

Condo Law – Can a Management Company be Held Liable for Car Accident on Property?

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Introduction

Mr. Andrew Cuevas, Esq., is the President of Cuevas & Goldstein, P.A., and Vantage Property Title Company. Cuevas & Goldstein, P.A. provides legal services in the areas of Community Association Law, Real Estate law, and Business Immigration, including title insurance services through Vantage Property Title Company. If you have any questions regarding this article or any other questions, you can contact Mr. Cuevas at (305) 461-9500 or at acuevas@cuevaslaw.com. If you are interested in reading previous newsletters, please visit www.cuevaslaw.com, select the icon for **Newsletters**, and then choose the area of law you are interested in.

Can a Management Company be held liable for car accident on Property?

On March 6, 2013, the Palm Beach Post reported the results of a personal injury case where the jury awarded \$12 million to the the parents of 9-year-old boy who died in a 2011 bicycle crash in front of a Jupiter condominium. As reported in the article, “each of the five female jurors grabbed Andre Kovacs and Tracy Curtis tightly, grieving with them over the unspeakable loss of 9-year-old Andrew Curtis.

After a three week trial the jury found that an 81 year old driver, who said she didn’t see the youth, was 10 percent responsible for the crash. The jury found the condominium association 30 percent responsible and its management company, MMI of the Palm Beaches, 60 percent to blame.

It was reported in the article that had the association and MMI followed transportation rules and Jupiter codes, the driver would have seen the nine year old boy who was riding behind his father on the sidewalk along U.S. 1, and stopped. Instead, hedges that were twice as high as Jupiter codes allow and a stop sign that was too short and in the wrong place prevented senior citizen driver from seeing the cyclists and the cyclist from seeing her, attorneys representing the parents argued throughout the trial.

Attorney William Price, who represents the condominium association and MMI, had asked the jury to award the parents \$2 million to help them rebuild their shattered lives. Both have been diagnosed with post-traumatic stress disorder and major depression. Their lives stopped when their son died.

Attorney Price didn’t know whether the verdict will be appealed, but expects that it will. The attorney for the Plaintiff said that the jury was right to assign more blame for the crash to the management company

than the condominium association. "They were the pros," he said. "The association hired them to take care of things and they let them down."

This article is solely a partial explanation of all the issues related to the topic of this newsletter, and is not to be considered legal advice. The association should consult with its legal counsel to obtain explanations of all issues addressed herein and determine what it should do to minimize these types of claims.