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Aylstock, Witkin, Kreis & Overholtz Files Five Suits Against Skanska on Behalf of Local Businesses

On November 4, 2020, the law firm of Aylstock, Witkin, Kreis & Overholtz filed five lawsuits on behalf of local businesses in Gulf Breeze, Pensacola Beach, and Pensacola against Skanska USA. The lawsuits allege that Skanska failed to adequately secure or relocate its work platforms as Hurricane Sally approached the Gulf Coast, resulting in the devastation of the Pensacola Bay Bridge. The destruction of this critical vein of commerce—which may last for months, a year, or longer—has resulted in crippling, if not insurmountable, economic losses for local businesses.

The Aylstock firm represents the following businesses that have filed suit against Skanska:

- Flowers by Yoko, Gulf Breeze
- Gibson Girl, Gulf Breeze
- Aloha Liquors, Pensacola Beach
- Bagelheads, Pensacola
- Franco's Italian Restaurant, Pensacola

The lawsuits have been filed in the First Judicial Circuit Court in Escambia County, Florida. The complaints allege that Skanska was contracted by the Florida Department of Transportation (“FDOT”) to construct a new Pensacola Bay Bridge, including demolition of the preexisting bridge, at a cost to the State of Florida of approximately \$430 Million.

The lawsuits allege that Skanska negligently left numerous work platforms unsecured or improperly positioned. Additionally, at least two unsecured work platforms damaged five spans of the new Pensacola Bay Bridge, rendering the bridge impassable. The lawsuits further allege that FDOT confirmed that Skanska “failed to take adequate precautions to prevent the damage that resulted from Hurricane Sally” and that Skanska “had advanced knowledge of an approaching hurricane[] but did not comply with its own Hurricane Preparedness Plan.”¹

According to the lawsuits, Skanska could have easily moved each of its work platforms before Hurricane Sally made landfall and had notice of reason to do so. “Skanska knew of possible tropical storm-force winds (at minimum) beginning, at the earliest, on September 11th, yet it chose to do nothing,” despite the fact that its own internal Hurricane Preparedness Plan provides that each work platform “only takes two hours to move.” Consequently, these local businesses allege that Skanska had “ample notice and time to move all of its work platforms to safe harbor (as it has done in the past).” The Complaints assert claims

¹ Letter from Florida Department of Transportation to Skanska USA Civil Southeast, Inc., at 1-2 (October 22, 2020).

of negligence, gross negligence, negligence per se, breach of contract, public nuisance, and private nuisance.

The Aylstock firm currently represents hundreds of individuals and businesses located in Pensacola Beach, Gulf Breeze, Pensacola, and surrounding communities in their claims against Skanska. The firm plans to continue to file cases against Skanska on an individual basis.

“We are honored to have the opportunity and the responsibility of representing so many locals who have taken a direct hit not only from Hurricane Sally, but from Skanska. The Three Mile Bridge closure has been devastating to our community, and the effects are going to be felt for months to come,” says Partner Sam Geisler. “The firm has a dedicated team of attorneys and staff who have been working tirelessly to evaluate the claims of hundreds of people affected by the bridge closure and to ensure that we are taking the best approach from a legal perspective to hold Skanska responsible for the losses to our community.”

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