

## REPRESENTATIVE CONSTRUCTION MATTERS

LeClairRyan's Construction Industry team represents many segments of the construction industry, including general contractors, owners, construction managers, design-builders, sureties, design professionals, and subcontractors in all phases of public and private projects. Following are some examples of our representative work in the construction industry:

- Defended asbestos manufacturer in \$1 billion matter seeking removal of asbestos from publicly owned buildings
- Assisted government agencies with regard to construction issues involving general contractors, material suppliers, and design professionals
- Assisted several construction industry individuals and entities with regard to government agency licensure/discipline investigations and proceedings
- Assisted several general contractors, construction managers, and design professionals with regard to procurement and performance/payment issues on public construction projects
- Served on American Arbitration Association panel as an "approved neutral," typically deciding cases by and between owners and contractors
- Obtained favorable settlement, including payment to our government contractor client, when contractor's supplier unilaterally increased prices and sued contractor when it refused to pay higher prices
- Represented a state university in a dispute with its contractor over a failed energy plant project on its main campus and prepared contract documents for the new plant
- Assisted an asbestos monitoring company in a work site accident in which the asbestos removal company and general contractor were co-defendants
- Represented international management consulting firm responsible for overseeing the nation's largest central artery/tunnel project on a multitude of issues
- Worked with the owner during the early years of the nation's most extensive highway project, and later worked with various parties in joint defense agreements with design professionals

### *General Contractors*

- Assisted a contractor in a multimillion-dollar dispute concerning the construction of a golf and tennis club
- Represented a contractor/engineer joint venture in an arbitration claim against a municipal owner. Favorable to our client, the panel rejected the owner's \$8 million claim and awarded the owner \$40,000. The panel awarded clients their full claim of \$1.1 million.
- Represented a utility contractor in claims against a major utility company arising out of the termination of the construction of a high-pressure gas main based upon bribery allegations. Successfully established that the bribery allegations were unfounded. The contractor was awarded in excess of a \$1 million in a binding arbitration proceeding.
- Represented a utility and utility contractor against claims brought by welders on a high-pressure gas line under the whistleblower provisions of the federal Pipeline Safety Act. Successfully defeated claims at the federal administrative law judge and administrative review board levels in the first substantive action ever brought pursuant to the act.
- Represented a general contractor in negotiating payment and performance issues involving cost overrun and schedule acceleration on the largest (by percentage) cost overrun contract claim on a regional central artery/tunnel project
- Successfully represented heavy/highway general contractor in the preparation and prosecution of claims against a public owner for restricted access and productivity claims
- Received a favorable settlement through representation of a highway contractor who sued the State of Connecticut

- Represented a general contractor (residential builder/developer) in numerous disputes with owners, subcontractors, material suppliers, and design professionals
- Assisted general contractor in the defense of a construction site accident suit. The plaintiff was a temporary employee, who alleged that improper equipment and safety violations caused his injuries.
- Assisted general contractor in a construction site accident case in which an employee was injured placing protective guards around electrical wires
- Assist an environmental/engineering/contracting firm in suit for inadequate remediation of environmental contamination
- Represented international construction company in a number of construction site accident cases

### *Owners*

- Represented a leading energy company in a \$3.2 billion lawsuit related to coal rights and coal operations
- Successfully prosecuted multimillion-dollar action on behalf of power plant owner when general contractor severely delayed project, obtaining a \$60 million victory
- Represented the owner/developer of a regional construction project in a multimillion-dollar lawsuit with the contractor
- Negotiated multimillion-dollar construction contract for new construction
- Defended the owner/developer of a national hotel chain and garage in a binding arbitration brought by the construction manager for several million dollars in claims arising out of alleged extra work and delay. Prosecuted counter claims in excess of construction manager's affirmative claim for extended performance costs and delay damages.
- Represented one of the largest solar power providers in North America in various aspects of construction. Prepared power purchase agreements; engineering, procurement and construction contracts; and subcontractor and vendor agreements. Advised regarding contractor licensure and OSHA issues.
- Successfully represented a variety of owners including municipalities, financial institutions, commercial developers and high net worth homeowners in both prosecuting defective design and construction claims against design professionals and contractors, and defending claims for extra work, differing site conditions and delay damages. Projects include banks, schools, and high-rise office and apartment buildings.
- Represented national construction company in various disputes with subcontractors during course of major construction project
- Prosecuted action and achieved favorable settlement on behalf of Fortune 200 banking company in a case involving computer hardware damage resulting from faulty construction
- Represented engineering company in state government investigation

### *Construction Managers*

- Represented construction manager of a wastewater facility project for the 10-year duration of the project
- Represented program manager in several state and federal government investigations, including representing witnesses before grand juries

### *Design-builders*

- Represented the design side of a design-build team in a \$20 million claim by a structural steel subcontractor over delays and other interferences in construction of a light rail transit project
- Represented a design-build mechanical contractor in a multimillion-dollar dispute over the adequacy of the HVAC installation in high-tech office facility

- Represented a leading design-build engineering firm in a multimillion-dollar dispute over the construction of a power plant
- Represented the design side of the design-build team regarding the construction of a professional football stadium and the shopping and entertainment facility that has expanded the stadium footprint
- Represented contractors and design team partners in disputes involving design-build project delivery
- Represented a design-build contractor in a claim by an owner alleging structural, insulation, and HVAC deficiencies

#### *Sureties*

- Represented national financial services corporation in construction-related government contract litigation before the General Services Board of Contract Appeals

#### *Subcontractors*

- Represented the mechanical and balance of piping subcontractor in claims against the engineering, procurement and construction contractor on a gas-fired combined cycle power plant. Subcontractor was awarded tens of millions in damages on a modified total cost claim from a binding arbitration panel.
- Represented a plumbing subcontractor in a dispute with a general contractor, manufacturer and design professionals
- Assisted an electrical contractor in a property damage case caused by an electrical fire
- Represented national construction company in numerous subcontractor disputes during the course of a major construction project
- Represented subcontractor in defense of a suit by an employee of another subcontractor. Employee was injured when he fell on debris left by the carpenter subcontractor.
- Represented tile supplier in central artery/tunnel project in which the employee who was installing the tile received chemical burns
- Represented steel erector in a construction site accident in which sheet metal floors collapsed, causing injuries to two workers