

The Guarantee of Safety: East Jasper HOA v. Apex & Metro Builders

On February 27th, in a courtroom in Beaufort, South Carolina, Apex Structural Engineering Inc. and Metro Builders faced suit from the East Jasper Residential Tower HOA, a building they collaborated on in 2014. The lawsuit holds on the grounds of breach of contract, breach of fiduciary duty, and negligence. The HOA states, while construction was ongoing, Apex drastically changed the design of the building, therefore making the structure unstable and vulnerable to harsh wind conditions. However, the defendants state the building was built in complete compliance to code and with the utmost safety in mind.

The plaintiff of the case, consisting of attorneys Julia Hartman, Kayla Diaz-Janes, and Evelyn Gillen, holds the burden of proof. According to Reed Alvarez, the HOA president testimony, they were first made aware of the building's vulnerabilities through a memo, made a year after the tower's completion, created by a senior engineer at Apex. The memo highlighted Apex's decision to move the four major supports of the building to the center, favoring space for retail. This choice in particular made the building susceptible to quartering winds, which hits buildings at a 45-degree angle.

These dangerous conditions are again mentioned by plaintiff witnesses, Dr. Ellis Chen and Dr. Rowan Hightower. Both witnesses are experts in the fields of how wind conditions affect buildings and structural engineering, respectively. In Dr. Chen's testimony, they explain how a Ph.D. student they had been mentoring did a project on the East Jasper Residential tower in 2016 and brought these vulnerabilities to Alvarez's attention. Both Dr. Chen and Dr. Hightower confirm, through evidence and personal

testimony, that the building may not be able to withstand the brutal force of quartering winds.

These decisions made by Apex and executed by Metro, while under harsh scrutiny, are thoroughly defended by defense attorneys Riley Brockman, Isla McClain, and Ari O'Brien. City building inspector Whitley Carter states in their testimony that the East Jasper Residential Tower is an "impressive feat of construction" that passed inspection on its first try. Having been an inspector for 15 years prior to their retirement, Carter states that they had full confidence in the building's safety and even recommended their sister live in it.

The safety of the building is also praised by Ash Forrester, one of Apex's structural engineers. Forrester testifies that the retrofits, which Reed Alvarez spent upwards of \$23 million to install in the building after discovering its faults, were an "unnecessary waste" of residents' money. Witness Cam Martinez, Metro's lead project manager on the construction of the East Jasper Residential tower, also testifies against the implementation of retrofits and states that all structural inspections were passed and that Metro Builders was very careful in the construction of the tower.

In a tense, lengthy trial, the jury was presented with the question of whether the implementation of retrofits was necessary for the building's stability and if Apex and Metro should be held responsible for the costs. Plaintiff raises the worry of potential collapse in the face of harsh winds, while defense reassures that the building is safe and code compliant. When asked to decide, the jury had to consider both the future conditions of the building and the precautions of its past. The verdict, in hand with both the possibilities and the facts of law, turned out in favor of the plaintiff.