

IN THE COURT OF COMMON PLEAS
MUSKINGUM COUNTY, OHIO
CIVIL DIVISION

FILED
COMMON PLEAS COURT
MUSKINGUM CO. OHIO

2022 OCT 19 PM 1:06

WENDY L. SOWERS
CLERK

ZANE STATE COLLEGE)
1555 Newark Rd.)
Zanesville, OH 43701)

Plaintiff)

vs.

ROBERTSON CONSTRUCTION)
SERVICES, INC.)
1801 Thornwood Dr. SW)
Heath, OH 43056)

and)

THE FIDELITY AND DEPOSIT COMPANY)
OF MARYLAND)
4449 Easton Way, Suite 2034)
Columbus, OH 43219)

and)

SHP LEADING DESIGN)
1086 N. 4th St., Suite 111)
Columbus, OH 43201)

and)

QUANDEL CONSTRUCTION GROUP, INC.)
2601 Market Place, Suite 200)
Harrisburg, PA 17110)

Defendants)

CASE NO. CH2022-0289

JUDGE JUDGE COTTRILL

COMPLAINT

INTRODUCTION

1. This lawsuit is brought against the designer (SHP), builder (Robertson Construction), builder's surety (Fidelity & Deposit Company of Maryland) and the construction manager of the Advanced Science and Technology Center building (hereinafter "ASTC

building”) on the campus of Zane State College (hereinafter “Zane State”) in Muskingum County for the failure of the exterior brick veneer (see attached photographs) which will cost in excess of \$1.5M to repair.

JURISDICTION AND VENUE

2. Jurisdiction and venue are proper in the Common Pleas Court of Muskingum County as that is where the contracts were entered into and the work performed that will cost over \$1.5M to repair, including consequential damages such as fencing and overhead protection from the falling brick.

THE PARTIES

3. The Fidelity & Deposit Company of Maryland (hereinafter “Surety”) is the bonding company for Robertson Construction Services, Inc. (hereinafter “Robertson Construction”) which posted a bond for this public construction project which covered, among other things, the defective workmanship of Robertson Construction.

4. Robertson Construction, which is principally located in Heath, Ohio, was the company which built the ASTC building, including installation of the exterior brick veneer which has failed and fallen.

5. SHP Leading Design (hereinafter “SHP”) is the architectural firm, principally located in Cincinnati, Ohio, which designed the ASTC building.

6. Quandel Construction Group, Inc. (hereinafter “Quandel”) was the construction company, which at the time of construction of this building, was principally located in Westerville, Ohio, and which served as the construction manager for the ASTC building.

**BREACH OF CONTRACT BY ROBERTSON CONSTRUCTION
AND ITS SURETY, THE FIDELITY & DEPOSIT COMPANY OF MARYLAND**

7. Robertson Construction and its Surety breached its contract with Zane State by performing poor workmanship which was a substantial factor and proximate cause in the failure of the exterior brick veneer on the ASTC building.

BREACH OF CONTRACT BY SHP

8. SHP breached its contract with Zane State by committing design errors which were a substantial factor and a direct and proximate cause of the failure of the exterior brick veneer on the ASTC building on the campus of Zane State.

9. SHP also breached its contract with Zane State by failing to fulfill its construction administration duties, including the duty of Standard of Care 1.1.2. and Post-Occupancy Inspection 2.7.23, all of which were a substantial factor and a direct and proximate cause of the failure of the exterior brick veneer of the ASTC building on the campus of Zane State.

BREACH OF CONTRACT BY QUANDEL

10. Quandel breached its contract with Zane State by failing to satisfy its construction administrative duties, including the duty of Standard of Care 1.1.2. and Post-Occupancy Inspection 2.7.23, all of which were a substantial factor and a direct and proximate cause of the failure of the exterior brick veneer of the ASTC building on the campus of Zane State.

CONCLUSION

WHEREFORE, Zane State demands a judgment against each of the defendants in this case, jointly and severally, for the full amount of money that it will take to repair the failed and fallen exterior brick veneer of the ASTC building on its Muskingum County campus, including

all other relief that it is entitled to as a matter of law, including both pre- and post- judgment interest.

JURY DEMAND

Zane State College hereby demands a jury trial of this matter.

Respectfully submitted,

DAVE YOST
Attorney General of Ohio

/s/ William C. Becker

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Counsel for Plaintiff, Zane State College

Ex. A



Ex. B



Ex. C



Ex. D

