

FOR IMMEDIATE RELEASE

Skanska Seeks to Avoid Liability for Destruction of Pensacola Bay Bridge Caused by Unsecured Barges Following Hurricane Sally

The evening of December 9, 2020, Skanska USA Civil Southeast Inc. and Skanska USA, Inc. (“Skanska”) filed five “Complaints for Exoneration from or Limitation of Liability of Skanska” (otherwise known as “limitation of liability actions”). In these filings, Skanska seeks to completely avoid liability and responsibility for economic damages caused by the destruction of the Pensacola Bay Bridge following Skanska’s failure to secure no less than 26 barges prior to Hurricane Sally’s landfall.

Local Business File Suit Against Skanska

Aylstock, Witkin, Kreis & Overholtz represents hundreds of business owners and individuals in Pensacola, Gulf Breeze, and Pensacola Beach that have suffered economic damages due to the destruction of the Pensacola Bay Bridge. The firm has filed 34 cases on behalf of local businesses 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, costing the State of Florida of approximately \$430 Million.

The lawsuits allege that prior to Hurricane Sally making landfall, Skanska negligently left numerous barges unsecured or improperly positioned, damaging five spans of the newly-constructed Pensacola Bay Bridge, rendering it impassable. The Complaints assert claims of negligence, gross negligence, negligence per se, breach of contract, public nuisance, and private nuisance.

Skanska Seeks to Avoid Liability

Following these case filings, Skanska filed its own papers asking a Federal Court to absolve them completely of any liability related to the bridge outage. If they are unsuccessful in completely avoiding liability, they seek to instead limit their liability to the appraised value of a handful of work platforms, as determined by their own appraisers. Skanska states in their filing: “Skanska desires to contest any liability of it and the Vessel for the damage allegedly sustained by those affected by the events in question, and for any and all losses and damages, if any.”

Skanska seeks to avoid any and all responsibility for losses incurred due to the bridge outage. To this end, Skanska argues that “Despite Skanska Southeast taking all reasonable steps under the circumstances to secure the barges... the unforeseeable and extreme winds, waves and storm surge associated with Hurricane Sally drove the Vessel into the New Bridge causing damage to the New Bridge and forcing its closure to vehicular traffic.” However, the Aylstock firm alleges in its filings 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

Skanska further claims that it has no knowledge that damage to the Pensacola Bay Bridge would result in economic losses to the community, arguing that “[a]ny damage to the New Bridge and any alleged economic losses resulting from the closure of the New Bridge occurred without the ‘privity or knowledge’ of Skanska[.]” In response, Aylstock attorney Sam Geisler stated, “Skanska’s argument that it did not know that closure of the Pensacola Bay Bridge would result in economic losses to our community is outrageous considering the detailed economic and traffic impact studies that were completed prior to the bridge’s construction.”

“The actions filed by Skanska today are truly a slap in the face to our community. They show that Skanska has zero interest in taking responsibility for the damage it has caused—damage that is only going to get worse the longer the bridge remains inoperable,” said Geisler. “While these filings present an obstacle to recovery, they are an obstacle we are prepared to fight. We understand firsthand the devastation that Skanska has caused, and we are prepared to fight for our community and hold Skanska accountable for its negligence.”

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