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## **Rabner and Weiner Announce Lawsuit on Behalf of Schools Construction Corp.**

*SCC Seeks to Recover \$3.5 Million; Launches Initiative to Recoup Costs  
Incurred Due to Faulty Designs*

**TRENTON** – Attorney General Stuart Rabner and Scott Weiner, the chief executive officer of the New Jersey Schools Construction Corporation, announced today the filing of a lawsuit to recover more than \$3.5 million in costs incurred by the agency to repair structural and design defects found in an elementary school construction project in Essex County.

The four-count SCC lawsuit names as defendants STV Architects, Inc. of Newark, and El Taller Colaborativo of Newark, an engineering firm hired by STV as a subcontractor on the Mount Vernon Elementary School construction in Irvington. The suit was filed in Superior Court in Trenton.

The suit represents the launch of an SCC initiative aimed at recouping tens of millions of dollars incurred due to professional design errors. It follows a separate initiative, which was launched earlier this month, to recover the costs of environmental cleanups incurred by the SCC in connection with new school construction.

According to the state's Complaint, errors by STV and El Taller Colaborativo resulted in the use of steel beams and steel lintels on the three-story school project that were unable to safely bear the weight of the concrete and masonry they were intended to support. As a result, the \$22.2 million building project had to be delayed while a method for reinforcing the flawed steel infrastructure was devised.

The state's lawsuit charges the SCC has spent more than \$3.5 million to buttress the flawed steel beams and girders created as the original framework for the school building, and to correct other problems.

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“The buckling of the steel originally meant to support the upper floors of this structure was so severe it could be seen with the naked eye,” said Attorney General Rabner. “Substantial public dollars were spent to repair that problem and to resolve other concerns. We are committed to ensuring that the public money spent to correct these problems and do the job right is recovered from the responsible parties.”

The suit is the first filed on the SCC’s behalf to recoup costs caused by errors in a school’s design. Earlier this month, a suit was filed to recoup environmental cleanup costs incurred during the construction of a new school in Elizabeth.

“These initiatives signal an important new direction,” Weiner said. “More of these lawsuits will follow, representing a tangible demonstration of our resolve to recover funds and assure New Jersey taxpayers they are not paying for the mistakes of others.”

The Schools Construction Corporation hired STV to provide professional architectural and engineering services for the Mount Vernon Elementary School project in May 2003. STV subsequently subcontracted certain engineering work – including structural engineering design services – to El Taller Colaborativo.

STV and El Taller Colaborativo prepared drawings, plans, technical specifications, and instructions to bidders for the project and later provided architectural, engineering and design services as construction work progressed.

The state’s Complaint refers to deficiencies resulting from the work of the two companies including, but not limited to, “inadequate structural steel capacity and inadequate steel lintel design.”

The severe nature of the problem was revealed when the concrete slabs for the second and third floors of the school’s new academic wing were poured. According to the state’s lawsuit, steel beams clearly buckled under the weight of the concrete, and there was “significant movement of the suspended masonry lintel supports. Both of these conditions were so severe that they were visible to the naked eye.”

Following an evaluation of the project by a specially-hired consulting firm, it was determined that the original design of some of the floor beams and girders was defective. “Specifically, the beams would not support the . . . prescribed loads . . .” and “the girders that support the walls do not have the capacity to support the additional concrete,” according to the state’s complaint.

The special consultant, international engineering firm Thornton Tomasetti of Newark, recommended several measures to shore up the defective floor beams and girders. Those measures will properly buttress the steel infrastructure and allow the Mount Vernon School project to go forward.

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However, the State's lawsuit charges that the needed repairs have cost the SCC millions of extra dollars, and that the agency "continues to feel the effects of the delay to the construction of the school."

The state's lawsuit charges both STV and El Taller Colaborativo with one count each of negligence and breach of contract. In each instance, the lawsuit seeks an award of compensatory damages and costs related to the lawsuit.