

Appeals Court Reverses Award to Miami Beach for Alleged Park Defects

Celia Ampel, Daily Business Review

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A Florida appellate court on Wednesday reversed a \$1.3 million award to the city of Miami Beach for claimed landscaping defects at South Pointe Park and cleared a contractor of liability for safety problems at the park's playground.

Miami Beach did not give contractor Magnum Construction Management Corp. the opportunity to fix the playground, as the city was required to do under the contract, [the Third District Court of Appeal ruled](#). Instead, Miami Beach replaced the playground entirely, even though many of the defects "could have been easily corrected," according to the decision.

The appellate panel reversed Miami-Dade Circuit Judge John Thornton's finding of liability against Magnum for the playground defects, which came with damages of \$157,500.

The Third DCA also reversed a landscaping defects award of about \$1.3 million against Magnum and Hargreaves Associates Inc., the contractor in charge of designing the park. Judges Leslie Rothenberg, Ivan Fernandez and Thomas Logue found Thornton had speculated in determining the damages, and remanded the case for a new trial on landscaping damages.

Magnum and its surety were represented by J. Alfredo Armas and Eduardo Bertran of Armas Bertran Pieri in Miami.

The city was represented by Joan Carlos Wizel and Colby Grossman of Lydecker Diaz in Miami.

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