

COMMERCIAL CONSTRUCTION & DEVELOPMENT LITIGATION

Our attorneys provide counsel to all parties in the construction context: contractors, subcontractors, owners, architects/engineers, and sureties. We assist these parties in avoiding disputes by applying our knowledge and experience to the negotiation and drafting of contracts and project documents. We also assist in bidding issues and bond/insurance matters. We advise clients concerning standard form agreements (AIA, AGC, federal and state), adaptations specific to each project, and dispute avoidance during construction.

Sometimes conflict is unavoidable. We regularly represent our clients' interests in vigorously pursuing and defending all types of construction claims. We have represented clients in multi-prime contractor and design-build projects, and often work with scheduling consultants, accountants, architects, and engineers. We have represented contractors, subcontractors, and sureties in Miller Act and Little Miller Act disputes. We have represented owners and construction managers on many types of projects. We also represent sureties in bond workouts, takeover agreements and indemnification claims.

Representative Cases:

- Defended national surety company in performance bond claim brought by owners of hotel project. Obtained summary judgment significantly limiting scope of surety's liability on bond.
- Represented refractory subcontractor in payment claims against general contractor in connection with rebuild of cement plant in Indiana, and defended counterclaims. Obtained resolution involving significant payment to subcontractor.
- Successfully defended a project sequencing/delay claim by a subcontractor against project expediter on multi-prime state construction project.

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- Represented general contractor in payment claims on major waste-to-energy facilities. Pursued causes of action against project lenders and facilitated resolution involving significant payment to general contractor.
- Defended national surety company against claims by a paving contractor that the surety engaged in bad faith in its underwriting practices. After a six-week trial, obtained judgment in favor of surety on all issues.
- Represented steel manufacturer in disputes with general contractor over construction of materials handling systems. Facilitated termination and replacement of general contractor, and obtained significant judgment for cost of completion damages.
- Defended national surety company in performance bond claim brought by a national retailer arising out of the construction of a distribution center. In a case involving novel issues of surety law that had not been addressed by the federal courts in the Fourth Circuit, obtained resolution without payment by surety.
- Defended engineering firm against catastrophic wrongful death action alleging improper traffic control design and construction issues. Favorably resolved after extensive fact and expert discovery regarding standard of care, causation, and contributory negligence.