

Bug man's bug

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This Tampa attorney applies a magnifying glass to exterminators and burns the baddies in court.

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TAMPA - While some attorneys may balk at the idea of being associated with insects (insert lawyer joke here), Pete Cardillo wears the mantle of "bug lawyer" proudly.

So much so that he resigned as managing partner in Buchanan Ingersoll's Tampa litigation department and started his own firm in October, focusing solely on termite suits filed against extermination companies that fail to detect or remove the pests, insurers that refuse to pay for damage and owners who try to pass off their infested homes onto unsuspecting buyers.

"Sometimes I go home and I can't really believe that this is what I do, that I've been able to build a really unique and lucrative practice on termites," said Cardillo, who has been a trial lawyer for 22 years.

Cardillo, 46, began what he calls his "termite odyssey" in 1996, when he sued Orkin Exterminating Inc. of Atlanta on behalf of Tampa residential manager Lincoln Property. Although he wouldn't be more specific, Cardillo said he has won "millions" through the suits, including one settled recently on behalf of Coachman Crossing Apartments in Clearwater, which accused Orkin of fraud. Former employees of Orkin testified that they attended "pizza parties" where they would fill out phony inspection and treatment reports and forge customer signatures. The \$6.8-million suit was settled for an undisclosed sum in May.

"Most developers didn't think they had any recourse when contracted service still resulted in termite damage," Cardillo said. "Those contracts were thought to be one-sided and bulletproof, so we started looking at the conduct of the exterminators."

Cardillo has built a specialty on identifying patterns in the behavior of allegedly wayward exterminators. The Cardillo Law Firm is currently working on about 15 cases, including a federal one, and Cardillo gets a couple calls each week about new ones.

So far, Cardillo is his firm's only lawyer, assisted by a single paralegal, but he says he's in discussions with other lawyers interested in joining. While he currently handles cases

only within Florida, he'd like to expand further into the "termite belt," which includes Texas, Alabama and Georgia.

Of course, Cardillo isn't the only lawyer that tries such cases. Alvarez, Sambol, Winthrop & Madson of Orlando lists termite and pest control among its practice areas. And the West Palm Beach law group Searcy, Denney, Scarola, Barnhart & Shipley won a \$3-million arbitration decision against Orkin in September. But Cardillo says he believes he is the only one in the state, and perhaps the nation, who has put such a tight focus on it.

Dan Clark, a Tampa lawyer handling a pending class-action suit against Orkin that is expected eventually to include 60,000 to 100,000 plaintiffs, said Cardillo has been able to develop his unique specialization because the industry and the state are such hotbeds for termite disputes. In order to compete, many extermination companies have moved to commission-based compensation systems and are looking for ways to cut costs in providing their time-consuming services.

"There are honest companies providing service, but it's the type of business that inevitably leads to deceptive and unfair trade practices," said Clark, a partner in Tampa law firm Clark, Charlton & Martino. "They're forced to focus on sales rather than the general underlying sales promise - which is prevent and eliminate infestations."

Over the eight years that he's been involved in termite litigation, Cardillo has gotten thorax deep into the biology and habits of the wood-boring critters. While Cardillo would never have expected that knowing the difference between a soldier and a worker termite would be so helpful to his legal career, it sometimes proves useful to his family and friends when he's asked to perform impromptu inspections.

"I've played termite control guy and amateur entomologist," he admits. "It's been a somewhat unusual journey."

The creatures even invade his dreams.

"I used to get nightmares about termites eating my house and the house falling down around me," Cardillo said. "When you find out how evil and ferocious they are, they can be really scary."

Florida's humid, subtropical conditions and rampant housing growth make it welcoming to termites, giving pest control specialists scores of potential customers and a bug lawyer a full roster of potential cases.

"This is ground zero for termite infestation, and the companies are aware of that," Cardillo said. "Termite companies tap into the fears of owners and take advantage of the market. I'm not saying they don't have a difficult job, but the problem is they make promises they can't keep."

Orkin spokeswoman Martha Craft and Terminix spokesman Steve Good declined to comment on what Cardillo's practice means for their companies.

Cardillo said he believes litigation from firms like his has encouraged some of the major extermination companies to make changes. For instance, many of the companies are killing off lifetime contracts in favor of shorter agreements. Employees caught engaging in deceptive practices have gotten the ax, and the small print on contracts has become more prominent.

"Like with any other form of litigation, if they're responsible companies and they want to hold on to their customers, they're going to react," Cardillo said. "There's a lot more sensitivity to potential exposure."

Cardillo warns homeowners to be on the lookout for blanket disclaimers or limitations of liability before signing a contract with an extermination company.

"I've seen contracts that disclaim obligations if there are 'moisture conditions' on the property," Cardillo said. "Well, there's moisture everywhere in Florida, so that just eviscerates the whole thing."

Arbitration clauses that remove the possibility of a jury trial and disclaimers that strip the companies of any obligation to do any repair work if they do something wrong are other points that owners should ponder before signing an agreement.

"These companies typically take the position that contracts are non-negotiable, but you may want to consider not signing," Cardillo said. "You should definitely talk with more than one company and make them work for your business."

After choosing a company for long-term extermination, Cardillo recommends observing workers to make sure they are doing a complete job and asking to see all written reports.

"Typically, they're not going to share any more information than they have to," Cardillo said. "You should ask to see your entire file periodically."

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