

Skanska Can't Use Limitation Act to Limit Its Liability in Pensacola Bay Bridge Disaster

Court of Appeals decides Skanska can't limit liability because its officials were responsible for negligent acts that caused the company's barges to break free.

PENSACOLA, FL, U.S.A., August 3, 2023 /EINPresswire.com/ -- Today, Pensacola-based law firms Levin Papantonio Rafferty; Aylstock, Witkin, Kreis & Overholtz; and Beggs & Lane announce the U.S. Court of Appeals for the Eleventh Circuit has affirmed the Northern District of Florida court's dismissal of the Limitation Act proceedings and its sanctions order related to lawsuits filed by nearly 1,000 commuters and business owners against [Skanska](#) (SKANSKA USA CIVIL SOUTHEAST INC.

AND SKANSKA USA, INC., v. BAGELHEADS, INC, ET AL, No. 21-13850). Complaints were filed after a breakaway of Skanska barges in Pensacola Bay during Hurricane Sally resulted in the Pensacola Bay Bridge's outage.



Pensacola law firms issue a joint statement in response to U.S. Court of Appeals for the Eleventh Circuit's finding that "Skanska could not deny the rights of local business owners and wage earners to seek justice in state court."

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Brian Barr, Attorney, Levin Papantonio Rafferty

The Court's opinion stated, "Skanska's approach would turn the Limitation Act on its head, and our precedents have already rejected it. We have been clear that the purpose of the Act is limitation, not exoneration."

Attorneys at Levin Papantonio Rafferty; Aylstock, Witkin, Kreis & Overholtz; and Beggs & Lane, who have been championing the rights of businesses and commuters harmed by the Pensacola Bay Bridge outage, issued the following joint statement:

"We are pleased to announce that the Federal Appellate Court dismissed Skanska's arguments in their entirety—delivering a win both for accountability and the region. The 40-page opinion expresses a clear acknowledgment not only of the disastrousness of Skanska's judgment but also how it impacted the property, lives, and livelihood of our neighbors' and friends' homes, businesses, and livelihoods. It also upheld the lower court's order requiring Skanska pay sanctions for destroying evidence.

"In essence, the Appellate Court found that Judge Collier protected Skanska's right to seek a limitation of its liability. It likewise found that Skanska's attempt was a failure. The Court further found that Skanska could not deny the rights of local homeowners, business owners, and wage earners to seek justice in state court.

"As from the beginning, our firms will continue to work hard to hold accountable the world's fifth largest construction company for wreaking havoc on the region's economy. "

Limitation Act Would Have Seriously Undercut Skanska's Liability

According to the Limitation Act, a court may either absolve a maritime vessel owner of liability in a negligence suit or limit that liability to the vessel's value at the end of the journey. If the Act were applied in this case, it would reduce Skanska's liability for damages in the state court lawsuits to the value of the five barges that damaged the bridge, for a total liability of about \$1.5 million.

The Limitation Act, however, does not apply to reduce a vessel owner's liability if the owner of the vessel: (1) participated in the negligent conduct that caused the injury; (2) had "privity and knowledge" of the negligent act that caused the injury; or (3) knew or should have known of the acts or omissions that caused the injury.

Attorneys Reflect on the Monumental Court Opinion

Attorneys at the three Pensacola law firms that have been fighting for the rights of those harmed by Skanska's negligence offered their thoughts on the appellate court's opinion.

Levin Papantonio Rafferty Attorney and Shareholder [Brian Barr](#) made the following statement:

"The justice that has been served by the both the trial court and the appellate court in this case is monumental. People now have a chance to be compensated for the senseless harm that was caused by Skanska's remarkably indifferent negligence."

Sam Geisler, Partner at Aylstock, Witkin, Kreis & Overholtz PLLC, stated the following:

"The Federal Judiciary continues to affirm what we have all long known—that Skanska failed the region completely. We will continue to meet every effort Skanska puts forth to avoid

accountability.”

Tom Gonzalez, Partner at Beggs & Lane, said:

"This is a victory for the residents and businesses of the Pensacola Bay region. The claimants represent a cross section of businesses and homeowners alike. Skanska's barges damaged private property, public property and local businesses. Our clients are residents whose sea walls, that had protected their homes since the early 1900's, were destroyed, local shops and businesses, hotels, hospitals and local governments. This impacted the lives of people who enjoyed the fishing pier and who depended on the bridge traffic for their livelihood. This is a good day for the people of the Pensacola Bay Region."

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