

**BROWARD COUNTY**

# After Irma toppled construction cranes, company sued over 'defective' equipment

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As Hurricane Irma ripped through South Florida last September, more than a dozen cranes at construction sites across the region withstood the storm's heavy winds.

But three didn't. Facing up to 99 mph gusts, their arms snapped, dangling hundreds of feet above the ground. The arms remained attached to the upright towers of their cranes, and no injuries were reported.

All three belonged to a Pennsylvania company, Maxim Crane Works, which now faces a lawsuit from a Miami subcontractor that rented one of the cranes to work on an apartment building under construction in the city.

L&R Structural Corp., a subcontractor hired to work on the 31-story Vice project, is asking for \$45,000 in damages, claiming that the crane provided was not delivered in good operating condition — they can generally withstand up to 145 mile per hour winds by spinning like a weather vane — and that Maxim broke its agreements with the company by refusing to repair the crane or provide a suitable replacement in “commercially reasonable time.”

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Two other cranes of the same model collapsed at the Gran Paraiso condo in Miami and at the Auberge Beach Residences and Spa in Fort Lauderdale. The complaint did not say if separate lawsuits were pending.

Maxim points to its warranty, which states L&R would foot bills for equipment repairs caused by accidents, misuse or weather conditions. L&R contends that the warranty also states “latent manufacturing defects” would exempt the company from paying for repairs.

Filed earlier this month in Miami-Dade circuit court, the complaint states that five days before Irma rached South Florida, Maxim sent L&R its “Tower Crane Hurricane Preparedness Plan,” which instructed the subcontractor to remove two lower sections from the crane to prevent the wind from knocking it over.

The subcontractor complied, and performed the modification in front of a Maxim representative, according to the complaint. But it did little to prevent the crane from snapping in the wind, causing about 80 feet of its boom to strike the building and hang over the Miami Metromover and Miami Dade College’s downtown campus.

Facing more than \$200,000 in daily fees from the city and MDC if the crane was not removed within eight days, the subcontractor contacted Maxim a day after the incident, but requests for assistance were denied, the complaint states. The subcontractor avoided fees by removing the crane within the allotted time, but had to pay for the crane’s removal and repair while still paying rent to Maxim.

In an email to the building’s project executive, Maxim’s vice president of risk management said L&R was responsible for the damaged property since it was damaged while under its custody and care.

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