

*East Jasper Residential tower: code compliant or a glorified board game?*

On Feb. 28, the case of the East Jasper Residential Home Owner's Association (HOA) v. Apex Structural Engineering Inc. and Metro Builders LLC went to court. The HOA of East Jasper filed the case after they received a whistleblower memo detailing alleged concerns about the building's structural safety.

East Jasper Residential Tower, a 30-story residential high-rise, is the tallest in South Carolina. The tower was designed and built by Apex Engineering and Metro Builders in August 2014. The East Jasper HOA filed suit against the two companies following a Ph.D. student's report and whistleblower memo. These documents reported the "elevated column" design as being potentially vulnerable to quartering winds. Quartering winds are winds that hit tall buildings at multiple angles, causing shifting, vibrating, and potential collapse.

In addition, a change in South Carolina building codes added a wind tunnel test, which was not in code during East Jasper's construction. This test would confirm the building's ability to withstand vortex shedding, the leading cause of building collapses following quartering winds.

The plaintiff, representing East Jasper's HOA, called three witnesses to the stand: Dr. Ellis Chen, Reed Alvarez, and Dr. Rowan Hightower. The plaintiff, consisting of attorneys Sydnee Turner, Markell Watson, and Morgan Davis, argued that the wind tunnel test would have prevented East Jasper Tower's vulnerability to quartering winds. Turner's opening argument regarded Apex engineers and metro builders' actions as "playing a game of Jenga" with the lives of the residents of East Jasper Tower.

The plaintiff presented its witnesses and evidence painting Apex Engineering and Metro Builders as negligent for not going “above and beyond” building codes. Chen testified that East Jasper Residential “deviated from industry standards” and “wasn’t built to withstand quartering winds.” Hightower also agreed that any “reasonable engineering company” would follow industry standards, not just building codes. HOA president Alvarez testified to her residents’ fear as they were informed of the potential dangers in their residential building. “Their negligence caused emotional and financial burdens,” Alvarez said.

The defense consisted of three attorneys - Caroline Brandes, Tinnin Lewis, and Abigail Geppert and opened using a sports analogy in reference to the building codes being changed after the tower finished construction: “The rules of the game changed after the game had been played.” The defense also called three witnesses to testify on the safety of the East Jasper Residential Tower: Cam Martinez, Whitley Carter, and Dr. Ash Forrester. Their main line of questioning focused on the idea of the building passing all tests and receiving a certificate of occupancy from Carter, a retired city inspector.

The East Jasper HOA is filing suit on the grounds of three causes of action: breach of contract, negligence, and breach of fiduciary duty. It is now up to the members of the jury to determine the verdict in the case and whether or not Apex Structural Engineering and Metro Builders will be held liable. Further updates will be made once the verdict is announced.