

Property Damage

SERVICES

Construction Litigation

August 27, 2018

The plaintiffs, two professional photographers, alleged that they sustained property damage to their photographic work. Specifically, the plaintiffs alleged that construction work performed by my client, a general contractor, resulted in the breaking of a fire sprinkler system in the building, causing extensive damage to the plaintiffs' professional portfolios.

The plaintiffs alleged that the construction of residential condominiums in the building occupied by the plaintiffs was negligent. The plaintiffs alleged that the defendant builder failed to drain the fire suppression system prior to performing demolition work in the building. The allegations asserted also included the claim that the insurance and defendant builder violated the Massachusetts Consumer Protection Statute for its violation of the state health code entitling the plaintiffs to double or treble damages and attorneys' fees.

The primary defense theory was that the construction activities were performed in a workmanlike manner and that the incident involving the discharge of water was an accident not rising to the level of negligence. The defense argued that a worker performing ceiling demolition lost his balance while working on scaffolding causing him to fall and inadvertently break a sprinkler head.

The plaintiffs claimed that they lost thousands of original photographic images that had future monetary value. The plaintiffs claimed that the images, also known as "stock photos," had significant residual value in the form of future sales. The plaintiffs claimed that the thousands of images destroyed deprived the plaintiffs of the opportunity to sell the proprietary images resulting in damages exceeding \$875,000.00. The plaintiffs retained an expert in photography from New York who testified that the market value of the damaged stock photos was well in excess of \$1 million.

The jury returned a defense verdict in favor of my client.