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Deployed captain faults ADT, citing its failure to call police

Security firm sued over home break-in

Brian J. Pedersen Arizona Daily Star | Posted: Monday, January 25, 2010 12:00 am

When Davis-Monthan Air Force Base Capt. Eric Flores left for an overseas deployment last spring, the last thing on his mind was the safety of his Tucson home.

The home-security system he'd bought a few months earlier was there to protect his belongings and allowed the 32-year-old to concentrate on his mission in Iraq.

But sometime in June, a little more than a month after he left Tucson, Flores' home, near Interstate 10 and South Wilmot Road, was burglarized.

Flores is now suing the security company, ADT Security Systems Inc., charging negligence because it did not respond or call police on three separate occasions when alert signals were sent.

Instead, the company left messages on Flores' phone instead of calling the alternate contact that Flores left before being deployed, the lawsuit says.

In the lawsuit, filed in U.S. District Court in Tucson, Flores said ADT received three consecutive days of alert signals from Flores' home around the time it was believed to have been broken into:

- On June 10, ADT received either a power-off or low-battery signal alert.
- On June 11, ADT received a low-backup-battery alert.
- On June 12, ADT received three fault transmissions, one from the garage, one from the front door and one from the back door.

"Obviously, someone was trying to tamper with the system," said attorney Suzanne Brei, who is representing Flores. "It certainly seems like they took some time."

ADT, through local attorney John Kastner Jr., would not comment. In its answer to Flores' complaint, the company acknowledged that it received those alert signals and that it placed phone calls to Flores' work number at Davis-Monthan Air Force Base and to his cell phone.

It did not, however, call Flores' girlfriend, whose number Flores said he provided to ADT three weeks before he was set to leave Tucson, according to the complaint.

"It's my understanding they didn't contact the authorities on any of the instances, either," Brei said.

Brei said no suspects have been identified in connection with the burglary, which the complaint says occurred between June 10 and June 18, when a family member discovered the crime. Flores' home was the first of several on his street burglarized between June and September, she said.

Among the things taken were Flores' furniture, his beds, his daughter's stuffed animals and three cars, one of which belonged to his father, Brei said.

All told, more than \$140,000 worth of items were stolen, she said.

"They took pretty much everything," Brei said. "They took a used toothbrush. They even ate his food and drank his wine."

Flores' suit cites negligence, consumer fraud and breach of contract regarding the security system, which he bought in January 2009.

ADT is an international security firm that, according to its Web site, protects more than 5 million homes and 2 million businesses worldwide.

In describing its 24-hour alarm monitoring service, ADT's Web site indicates that when an alarm signal is received, "an ADT professional can alert both you and the police, fire department or emergency personnel right away," and that the system "acts like an invisible blanket around the people and things that value most to you."

Flores' complaint originally was filed in Pima County Superior Court in late December, but it was moved last week to U.S. District Court in Tucson. It claims ADT failed to provide "protection from home invasion" by not checking up on alert signals coming from his home, not contacting Flores to notify him of the alerts and not getting in touch with police about the possibility of a break-in.

The case has been assigned to U.S. Magistrate Judge Glenda Edmonds. No hearings have been scheduled.

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