

## CONSTRUCTION

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Our Construction attorneys represent contractors and subcontractors; suppliers; sureties; architects, engineers, and other design professionals; and owners in legal matters arising from public and private construction projects. Our representation spans all stages of the process, from project conception, bidding, contract drafting, review and negotiation, through claims and claims avoidance. When disputes arise, we always look for the most pragmatic and cost-effective solution. Clients rely on our experience in alternative dispute resolution such as mediation and arbitration, but should litigation become unavoidable, our attorneys have years of experience successfully litigating construction law cases before state and federal courts, as well as administrative agencies. We represent clients on change orders and claims including impact, acceleration, delay, disruption, interference, differing site conditions, and other impact. In addition, we counsel clients on Notices of Commencement, Notices of Furnishing, Mechanics' Liens and Bond Claims, as well as default, termination, defective workmanship, and design errors and omissions claims.

Our lawyers' experience and heavy involvement in the construction industry better positions us to help clients manage the challenges they face on a daily basis. We are heavily involved as board members, appointed general counsel, negotiating team members and more for numerous construction industry trade associations, such as the Home Builders Association, American Subcontractors Association and The Builders Exchange.

### Representative Service

- Contract Drafting, Review, Negotiations and Dispute Resolution
- Competitive Bid Disputes
- Mechanics' Liens
- Construction Claims Management, Analysis and Avoidance
- Commercial General Liability Insurance Claims
- Loss Prevention and Risk Management
- OSHA and Workplace Safety Requirements

### Representative Matters

- Represented fabricator/contractor in the negotiation of multimillion-dollar structural steel package for Washington, DC skyscraper construction.
- Represented erector in the construction of the Federal Building in New York on a multimillion-dollar claim, resolving the issue with no damages paid by the client.
- Represented interiors contractor on an Ohio federal Court House, successfully enforcing the arbitration clause, moving the case from Cleveland to Houston for the benefit of our client.
- Represented fabricator in federal court in an interstate dispute over claims regarding structural wall panels resulting in an appropriate settlement satisfactory to all parties.
- Represented a contractor through negotiation in a dispute with the project owner, promptly affording the resolution of a \$1.2 million payment due to the contractor in two months and full payment of \$300,000 to satisfy all subcontractors and suppliers with minimal legal fees.
- Represented a contractor in the negotiation of construction agreements for two nursing homes to be simultaneously constructed, and assisted the contractor with the resolution of on-the-job disputes to satisfactorily resolve the claims, avoid litigation and maintain the owner/contractor relationship.

- Represented a contractor in obtaining and recovering a \$290,000+ verdict for unabsorbed home-office overhead expenses in a delay claim.
- Successfully negotiated a settlement in a claim for a violation of the Home Solicitation Sales Act for a home remodeler, eliminating the risk of loss at trial, including the likelihood of having to pay plaintiff's attorneys' fees in addition to damages and the statutory obligation for the repayment of money already paid to the remodeler. Revised the client's contracts to avoid future violations.
- Assist numerous subcontractors and suppliers in preparing and serving Notices of Furnishing to help them be paid in full and on time and to preserve their lien and bond rights in the event that payment is not properly made.
- Assist subcontractors and suppliers in collecting unpaid balances by preparing and filing mechanic's liens and bond claims, through negotiation, mediation, arbitration or litigation where necessary.
- Represented surety for asphalt subcontractor in assertion of claims against State of Ohio Department of Transportation for changed conditions and loss of productivity on interstate highway repaving project.
- Defended surety for roofing contractor on college dormitory project against claims by public university for costs to repair and replace allegedly defective standing seam copper and slate dormitory roofs.
- Defended architect in claims by municipality for alleged errors and omissions in design of solid waste transfer facility.
- Defended architectural metal products manufacturer in UCC action, including claims of breaches of warranty of fitness for particular purpose and warranty by sample, arising out of construction of downtown Cleveland skyscraper.

## Attorneys

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| • R. Russell O'Rourke, Chair | • Rachel L. Steinlage |
| • Ronald P. Friedberg        | • Lester W. Armstrong |
| • Steve Dlott                | • Hunter W. Benson    |
| • David V. Croft             | • T. Kinsey McInturf  |
| • Jonathan t. Hyman          | • Jeffrey R. Vaisa    |