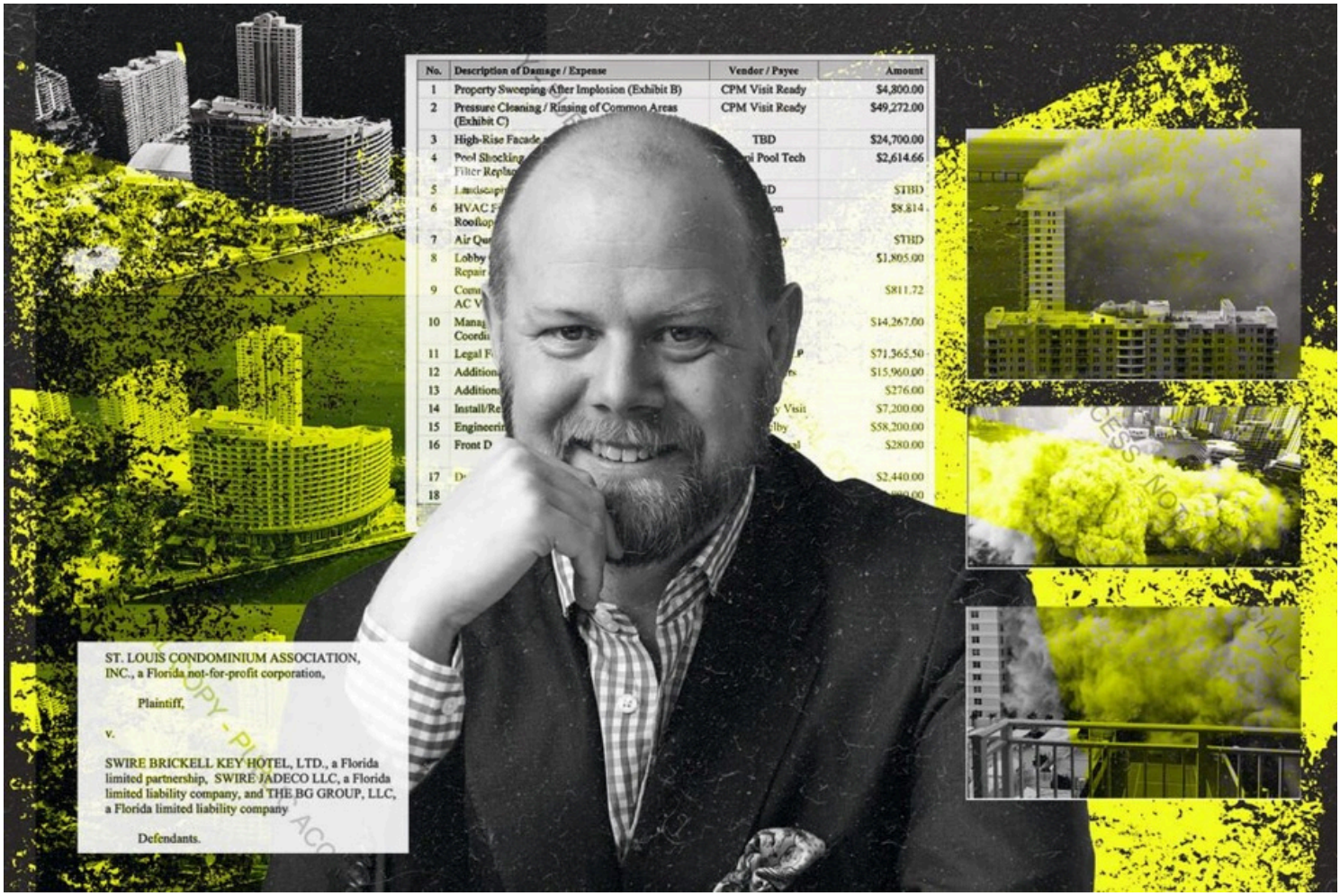
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SOUTH FLORIDA

“Ultrahazardous”: Neighboring condo building sues Swire, BG over Mandarin hotel implosion

St.Louis condo has spent $276 Konre mediation efforts, according to lawsuit



Swire’s Dave Martin with the former Mandarine Oriental and the St. Louis condo building next door (Google Maps, Swire Properties, Miami-Dade County Circuit Court)

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By Katherine Kallergis

Key Points

- The St. Louis Condominium Association is suing Swire Properties and contractor BG Group over property damage and debris from the April implosion of the former Mandarin Oriental hotel.
- The lawsuit alleges negligence, trespass, and strict liability, stating that cleanup and remediation efforts cost the condo building roughly $276,000 after dust infiltrated common areas and a high-speed rock shattered a lobby door.
- Swire stated it had not yet been served, complied with all safety measures, and that St. Louis had chosen not to cooperate with Swire's offers.

