

## Plaintiffs settle for \$4.4M in Wake Tech bridge collapse

By: Heath Hamacher ◉ September 22, 2022

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Several plaintiffs have agreed to a total settlement of more than \$4.4 million in cases involving the 2014 bridge collapse at a Raleigh college that injured four construction workers and killed another.

Multiple litigations were filed in the incident and were consolidated for discovery purposes. The last of six settlements was approved on Jan. 25, plaintiffs' attorneys report.

At approximately 10:30 a.m. on Nov. 13, 2014, a 200-foot-long pedestrian bridge being constructed at Wake Technical Community College collapsed as concrete was being poured on the metal deck to provide the walking surface. Construction worker Jose Luis Rosales-Nava, 42, was killed in the incident.

Just 12 hours later, another bridge collapsed on campus, though no one was injured in the 12:30 a.m. incident. This bridge, similar in design to the bridge at issue in this case, was also under construction. Both bridges were



Zaytoun

part of the expansion of the Northern Wake campus.

Plaintiffs' attorneys Robert Zaytoun, Matthew Ballew, and George Podgorny of Zaytoun Ballew & Taylor in Raleigh wrote in an email to Lawyers Weekly that the bridges collapsed due to a design flaw in the way the trusses on the bridge span connected to the end girders.

"The notches failed when concrete began to be poured onto the bridges, while our clients were standing atop the bridge structures smoothing and finishing the concrete as it was being poured," the attorneys wrote. "The notches caused the wooden beams of the bridge to violently crack and rip apart, causing the catastrophic and immediate collapse of the entire bridge structure, bringing down literally tons of concrete, wood, and steel on top of our clients."



Ballew

According to an Occupational Safety and Health Administration (OSHA) report, the bridges failed because the glue-laminated girders were severely notched at each end to facilitate connections, and those notches were under the application of a “full dead load” that resulted in the formation of horizontal cracks, “eventually leading to the catastrophic failures.” OSHA noted that notches in wood members have been a perennial concern among structural engineers and that all textbooks and codes recommend against using them unless remedied by long lag wood screws or steel plates bolted to the beams on either side.

Plaintiffs attorneys claimed that several companies and individuals involved in the project shared liability not only for the presence of the flawed notch design but also for the failure to identify and correct the flaw during the design and construction phases prior to the collapse. They included the

project structural engineers involved in designing the notched connections and the architecture firm that retained and worked with the structural engineers.

After seven years of “hard-fought litigation,” multiple mediations, and six settlements, plaintiffs’ attorneys said a resolution was finally reached.

Zaytoun said that his clients asked him to hold everyone responsible for the “tragedy” to account.

“That is what motivated us, and in the end, we believe we achieved that goal,” Zaytoun said.

Defense counsel included Bob Meynardie of Meynardie & Nanney, Fred Rom of Womble Bond Dickinson, and Stephen Safran of Safran Law, all in Raleigh. None of the attorneys immediately responded to a request for comment.



Podgorny

**SETTLEMENT REPORT—WRONGFUL DEATH/NEGLIGENCE**

**Amount:** \$4,413,750 (total amount of six settlements)

**Injuries alleged:** Death, multiple broken bones and various traumatic injuries

**Case name:** *Estate of Rosales-Nava et al. vs. Clark Nexsen, Inc. et al.*

**Court:** Wake County Superior Court

**Case No.:** 16-CVS-13800

**Judge:** Robert Ervin

**Date of settlement:** Last settlement approved on Jan. 25


**Most helpful experts:** David Johnson, PE, Ph.D. (structural engineer), Chris McClure, AIA (architect), and Ian Chin AIA, PE (architect and structural engineer)

**Attorneys for plaintiff:** Robert Zaytoun, Matthew Ballew, and George Podgorny of Zaytoun Ballew & Taylor in Raleigh

**Attorneys for defendants:** Bob Meynardie of Meynardie & Nanney, Fred Rom of Womble Bond Dickinson, and Stephen Safran of Safran Law, all in Raleigh



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