

Attorneys Stone and Rajbanshi Obtain Verdict for Client after One-Week Trial

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Professional Liability Litigation

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DRI members [Michael J. Stone](#) and [Scarlett M. Rajbanshi](#) of Peabody & Arnold LLP in Boston obtained a defense verdict on behalf of their client architect following a week-long trial in the United States District Court for the District of Massachusetts in *Hayes, et al. v. CRGE Foxboro, LLC*, Civil Action No. 1:13-CV-12014-DJC.

The plaintiff suffered severe and permanent disabling injuries and had to undergo two surgeries, including a total hip replacement, after falling on steps in a restaurant that were designed by the defendant architect. Plaintiff's counsel demanded millions of dollars in compensation for his client's injuries and permanent disability. The plaintiff had several expert witnesses, including a biomechanical engineer who testified that the flaws in the stairway caused the plaintiff's fall. The plaintiff's architectural expert testified that the stairs on which the injury occurred violated the State Building Code and that the defendants were strictly liable for violations of the code resulting in personal injuries. A finding of strict liability arising from a building code violation could also trigger an award of triple damages pursuant to Massachusetts law.

The defendant architect had provided a certification at the end of the construction that the restaurant construction had been completed in accordance with his design and applicable code requirements. The expert for the architect testified that the stairs were properly designed and that there were no building code violations. He also testified that the architect complied with the professional standard of care and that the architect had very limited construction administration responsibilities under his contract with the developer.

After a week-long trial, the eight person jury deliberated for several hours and answered special questions in which the jury unanimously determined that neither the architect, the owner nor the contractor were negligent with respect to the design and construction of the stairs.