

## **COMPREHENSIVE SUMMARY - BRYAN BATTS vs BROTHERS HEATING & AIR**

### **PARTIES INVOLVED**

#### **Homeowner:**

- Bryan Batts, wife Kendal
- Property: 135 Rusty Nail Dr, Mooresville, NC 28115
- Phone: 704-310-7378 / 704-223-3164

#### **Brothers Heating & Air:**

- Bob King - Quality Assurance Manager ([raking@brotherair.com](mailto:raking@brotherair.com), 803-327-4040)
- Subsidiary of ARS/Rescue Rooter

#### **Liberty Mutual Insurance:**

- Jerry Alfano, MBA - Sr. Claims Specialist I ([Gerard.Alfano@LibertyMutual.com](mailto:Gerard.Alfano@LibertyMutual.com), 847-960-9334)
- Brothers' liability carrier
- Claim #: P 413-320743
- Date of Loss: 09/09/2025

#### **Lowe's:**

- Where HVAC system purchased
- Work Order #39184860
- System financed on Lowe's card

#### **ARS/Rescue Rooter:**

- Scott Boose - CEO
- National parent company of Brothers

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## **CHRONOLOGICAL TIMELINE**

### **SEPTEMBER 9, 2025 - THE INSTALLATION**

- Brothers installs new HVAC system

- Cost: \$12,000 (financed via Lowe's card, \$152/month payments)
- CRITICAL FAILURE: Installation crew fails to connect condensate drain line

#### **SEPTEMBER 21, 2025 - WATER DAMAGE DISCOVERED**

- Kendal discovers water damage and assumes roof leak
- Files claim with State Farm (9/22/25 CLAIM ENTERED; 9/25/25 CLAIM OFFICIALLY CREATED – INITIALLY THOUGHT TO BE ATTACHED TO PREVIOUS ROOF LEAK CLAIM)

#### **OCTOBER 6, 2025 – ROOF INSPECTED BY STATE FARM ADJUSTER**

#### **OCTOBER 13, 2025 – REPORT FINALIZED BY STATE FARM ADJUSTER**

#### **OCTOBER 17, 2025 – STATE FARM REPORT PROVIDED TO US - ROOF RULED OUT**

- State Farm completes investigation
- Roof leak ruled out as cause; suggested checking gutters/other causes.

#### **OCTOBER 19, 2025 - BROTHERS CALLED**

- Kendal calls Brothers for inspection
- Technician arrives same day
- Confirms water leaking from condenser pipe
- Says he'll report to Bob King immediately

#### **OCTOBER 20, 2025 - BOB KING COMMITS TO REPAIR**

- Kendal speaks with Bob King directly
- Bob confirms: "Repair will be at Brothers' expense"
- Bob promises to dispatch CPR (remediation company)

#### **OCTOBER 22, 2025 - ADMISSION OF FAULT**

- Brothers re-examines installation
- WRITTEN ADMISSION: Drain pipe was never connected during install
- This is the smoking gun

#### **OCTOBER 23, 2025 - WORK BEGINS THEN STOPS**

- CPR begins demolition

- Removes drywall/flooring, places dryers

#### **NOVEMBER 4, 2025- CPR IS PLANNING**

- CPR requests info on flooring for replacement
- CPR coordinates with Kendal on her request to move antique china- they confirm they will be replacing walls/flooring starting on 11/13.
- Bryan reaches out for mold/air testing to be performed prior to construction.

#### **NOVEMBER 11, 2025 - ENVIRONMENTAL REPORT**

- TD Environmental performs inspection
- Report shows:
  - "Category 3" water damage (most severe classification)
  - "Aggressive genus of fungi are airborne and present in all structure"
  - Specifically: Chaetomium and Torula (dangerous molds)
  - "Should not be present in the indoor environment"
  - Source: "condensation line that had not been installed correctly"
- Bryan doesn't receive this report until January 16, 2026 - over 2 months later

#### **NOVEMBER 12, 2025 – CPR TOLD BY BROTHERS TO HOLD OFF UNTIL FURTHER NOTICE**

#### **NOVEMBER 2025 - JANUARY 2026 - THE ABANDONMENT**

- No work for 90+ days
- Home left with exposed mold in walls
- Family living in contaminated environment
- Respiratory symptoms:
  - Bodhi: chronic sneezing
  - JB: ear infection (couple weeks ago)
  - Bryan: runny nose for weeks
  - Kendal and kids: sore throats, coughs, congestion

