Homeowners Allege Hidden Structural Hazard in Tower Lawsuit

GREENVILLE, NC - On Saturday, February 28, a tense two hour trial occurred at the Greenville County Courthouse. The civil case was brought upon by the East Jasper Residential HOA, the plaintiff to Apex Engineering Inc. and Metro Builders LLC, the defendants. A 30-story residential tower had been built by Metro and designed by Apex. Once construction was completed, an architecture student conducted research on wind loads. The student found that cost-cutting weld substitutions had left the structure susceptible to quartering winds. The East Jasper Residential HOA sued for negligence, breach of contract, and breach of fiduciary duty. The defendants deny any liability, claiming that any potential threat to the tower is merely theoretical and that the building met all building codes at the time.

The trial started with the plaintiff's opening asserting yet again what exactly the defendants were being held liable for: negligence, breach of contract, and breach of fiduciary duty. They claimed that residents had felt the building sway on multiple occasions, and that negligence had been a proximate cause of harm. The defendant's opening rebuked all claims the plaintiff made. Their claim was that Reed Alvarez, president of the East Jasper HOA used fear as a way for financial and personal gain. They stated that every allegation would reveal the plaintiff's shortcomings.

The plaintiff called their three witnesses. First, Reed Alvarez, president of the East Jasper Residential HOA. He testified on the stand that he is "not as interesting as the defense thinks I am" and that he "think[s] my job is pretty swell". He received a summary of the student's findings provided by their professor, Dr. Ellis Chen, and a whistleblower memo provided by Samuel Greene, an engineer at Apex. He called both

Apex and Metro, blood boiling, demanding a meeting with them and that they fix the issue. This was corroborated by Chen herself as later in the trial she agreed to the statement in her cross-examination that Alvarez had said on their phone call that ‘Apex would pay for this” and called him a “pitbull”. The third witness was Rowan Hightower, a licensed professional engineer who became involved with the East Jasper Tower’s situation through Chen contacting her in February of 2016. Upon hearing about the tower’s structural vulnerability, Hightower conducted her own research on the tower, which was marked as Exhibit 4 and entered into evidence, and came to the conclusion that the wield substitutions would be the tower’s downfall.

The defendants then called their three witnesses to the stand. Whitley Carter, a city building inspector who completed the mandated inspection on the East Jasper Tower, testified that the building was up to or exceeded every code at the time, and was fully confident in her work, saying, “If anything was wrong, I would have found it”. Cam Martinez, the lead project manager on the project stated that the biggest and one of the only modifications made to the tower was replacing wielded connections with bolted shear connections, a safe and less expensive switch. He stated that all he did was make sure everything was in absolute adherence to code, which Carter testified was. The last witness, Dr. Ash Forrestor, who was consulted by Apex about the building before its construction. She stated that the wield substitution was a valid decision that any engineer would make, and that it was used multiple times in the industry.

Both side’s closings reiterated what their openings previously stated with more concrete proof and evidence, and the trial ended with no rule violations from either opposing counsels.