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First lawsuit filed against owner of Shuckers

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A couple has filed a lawsuit in Miami-Dade Circuit Court against Shuckers Bar and Grill after the eatery's deck collapsed into Biscayne Bay last week, injuring dozens.

It is the first of several expected lawsuits against the North Bay Village waterfront restaurant and bar.

The 14-page complaint, filed by Reynaldo Reyes and Flavia Guisella Ellemberger, claims Shuckers Bar and Grill and Inn on North Bay Ltd., had "a duty to properly maintain its property and to warn of dangerous conditions which it had actual or constructive knowledge of... and should have taken action to remedy it."

According to injury attorney Spencer Aronfeld, the couple and a child were seated on the wooden deck of Shuckers, which extended 25 feet into the water, with about 90 other people on June 13, when it suddenly gave way, plunging patrons into four feet of water, along with chairs, tables and personal belongings.

The lawsuit claims Reyes and Ellemberger both suffered bodily injury, disfigurement, mental anguish, and aggravated previously existing conditions. It also says their injuries required hospital treatment, nursing, and loss of income.

Shuckers owner Charles Grentner has refused interview requests since last week's incident. The family released a brief statement expressing remorse. A Best Western hotel on the property also owned by Grentner has remained open.

The incident made national headlines because the bar was packed with Miami Heat fans watching a finals game against the San Antonio Spurs when it collapsed in a v-shape, the concrete seawall tearing away from the mainland.

North Bay Village Building Official Raul Rodriguez said a visual inspection of the 120-foot deck showed concrete had disintegrated around corroded steel pilings under the deck. Rodriguez signed off on the buildings last inspection in January, even though state-licensed engineer Steven Jawitz said he never inspected the deck portion of the property, and that it wasn't required.

Rodriguez later said he was under the impression it had been inspected because the building code requires that all structures on the property be inspected after 40 years.

Though no one has said exactly when the deck was built, Miami-Dade County aerial photos showed it was in place in the 1960s, a county spokesman said Wednesday.