#### **JANUARY 15, 2026 (THURSDAY) - ESCALATION BEGINS**

**Bryan's Email to Bob King (10:43 AM):**

- Formal documentation of 3-month abandonment
- Demands within 48 hours:
  1. Written lab report
  2. Plan for full remediation
  3. Coverage for temporary housing
  4. Independent mold inspection scheduled for Tuesday
- CC's ARS Corporate Customer Care

**Bob King's Response (same day):**

- "Forwarded to Corp office and Liberty Mutual"
- "They are talking"
- "Should hear soon"
- No concrete action, just deflection

**JANUARY 16, 2026 (FRIDAY)**

**10:03 AM - Jerry Alfano Enters**

- Liberty Mutual claims adjuster
- "I'm handling this now"
- "Meeting with contractor today to finalize estimate"
- Takes over from Bob King

**11:09 AM - Jerry Provides TD Environmental Report**

- Bryan sees it for first time
- Report dated November 11 - withheld for 2+ months

**All Day Friday - Email Battle:**

**Jerry's Position:**

- "Pre-existing leak" (rust, old glue on pipes)
- "Mold was there before Brothers"
- "Brothers didn't install the leaking pipe, only attached to it"

- "Not in scope to replace that section"
- "Report shows no health risk to occupants"
- "Can't authorize housing without final estimate"
- "Need time to evaluate"
- Standard liability carrier delay tactics

**Bryan's Counterarguments:**

- TD report explicitly says: "condensation line that had not been installed correctly"
- Brothers admitted October 22 drain wasn't connected
- Report shows "aggressive fungi" including Chaetomium/Torula
- Report warns: "others may experience adverse health reactions"
- Family has documented respiratory symptoms
- Specific Airbnb identified: ~\$2,911 for 14 nights
- Gives 5:00 PM deadline for housing authorization

**3:00 PM - Bryan's Ultimatum:** "I require a Yes or No decision by 5:00 PM Today. You have two options:

1. Authorize the Housing Immediately
2. Deny and Litigate - I will immediately retain legal counsel and file complaint with NC Department of Insurance"

**3:09 PM - Jerry's Non-Response:** "I won't have an answer until I get the repair estimate."

**5:00 PM - DEADLINE EXPIRES**

**5:01 PM - Bryan Sends Nuclear Option:** "DEADLINE EXPIRED: Notice of Regulatory Filings & Hazardous Exposure"

To: Jerry Alfano, Bob King CC: [executivecustomercare@lowes.com](mailto:executivecustomercare@lowes.com),  
[Compliance@libertymutual.com](mailto:Compliance@libertymutual.com), [customercaremail@ars.com](mailto:customercaremail@ars.com)

"Because you have refused to mitigate this confirmed safety risk despite admitted liability, I am proceeding immediately with the following:

1. Filing formal complaint with NC Department of Insurance regarding Liberty Mutual's Bad Faith

2. Filing formal complaint with NC State Board of Examiners - Gross Negligence
3. Formally notifying Lowe's Executive Management requesting review of Brother's vendor status
4. Retaining counsel for Construction Negligence, Property Destruction, and Unfair & Deceptive Trade Practices"

**Jerry's Final Response:** "Thank you for that email. Please have your attorney send their letter of representation and I can further discuss the claim with them."

Translation: "Get a lawyer or pound sand"

## **FRIDAY EVENING (5:07 PM) - CORPORATE ESCALATION**

### **Email to Lowe's Executives:**

- [marvin.ellison@lowes.com](mailto:marvin.ellison@lowes.com) (CEO)
- [Ronda.harlow@lowes.com](mailto:Ronda.harlow@lowes.com)
- [joe.mcfarland@lowes.com](mailto:joe.mcfarland@lowes.com)
- [executivecustomercare@lowes.com](mailto:executivecustomercare@lowes.com)

"This was a Lowe's project. Your authorized installer admitted negligence. They're refusing to authorize housing. I'm asking Lowe's to intervene and compel them to make this right."

### **Email to ARS CEO:**

- [Scott.Boose@ars.com](mailto:Scott.Boose@ars.com) (+ variations: SBoose@, scottb@, [Legal@ars.com](mailto:Legal@ars.com))

"Your local branch admitted installation failure causing Category 3 contamination. They're refusing emergency housing (\$3,000), leaving my family of five in hazardous environment. I've drafted formal complaints but would prefer to resolve amicably. I will hold off filing until Monday, Jan 19th at 12:00 PM EST. If corporate authorizes the housing payment, I'll withhold regulatory filings."

