

CHIMNEY FIRE

An architect designed a single family residence that several years after it was constructed suffered a fire that originated in the chimney and flue and spread to the roof. After the homeowner's insurance company paid for the damages and to rebuild the house it notified the architect that it was seeking \$350,000 from the designers and contractors of this house alleging that design and construction defects in the chimney caused the fire.

FALLING PANEL

An architect was retained to design a new performing arts center. In order to cut costs, the city took over construction administration. Some of the finish work in the auditorium included installation of veneer core modesty panels for the front row of the balcony. After completion of the project, one of these modesty panels fell upon a patron sitting in the main level as a result of a child kicking on the panel during an event. Suit was brought against the city and the city filed a third party complaint against the architect.

SOUND ATTENUATION

An architect was retained to design a 104-room hotel. After the project was completed and opened for occupancy, the hotel owner began receiving complaints about excessive noise between rooms, in addition to excessive noise between floors. The Hotel has now brought suit against the architect alleging that their design failed to incorporate appropriate sound attenuation design. The cost of remediating the problem is estimated at \$500,000. In addition, the hotel is making a claim for loss of revenues, due to the unavailability of various rooms during the remediation process.

COST OVERRUN

An architect that specialized in church design was retained to design a new church. The church told the architect they were on a limited budget. The insured completed their design and included a preliminary cost estimate of \$4 million for construction. The church hired a contractor specializing in building churches. Approximately half way through construction, the insured terminated their services due to nonpayment of their fees by the church. The project was ultimately completed at a cost of \$6 million. Suit has been brought against the architect alleging failure to develop a design within the budget.

CHOICE OF MATERIALS

An architect was retained to design a single family home in an upscale neighborhood. During the predesign process, the architect discussed the various types of exterior cladding that could be used for the house; namely, brick, wood and stucco. The architect discussed the pros and cons of each material, including the initial cost, maintenance, durability and appropriateness for the particular climate. Based on this discussion, the clients chose the stucco exterior. Approximately two years after the project was completed, the owners noticed leakage occurring in various parts of the home. An investigation revealed that the stucco was not effective in preventing water intrusion. The owners brought suit against the architect, alleging that the architect failed to warn them that stucco was not an appropriate choice of building materials in this particular area of the country.

SINKING HOUSE

A structural engineer was retained to design the foundation for a single family home in the Rocky Mountain region. The engineer's design was based on a soils report prepared by a geotechnical engineer retained by the contractor. Approximately six months after the house was completed, the floor slab began to experience differential settlement throughout the house. Doors and windows were out of plumb and there was extensive cracking in the floors, walls and ceilings. It appears the house was built upon an ancient slide plane that was not detected by the geotechnical engineer during his investigation.

GAS EXPLOSION

A civil engineer was hired to design a new water line for a city water system. The new line was located near various other utility lines. The engineer was hired to provide on site monitoring of the placement of the new line. On the day the engineer was watching the placement of the water line, another contractor was relocating a gas line. Unbeknownst to the engineer, an employee of the gas line contractor was smoking a cigarette at the same time the gas line was breached. An explosion resulted and the employee suffered burns over 70% of his body. Suit was brought against all of the parties involved on the construction project.

CODE VIOLATIONS

An architect was hired to design a new condo project. During the course of construction, the general contractor claimed that he had to make various changes and additions to the construction due to changes in the building department requirements and interpretations. The fire separation assemblies that were originally identified were found to be out of date. The sizes of the framing members that were identified in the assemblies were no longer available on the market. Consequently, the architect was required to provide detailing that added gypsum board to the assemblies to satisfy the building department's requirements and interpretations. The change order requested by the contractor was in excess of \$250,000.