

Settled Case With Multiple Defendants for Architecture Firm

The plaintiff, a carpenter who was also the foreman for one of the subs, was a builder of a hotel in Sheboygan, WI. Our client, an architecture group, prepared the drawings for the hotel and retained a structural engineer to do the engineering drawings. These drawings contained a detail in his drawings for how the stairs were to be constructed. The detail did not include how the stairs would be attached believing that the carpenter would attach them using the custom and practice in the industry to nail the stringers to the studs and the stringers to the floor above and landing below. The structural engineer did not show the stairs on his structural drawings and did not do any structural calculations or drawings for the attachment of the stairs. Another subcontractor built the wood stairs by first constructing them on the ground. He attached the risers and the treads to three stringers. He then placed the stairs in place between the second and third floors. This was in an exit stairwell at the end of the hall. The subcontractor did not nail the stringers to the studs but only attached the stairs with nails to the third floor and then the bottom of the flight of stairs to the landing between the 2nd and 3rd floors. During construction of the third floor, the plaintiff was walking up the stairs a few days after they were completed and the stairs gave way causing the plaintiff to fall two stories to the concrete below. He struck his head and was in a coma for over a month. He sustained a severe brain injury. The owner, general contractor, sub-contractor, architect and structural engineer were all sued. The allegation against the architect and the engineer was that they did not design the connection of the stairs to the landing or the floor above. They should have designed the connection showing specifically how the stairs should have been connected. The other defendants were sued for negligence and violation of Wisconsin's safe place statute. The sub-contractor that built the stairs and forgot to nail the stringers to the studs had a small insurance policy. After lengthy discovery as to liability and damages and the retention of experts and performance of IMEs, the case was settled for a confidential amount.

PROFESSIONALS

Patrick J. Lubenow
Partner

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