

Granted Summary Judgment For Architecture Firm Who Designed a Building Addition

Amundsen Davis represented an architecture firm in a matter where our client designed the addition to an existing commercial building. The original building was not designed by our client. The refuse collection area was part of the original construction. The plaintiff was a student at the cosmetology school in the new part of the building designed by our client. She was walking to the refuse collection area to throw away a bag of garbage into a dumpster. The dumpster enclosure had a curb along the side of it presumably to keep water from flowing toward the dumpster enclosure. The curb was directly in the path a person would take when walking to carry the garbage to the dumpster enclosure. The plaintiff tripped over the curb suffering severe fractures of her left leg and upper right arm. Plaintiff had several surgeries, developed a bone infection following one surgery and is now severely disabled. She amassed several hundred thousand dollars in medical bills and a loss of earning capacity claim. The claim against the architect was that when he designed the addition and did the calculation for whether the dumpster enclosure needed to be enlarged (which it didn't), he should have seen that the curb was directly in the pathway from the door on the addition to the dumpster enclosure area and presented a potential tripping hazard. The plaintiff sued the owner, the general contractor for the original construction, the civil engineer for the original construction and our client, the architect for the addition. After discovery including the depositions of plaintiff's experts, the court granted summary judgment dismissing our client from the case.

PROFESSIONALS

Patrick J. Lubenow
Partner

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