



## 6 | Litigation

From time to time, JMT has been involved in various litigation and claims proceedings arising from the normal course of its business as an A/E consulting firm. While such claims arise from or generally relate to JMT's professional activities and/or projects, it should be noted that JMT carries a comprehensive insurance program, and none of the claims will impair or adversely affect JMT's ability, if selected, to fulfill its contractual obligations. JMT's pending litigation and claims history for the previous three (3) years includes the following matters:

### **Active/Pending Matters**

**Contractor Claim.** A design-build contractor has filed suit against JMT alleging claims and backcharges arising from costs incurred in connection with the construction of a highway design-build project in South Carolina. JMT served as the lead designer, as a subcontractor to the design-build contractor, but disputes liability for the alleged backcharges. This claim is in the early stages of discovery. *Fluor-Lane South Carolina, LLC v. JMT*, 5<sup>th</sup> Judicial Cir. Ct., Richland Co., SC Case No. 2021CP4002104.

**Pedestrian Trip and Fall:** In May 2019, a pedestrian fell and sprained her ankle in a crosswalk in Philadelphia, and has since filed suit against the City as well as multiple other parties, including JMT. The incident location is in the same general area, but across the intersection from a subway station project that JMT was working as a consultant for the local transit agency, and none of the project activities disturbed or affected the crosswalk. There were allegedly roadway depressions and patchwork in the sidewalk from certain unrelated repairs and previous construction which the plaintiff contends caused/contributed to her injuries. JMT is one of multiple consultants/contractors named as defendants, likely due to periodic excavation activities in the general vicinity; but expects to be dismissed from this matter having had no involvement at the actual location of the accident. *Jackson v. City of Philadelphia, et. al et al.*, Ct. of Common Pleas Philadelphia Co., Case No. 210402429.

**Traffic Accident:** In January 2020, the estates of a passenger involved in a fatal automobile accident on I-85 filed suit against the vehicle manufacturer, South Carolina Dept. of Transportation (SCDOT) and multiple other parties, including JMT and other SCDOT contractors, as the accident occurred in the vicinity of a construction zone. The vehicle lost power on the highway in an area of the work zone with limited shoulder, and another vehicle collided into it. JMT performed highway design services as a subconsultant on the project where the accident occurred. JMT was not responsible for installation of traffic barriers, means and methods of construction, or overall project site safety. This claim is in the discovery stage. *Caples v. FCA US LLC, et al.*, 7<sup>th</sup> Judicial Cir. Ct., Spartanburg Co., SC Case No. 2020CP424200014.

**Vehicle Accident:** The owner and driver of a vehicle has filed suit against several parties, including a highway contractor and JMT for injuries and damage sustained in a motor vehicle accident that occurred during snow and ice conditions in Howard County, Maryland. Plaintiffs allege that the accident occurred due to slippery conditions created by an improper mixture of anti-icing materials applied to the roadway as part of storm pre-treatments by the highway contractors and JMT. JMT was retained as a consultant in connection with roadway maintenance and inspection services, but was not responsible for specifying the mix or applying anti-icing materials to the highway. The case is in

the discovery stages awaiting a trial on the merits. *Thomas Best v. Alfredo Trucking, et.al.*, Circuit Ct. of Howard Co, MD, Case No. C13CV19001057.

### **History/Closed Matters**

**Traffic Accident:** In January 2018, the estates of a driver and passenger involved in a fatal automobile accident on I-95 filed suit against the Florida Dept. of Transportation (FDOT) and multiple other parties, including JMT and other FDOT consultants/contractors, as the accident occurred in the vicinity of a construction zone. A truck crossed the median into the opposite directional lanes, and struck two oncoming vehicles resulting in multiple fatalities. JMT was a consultant performing Construction Engineering Inspection for FDOT. As the CEI, JMT was not responsible for means and methods of construction or overall project site safety. This case was settled among all defendants, since settlement was more efficient and economical and a better result than funding the cost of continued litigation and appeals. *Estate of Odom v. Florida Dept. of Transp., et al.*, 19<sup>th</sup> Judicial Cir. Ct. Indian River Co, FL, Case No. 312017CA000881.

**Traffic Accident:** In April 2020, an injured passenger and the estate of a driver involved in a fatal automobile accident each filed suit against the City of Philadelphia and multiple other parties, including JMT and other City consultants/contractors arising from their involvement in the design, inspection and construction of the subject intersection. JMT had performed construction inspection services for the City in connection with a streetscape project along the roadway several years prior to the accident. JMT was not responsible for design, means and methods of construction or overall project site safety and has been dismissed from this matter without contribution. *Glenn v. Ford Motor Co., et al*, Court of Common Pleas Philadelphia Co., Case No. 200401479 / *Wheeler v. Ford Motor Co., et al*, Case No. 200500902

**Pedestrian Trip and Fall:** A pedestrian fell and fractured her ankle in a depression after stepping off the sidewalk into the street. There was some roadway patchwork from some type of construction/repairs, which the plaintiff contends caused/contributed to her injuries. The incident location is in the same general area, but a far distance from a bridge reconstruction project that JMT was working as a consultant for Camden County. It was determined that roadway work/repairs where plaintiff fell were connected to another utility repair work, and unrelated to the bridge project. JMT was dismissed from this matter without contribution. *Brody-Carney v. PSE&G., et al.*, Superior Ct. of NJ, Camden Co, Case No. CAML00121920.

**Traffic Accident:** In June 2018, a driver of a vehicle brought suit against JMT for injuries sustained in a 2016 motor vehicle accident that occurred in the vicinity of a water-main replacement construction project in the city of Tampa, Florida. Plaintiffs allege that a pile of dirt and construction materials on the project obstructed her view of oncoming traffic at the roadway intersection. JMT was a consultant performing Construction Engineering Inspection (CEI) for the City. As the CEI, JMT was not responsible for means and methods of construction or overall project site safety, and JMT played no role in placing the dirt pile or staging any construction materials or equipment which would have been the responsibility of the construction contractor. Upon further discovery to indicate JMT's role, JMT was dismissed from this matter without contribution. *Herbrina Johnson, et. al v. Johnson, Mirmiran & Thompson, Inc.*, 13<sup>th</sup> Judicial Cir. Ct. Hillsborough Co, FL, Case No. 18-CA-00582.

**Contractor Accident:** In February 2016, the estate of a construction worker who was fatally struck by a sweeper truck while working in a construction zone on the New Jersey Turnpike. The suit named multiple parties including the NJ Turnpike Authority, NJ Dept. of Transportation, NJ State Police, the driver, owner and manufacturer of the sweeper truck, as well as multiple other parties having a role in the project, seeking unspecified damages. JMT was a subcontractor providing inspection services on the project, but had no responsibility for the contractor's means, methods or safety. JMT has been granted summary judgment and dismissed from this claim without any contribution. *Estate of Mike Alexander v. Northeast Sweepers, et.al.*, Super. Ct. of NJ, No. ESX-L-7229-14.