the dangerous lead condition at the inception of the lease.

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