

## 'Dangerous Drilling': Coral Gables Lawyer Files Motion for Class Certification Against Florida Power & Light

If the class is certified, around 80,000 businesses could obtain compensation for their damages allegedly caused by the Florida-based power utility company.

By Michael A. Mora | June 16, 2020



**3/21/18- Coral Gables- Adam Moskowitz, The Moskowitz Law Firm, Coral Gables**

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A Broward judge will soon hear arguments about whether Florida Power & Light Co. should be held accountable for a 2019 water main break.

The dispute stemmed from Florida Power & Light allegedly boring a hole into a major water pipe at Fort Lauderdale Executive Airport. It deprived the plaintiffs and 80,000 other businesses who were unable to operate due to deficient water service, according to the lawsuit.

Adam Moskowitz, managing partner at The Moskowitz Law Firm in Coral Gables, has now filed a motion for class certification in the case. If the class is certified and the suit succeeds, thousands of businesses could obtain compensation based on allegations that Florida Power & Light placed profits before the interests of its customers.

The court is set to hold a hearing in September to consider whether to certify the class. Until then, a trial to determine liability and the scope of damages will be delayed.

Moskowitz claimed in the lawsuit that Florida Power & Light was careless when its electrical project resulted in the July 17, 2019, water main break despite employees stating it would be “a walk in the park” and that there was “no reason to screw it up.” The motion included a diagram as an exhibit, which suggested that Florida Power & Light knew the exact location of the water main but did not discuss it with contractors.

Rather than visiting the job site, Florida Power & Light hired a less expensive subcontractor, Infratech, to carry out the project so as to increase revenue, according to the motion. 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,” the complaint alleges.

## Read the plaintiffs’ motion to certify a liability class:

FPL Tr. 25:22–26:9 (emphasis added).

<sup>4</sup> FCC Tr. 17:23–18:11 (admitting no licensed contractors conducted work); Geo Tr. 22:19–23:13.

<sup>5</sup> FPL Tr. 46:14–48:16 (testifying Infratech previously hit underground facilities working for FPL); Geo Tr. 14:11–17:3 (testifying Geo hit a water main during a previous HDD job).

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their own contracts.<sup>6</sup> Based on its own clear Diagram Map, there is no dispute that FPL knew the exact location of the Water Main, yet never discussed it with any of their contractors or warned them to look for it.<sup>7</sup> Although all Defendants saw the FPL Diagram Map before causing the Water Main Break, none took customary measures to locate and avoid the water main.<sup>8</sup> FPL (an experienced utility provider) *never even visited the jobsite*; instead, FPL hired a cheaper subcontractor Infratech (to make more profit), which then hired a cheaper subcontractor FCC (to make more profit), who then hired an even cheaper subcontractor Geo & Yus, a company owned by Mr. Geovanis Rivera, that is based out of his home in Homestead, who sent three of his unlicensed Geo workers *before the job) who showed up and began the inherently dangerous drilling without doing anything to verify the locates*

Moskowitz alleged in the lawsuit that the Geo workers were unlicensed and began “inherently dangerous drilling without doing anything to verify” the location of the utilities or to “identify the water main.” Since the incident, these defendants have filed cross-claims blaming each other, and the motion suggests that defendants made false statements in this litigation to cover up their “gross negligence.”

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

Moskowitz said the named plaintiffs — The Las Olas Co., Press & Grind Café, Rocco's Tacos & Tequila Bar, The Restaurant People, Di Pietro Partners PLLC, and HHR Lauderdale Beach Limited Partnership — were not alone in their damages and the case is a lesson that a powerful company that made mistakes can be held accountable.

“Every small, family business-owned stores in Broward County, as well as the largest companies, will finally all make FPL have their day in court, where a jury of their peers will decide their fate,” Moskowitz said in an email. “There will be more than half a billion dollars of damages at stake at these trials.”

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