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Dentists sue over NY crane collapse during storm Sandy

11/9/2012

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By Basil Katz

NEW YORK, Nov 9 (Reuters) - Two New York City dentists have filed a \$5 million lawsuit against the contractor at a nearly completed 90-story luxury apartment building, blaming it for the collapse of the top of a construction crane during superstorm Sandy.

The lawsuit, filed in U.S. District Court in Manhattan on Friday, said the contractor, Australia's Lend Lease Construction, was negligent because it failed to make sure the crane was properly secured before the massive storm.

"The crane collapse and the ensuing week-long evacuation was a direct result of defendants' failure to prepare, maintain, operate, and secure the crane to withstand the winds of the widely anticipated Hurricane Sandy," the lawsuit said.

As a result of the Oct. 29 collapse, residents and businesses in the surrounding area were evacuated until Nov. 4.

Mary Costello, a spokeswoman for Lend Lease, did not immediately return a call seeking comment.

The building, known as One57 and designed by Christian de Portzamparc, features \$90 million apartments. It has been climbing higher and, at 1,004 feet (300 metres), will tower over other buildings near Columbus Circle at the southwest corner of Central Park in Manhattan.

Both dental practices, Musikant Deutsch and Caroline Stern, located within one block of the apartment tower, were forced to evacuate their offices when the crane collapsed, the lawsuit said.

As a result of the evacuation, Musikant Deutsch, which is normally open and staffed around the clock seven days a week, had been forced to close for the first time in over 30 years, the lawsuit said.

The closure "has significantly decreased the value of the company," it said. "Musikant Deutsch lost substantial amount of income from not being able to treat patients."

Individual plaintiff Barry Musikant, who lived near his office, was also forced to evacuate, the lawsuit said, and had been forced to spend \$3,400 for lodging at a nearby club.

The plaintiffs said they were suing on behalf of a larger class of residents and businesses affected because of the evacuation.

Also named as defendants in the lawsuit were Canada's Pinnacle Industries, which owns the crane, the crane's operator and the building developer.

The case is Musikant Deutsch et al v. Lend Lease Corporation et al, U.S. District Court for the Southern District of New York, No. 12-cv-8207.

For the plaintiffs: Scott Bursor of Bursor and Fisher.

For Lend Lease: It was not immediately clear if Lend Lease had retained a lawyer in this matter.

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