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Recent Firm Accomplishments

SUMMARY JUDGMENT OBTAINED IN WRONGFUL DEATH CASE

Cristobal Casal and **Diane Tutt**, Associates in our Hollywood office, obtained final summary judgment on October 6, 2014 in favor of Defendant, Up & Down Equipment Rental Inc. in the case of The Estate of Manuel Juarez v. Florida Power & Light Co., et al., a wrongful death lawsuit filed in the Eleventh Judicial Circuit, Case No. 11-20553 CA 20, before Judge Ronald Dresnick in Miami, Florida. Manuel Juarez was electrocuted while working as a painter on an elevated scaffold, or swing stage, rented to the contractor by our client, Up & Down Equipment Rental. Mr. Juarez' metal paint roller pole came in contact with a live electric line while he was working near the top of an apartment building in Miami Beach. The decedent's personal representative sued a number of defendants including our client, which was sued for negligence, negligent entrustment and vicarious liability under the dangerous instrumentality doctrine.

The motion for summary judgment demonstrated that there was nothing defective about the scaffold supplied by Up & Down Equipment Rental, nor was there any indication when it was rented to the contractor that the scaffold would be used in an unsafe manner. Those facts resulted in the court granting summary judgment on the negligence and negligent entrustment claims. As to the claim under the dangerous instrumentality doctrine, the court declined to extend that doctrine as the plaintiff had requested, to a mechanized scaffold, notwithstanding plaintiff's argument that construction hoists and cranes had been determined to be dangerous equipment. However, the court accepted our argument that the dangerous instrumentality doctrine, which imposes strict liability on the owner of the dangerous instrumentality, is a narrow doctrine applicable only to dangerous vehicles or equipment driven or operated in public areas, not on construction sites.

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