A Brickell Key condominium association filed a lawsuit against Swire Properties and its demolition contractor over the implosion of the former Mandarin Oriental hotel and the pricey cleanup efforts the condo building had to undertake.

The St. Louis Condominium Associationissuing Swire Brickell Key Hotel, Swire JadeCo and the BG Group, a construction firm.

St. Louis, a 31-story, 134-unit building at 800 Claughton Island Drive in Miami, is next to Swire’s final development site on the man-made island, where the Mandarin Oriental Hotel was imploded in April of this year. In its place, Swire is constructing a two-tower ultra luxury condo and hotel project under the same flag, called the Residences at the Mandarin Oriental, Miami.

The lawsuit called the implosion of a 23-story building close to residential buildings that are occupied “abnormally dangerous or ultrahazardous activity.”

The implosion of the Mandarin hotel was well-documented. Dust blanketed the St. Louis and spread to other nearby buildings. A medium-sized rock, propelled at high speed, struck the glass door in front of the front desk, shattering the door and destroying a mirror inside the St. Louis lobby. It’s the same door that the association said it flagged to BG Group during a pre-implosion meeting, in part because the glass was not impact resistant.

“BG Group had advised [the glass] did not require protection,” the lawsuit states. “It was only by fortune that no one was struck. The projectile could have caused serious bodily injury or death.”

Attorney Darrin Gursky of Haber Law, who is representing St. Louis, said that the cleanup efforts have created a financial strain for owners. Gursky said the association tried to work it out with Swire before filing a lawsuit.

An attorney for Swire wrote in a letter sent May 8 that the St. Louis board presented a spreadsheet requesting nearly $2 million for expected expenses during future construction. The attorney wrote that Swire would consider each claim and submit it to the appropriate insurance entity.

Other buildings on Brickell Key had to clean up from the implosion, but the concrete dust and other debris geneArdavteertisdem benyt the implosion appears to have hit St. Louis the hardest. It’s the only building immediately adjacent to the site.

“That’s the shame of it because it’s pretty obvious what was going to happen based upon their implosion,” Gursky said. “We wish they would have taken that more seriously.”

The lawsuit alleges negligence, trespass, private nuisance and strict liability.

The dust and debris “infiltrated” St. Louis’ interior systems, air conditioning systems, pool, drains, landscaping and common areas, forcing the association to take up remediation efforts costing roughly $276,000, not including other damages, including loss of rental income for investment properties, according to the suit.

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St. Louis’ association alleges that Swire and BG breached their duty of care by failing to install adequate protective measures, delegating the installation of protective measures to the association, which lacks demolition and construction expertise, and failing to install a professional-grade protective barrier system. St. Louis also alleges that Swire and BG breached their duty when they failed to properly engineer and execute the implosion so as to prevent debris and projectiles from being propelled into an occupied residential building, failing to timely remediate or repair the damage and more.

A spokesperson for Swire wrote in a statement that Swire had not yet been served with the complaint and was “unable to respond to speculative claims.” The spokesperson also said that Swire complied with “all applicable laws, regulations and safety measures,” meeting with residents and condo associations on Brickell Key before the implosion. “After multiple meetings, St. Louis decided not to cooperate with Swire Properties or accept its offers,” the statement said.

BG Group did not respond to a request for comment.

St. Louis, built in 1995, is currently in the midst of a condo buyout. Earlier this year, *The Real Deal* reported that the Related Group and Terra are negotiating an over $200 million buyout that could close in 2027.

Swire Properties, led in the U.S. by Dave Martin, has controlled the master association on Brickell Key since the 44-acre island was first developed in the

1980s. Swire's control of the master association has become a central point in recent disputes over control and maintenance of the island.

In a complaint filed in May, five condo associations alleged that Swire used its control to saddle Brickell Key condo owners with a $32.3 million assessment for a seawall and baywalk they neither own nor share as common area.

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In July, another condo association sued the master association, Swire, the city of Miami and the St. Louis and Isola condo associations, also over the $32.3 million special assessment.

Despite the litigation, Swire's two-tower Mandarin development has been a success. In October, the developer announced $1.7 billion in presales. That includes two $50 million penthouse sales announced earlier this year.