

CASE STUDIES

Zero Liability and Attorneys' Fees Awarded to Engineering and Design Firm

Construction Litigation

Client: Engineering and Design Firm

Client industry: Construction

Type of case: Construction Litigation

Result: Defense Verdict

A Florida county sued the defendant, an engineering and design firm, for alleged defects in the design of the renovations and addition to the county airport. The county, after taking occupancy of the renovated airport, suffered alleged humidity problems. The county blamed the humidity problems on the exterior wall design of the airport, which supposedly allowed untreated outside air to enter the airport and on the design of the HVAC system, which allegedly could not control humidity under low occupant load circumstances. The case was tried without a jury in February 2021 after several offers to settle the case, all of which were rejected by the county.

Our defense of the engineering and design firm focused on attacking the credibility of the county's experts and their methodology. The defendant made their case based on actions by the county which effectively misused the HVAC system and its controls. At trial, the defendant was able to have the county's experts admit that they made a mistake in claiming a defect in the exterior wall design and that no such defect actually existed.

In the final judgment, the court found the county's experts were not credible and that for years the county had ignored significant failures in the mechanical ductwork insulation and roof defects, resulting in moisture leaks into the interior of the airport. The court also found that changes made by the county to the HVAC system converted the airport from being under positive pressure (as designed) to being under significant negative pressure, and the county had mistakenly raised the humidity setting on the HVAC controls well above the design parameters and never corrected this error.

The court concluded that the defendant had not breached its contract with the county and was not otherwise guilty of professional negligence. No damages were awarded against the defendant and it has a right to recover from the county all of its defense fees, costs and expenses.