

Broward Judge Grants Class Certification in Lawsuit Against FPL, Subcontractors

By [Michael A. Mora](#)

Around 9,300 businesses will collectively seek hundreds of millions of dollars in damages in the class-action lawsuit.

A ruling by a Broward judge could be bad news for Florida Power & Light, which faced litigation over a 2019 water main break.

Broward Circuit Judge William Haury granted a motion for class certification in the case in which a subcontractor of the Florida-based utility company allegedly bore a six-inch hole into a 42-inch major water main pipe at Fort Lauderdale Executive Airport.

The stakes are now higher as the lawsuit against Florida Power & Light and its subcontractors started with only five Broward businesses, but has now morphed into a class action. Now, a class of about 9,300 businesses will seek hundreds of millions of dollars in damages, for loss of revenue, inoperable life safety systems and other claims.

Cristina M. Pierson, a shareholder at Kelley | Uustal in Fort Lauderdale, is among the three lawyers litigating the case. Pierson said a five-hour evidentiary hearing Friday was a “heated class certification battle.”

“This is thousands of businesses that lost the ability to do business for a couple of days and a weekend because of an unnecessary incident when the gross negligence of these contractors ruptured the water main in July of 2019,” Pierson said. “This is something that never happened and could have been avoided.”

William Scherer, a partner at Conrad & Scherer in Fort Lauderdale, and Adam Moskowitz of the Moskowitz Law Firm in Coral Gables, are also involved in the litigation.

Now, they are preparing for an Oct. 2 hearing when the litigators will seek punitive damages from Florida Power & Light and its subcontractors. The amounts of the punitive damages could be based on the net value of Florida Power & Light.

The plaintiffs alleged in court documents that rather than visiting the job site, Florida Power & Light hired a less expensive subcontractor, Infratech, to carry out the project. They claimed that to increase its profits, Infratech in turn hired a cheaper subcontractor, FCC, which then hired “an even cheaper subcontractor,” Geo & Yus, to make “more profit.”

Florida Power & Light declined to comment. And the remaining defendants did not respond to a request for comment.

The litigation also comes with a twist, according to Pierson. Since the work was significant and dangerous, there were requirements in place that mandated that every subcontractor had to maintain more than \$1 million in insurance coverage.

“Geo & Yus was the actual driller, and their insurance company claimed it wasn’t a million-dollar limit that applies,” Pierson said. “So the insurance company filed a coverage lawsuit in federal court claiming they only have a \$50,000 limit.”

Moskowitz said this minimal insurance coverage is not allowed.

He said, “The insurance limitation violates the requirements set by Florida Power & Light for all of their subcontractors, to ensure the public is protected, in the event of just this type of mass disaster.”