

FormanWatkins Successfully Defends Construction Client in Multi-Million Dollar, 190-Plaintiff Case

FormanWatkins secured a significant win on behalf of a construction client when the Jefferson County Circuit Court granted summary judgment and dismissed all claims brought by 190 residents of a downtown Birmingham neighborhood. Several FormanWatkins attorneys worked on the case during the nearly 6-year span of litigation in state and federal court, including Win Gault, Caroline Upchurch, Jake Banks, Mitch McGuffey, Haley Arndt, and Catherine Pettis Rule.

The 190 plaintiffs alleged millions of dollars in damages resulting from construction activities during an Alabama Department of Transportation's ("ALDOT") I-59/I-20 interstate and bridge project. Our client served as the general contractor for the project. Plaintiffs made claims for trespass, private nuisance, and negligence, among others.

The FormanWatkins team successfully argued statutory immunity under Alabama law arising from compliance with contract specifications as set by ALDOT. On July 2, 2024, Judge Marshall Jackson Hatcher found that the plaintiffs failed to meet the burden of proof required to nullify the statutory immunity.

The scope of the immunity statute has not been fully examined by the Alabama appellate courts. This ruling stands as a pivotal outcome in a complex legal battle centered on the impacts of large-scale, government-led infrastructure projects on local communities.

FormanWatkins also served as lead counsel in enforcing indemnity and additional insurance obligations related to the claims.