

Following Are Examples of Misc. E&O Claims

Don't look the other way. A crane inspector is being sued via a third-party complaint by the defendant, a concrete construction company. A crane and rigging company leased a crane to the concrete construction company. The crane company provided the equipment, but the crane was to be operated by an employee of the construction company. While operating the crane, the employee missed a critical step and the crane toppled over and damaged a sign and vehicle in the parking lot of a hotel.

Upon interviewing the operator post accident, the inspector determined the accident was operator error, as the operator admitted he wasn't paying attention. However, the operator contended that the accident should have been prevented by the crane's automatic stops. In response, the inspector advised that the stops are designed to prevent the boom from swaying and not capable of stopping the boom if pushed past its limit, which in his opinion it was. During the inspection he alleged he found the stops had been broken, after which the operator admitted to pushing the boom past its limit several times, and on one occasion heard an unusual noise from it, but continued to use it until the accident.

The construction company alleged the inspector was liable because he conducted an investigation of the crane just prior to the accident. The inspector alleged he is not because he was only able to complete a partial inspection as the operator refused to boom the crane down, which he noted verbally and in writing to the crane company. The crane company insists the inspector should have shut the crane down until the inspection could be completed and that they were misled because the inspector placed an "inspection" sticker on the crane even though the inspection was not completed. Lawsuit is pending.

You get what you pay for. A vertical transportation consultant is named as a defendant in a lawsuit by a woman who tripped and fell exiting an elevator. The consultant inspected the elevators at the building in question seven months prior to the accident. In his report, the consultant commented on the poor condition of the elevators and immediate need for equipment replacement. The estimated costs were in the millions.

The original consultant's report specifically addressed the elevators' selectors as needing replacement. The consultant believes the malfunctioning part was the cause of the elevator failing to level and causing the plaintiff's trip and resulting injuries. Suit is pending.