**Lowe's Auto-Response (received):** "Lowe's Executive Customer Relations is in receipt of your email and our office will get involved immediately. You can expect follow up within one business day."

## **SATURDAY, JANUARY 18, 2026 - BRYAN FILES COMPLAINTS**

Bryan files immediately:

1. **NC Department of Insurance Complaint**

- Against: Liberty Mutual
- Allegation: Bad faith refusal to mitigate damages
- Confirmation: Screenshot showing "Your complaint has been filed"
- No case number yet

## 2. NC State Board of Examiners Complaint

- Against: Brothers Heating & Air (License #M105145)
- Allegation: Gross Negligence and Incompetence
- Evidence attached:
  - Written admission drain wasn't connected
  - TD Environmental report showing Category 3 contamination
- Confirmation: Screenshot showing "Your complaint has been filed"
- No case number yet

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## KEY EVIDENCE

**1. Written Admission (October 22, 2025):** Brothers' own technician documented that condensate drain line was never connected during September 9 installation

### 2. TD Environmental Report (November 11, 2025):

- Explicit cause: "condensation line that had not been installed correctly"
- Category 3 water damage (most severe)
- "Aggressive genus of fungi are airborne and present in all structure"
- Chaetomium and Torula identified
- "Should not be present in the indoor environment"
- "Others may experience adverse health reactions"

### 3. Email Documentation:

- 90+ days of inaction documented
- Multiple broken promises

- Liability admission from Bob King (October 20: "will be at Brothers' expense")
- Jerry Alfano's delay tactics and liability arguments
- Liberty Mutual withholding report for 2+ months

#### **4. Physical Evidence:**

- Photos of exposed walls with visible mold
- Photos of structural damage
- Photos of floor damage
- Humidity readings showing 54.8°F, 36.1% RH (excessive moisture)

#### **5. Health Impacts:**

- Chronic respiratory symptoms in all family members
- Bodhi: constant sneezing
- JB: ear infection
- Bryan: weeks of runny nose
- All: sore throats, coughs, congestion

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### **FINANCIAL PICTURE**

#### **Costs:**

- HVAC system: \$12,000 (still paying \$152/month on system)
- Requested temp housing: ~\$3,000 (14 nights Airbnb)
- Lawyer consultation Thursday: \$250
- Unknown: total remediation costs

#### **Bryan's Financial Situation:**

- Cannot afford to move family out on his own
- Cannot afford to hire lawyer beyond \$250 consultation
- Still making payments on system that caused the damage



- Loss of use – child has lost bedroom, no dining room for seasonal gatherings/family dinners.
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## **LIABILITY ARGUMENTS**

### **Brothers/Liberty Mutual Position:**

- Pre-existing leak (rust and old glue visible on pipes)
- Brothers only attached new unit to existing condensate line
- Not in scope of work to replace existing piping
- Mold may have existed before their work
- Report doesn't prove causation
- Need time to evaluate

### **Bryan's Position:**

- Brothers admitted drain line not connected (October 22)
  - TD Environmental report explicitly states cause: "condensation line that had not been installed correctly"
  - Even if pre-existing damage, Brothers had duty to ensure functionality
  - Professional negligence to connect new system to damaged pipe without alerting homeowner
  - Licensed contractor responsible for code compliance
  - 90+ days of inaction made contamination worse
  - Withholding environmental report for two months is bad faith
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## **CURRENT STATUS (SATURDAY, JANUARY 18, 2026)**

### **Filed:**

- NC Department of Insurance complaint ✓
- NC State Licensing Board complaint ✓
- Escalation to Lowe's executives ✓

- Escalation to ARS CEO ✓

**Pending:**

- Lowe's response (promised "within one business day" = Monday)
- ARS corporate response (unknown)
- Brothers/Liberty Mutual response to complaints
- Case numbers from regulatory agencies
- Lawyer consultation: Thursday, January 23

**Family Status:**

- Still living in contaminated home
  - Can't afford to leave
  - Continuing to experience respiratory symptoms
  - Home in disrepair with exposed walls
  - Child without his bedroom
  - Missing family gathering space
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