

HUSCH BLACKWELL

Construction & Design

Our team of Construction & Design attorneys is dedicated to providing comprehensive legal services to the construction, design and surety industries. We represent the full spectrum of stakeholders on virtually every type of construction project, public or private, domestic or international. We represent general contractors, owners, subcontractors and major component suppliers, insurers and sureties, design professionals and lenders. Our attorneys advise clients in the drafting and negotiation of contracts, claims preparation, claims management and mitigation, insurance issues and labor relations. Our Construction & Design professionals are skilled in mediation and other types of structured alternative dispute resolution vehicles. When an amicable resolution cannot be reached, we have extensive experience handling arbitrations and litigation in state and federal courts throughout the country on every type of construction-related dispute.

Our Construction & Design attorneys devote their practice to companies involved in the construction industry. Several members of our team have extensive construction or engineering experience prior to practicing law, and one of our partners was an attorney for the National Labor Relations Board. We are active in the preeminent construction organizations in the United States, including the American Bar Association Forum on the Construction Industry, the Design-Build Institute of America and the Associated General Contractors of America, as well as fraternal organizations such as The Moles and The Beavers. This background, dedication and focus allow us to better understand our clients' businesses and provide them the best possible service.

Contracting

Many litigation problems can be avoided or significantly lessened by proper preparation and contractual positioning from the outset. We have prepared and negotiated hundreds of construction, design or design/build contracts for a wide range of projects on behalf of every type of service provider involved in the construction process.

Labor Relations

In order to successfully accomplish the project objective, some degree of harmony must exist on the job site. Often that harmony can be disrupted by pickets or union strikes beyond the control of the general contractor, owner or lender. We often work with clients in preparing the job site to accommodate potential picketers in a way that avoids work stoppages and other job delays. When these issues cannot be otherwise avoided, we represent clients in various state and federal courts and before government agencies, such as the National Labor Relations Board.

We also regularly defend contractors, subcontractors and minority contractors in compliance issues regarding affirmative action, and have extensive experience in prevailing wage issues and union disputes.

Lien & Bond Claims

Whether an unpaid contractor or supplier is trying to collect monies owed, an owner wants to avoid paying twice for work performed once, or a lender needs to protect collateral, the use and enforcement of mechanic's liens and payment bonds needs to be understood.

A properly prepared and timely filed mechanic's lien or bond claim can be an invaluable tool, and sometimes the only way to collect monies owed. At a minimum, these tools typically generate significant concern on behalf of those with interests or obligations to the subject property. Conversely, lien waivers and bonds can provide a virtual bar to claims by subcontractors and suppliers against the project owners and lenders.

We have successfully prepared, prosecuted and defended against hundreds of mechanic's liens and bond claims in dozens of states, ranging from thousands to millions of dollars.

HUSCH BLACKWELL

Alternative Dispute Resolution

With the costs of litigation often outweighing the value of the claims at issue, parties frequently look to alternative methods of dispute resolution. These methods include informal negotiations, nonbinding mediations and arbitrations. We have significant experience in alternative dispute resolution and understand that as each dispute is unique in its own right, so is the method for resolving it.

Litigation

On occasion, despite the best intentions and best efforts of all involved, the need to litigate a dispute is simply unavoidable. In such an event, it is critical to have attorneys who are experienced not only in litigation, but in all aspects of the construction process.

International

In addition to representing domestic corporations involved in international projects, we represent foreign contractors handling work for the U.S. government abroad, as well as for other public and private concerns. Our London office frequently serves as the gateway to clients in Europe, the Middle East and Asia. We also have excellent relations with foreign firms who can be called upon to assist with matters where a local presence is beneficial to the client's interests.

HUSCH BLACKWELL

Public Construction

Our Construction & Design attorneys handle a full range of issues involving public construction projects, from pre-award advice and counsel through post-construction claims and dispute resolution, for prime contractors, subcontractors, suppliers and sureties. With the decreasing number of private projects available, we have recently been called upon to assist clients seeking to enter the public contracting marketplace. In addition to advising clients on the rules governing federal government contractors, from registration through the unique accounting requirements imposed, we also provide counsel on matters of corporate organization and compliance-related obligations; small business, MBE and DBE issues; as well as teaming agreements, joint venture agreements and the like.

Pre-Award Issues

Our Construction & Design attorneys assist contractors during preparation of their bids and frequently advise them on the unique aspects of federal construction clauses. We are often called upon to guide them on issues related to procurement irregularities, represent them in the filing of bid protests when they are not the awardee, and intervene on their behalf in defending against protests when they are the low responsive, responsible bidders. Given the increased competition for federal projects, assisting clients in the procurement of new work is a fundamental part of our pre-award representation.

Contract Performance Issues

Once an award is secured, we often take on the role of project counsel, and advise clients on key issues during the project's performance phase. We assist clients in the preservation of their rights by providing timely notice of changes and differing site conditions, as well as responding to cure notices and threatened terminations. We frequently work with our clients' project team to develop and price change order requests and Requests for Equitable Adjustments. We analyze the schedule impact of delays in the performance of the work, develop the factual underpinnings and pricing impacts to anticipated productivity to discrete disciplines of work activities, and mitigate the adverse impacts associated with scope changes, alterations in the sequencing of activities and other issues affecting performance. When these change order requests cannot be resolved at a jobsite level, we counsel the contractor's management team on the preservation of rights. This may include requesting final decisions of the Contracting Officer, filing Notices of Appeal at the Civilian or Armed Services Boards of Contract Appeals, or filing complaints at the U.S. Court of Federal Claims. Our Washington, D.C. office is in close proximity to these available forums.

Compliance Issues

From time to time, our clients have been placed on the federal government's Excluded Parties List (EPLS). Our attorneys are experienced in dealing with government agencies and negotiating the terms of Administrative Compliance Agreements (ACA) to get our clients off EPLS and back to work in the federal marketplace. Typically we remain involved with our clients through the implementation phase of these ACAs and have conducted extensive training on a wide range of topics to ensure continual compliance with federal procurement regulations. In so doing, we enable our clients to not only continue working in the federal marketplace, but also to become better federal contractors, thereby enhancing their profitability in this aspect of their business.

Suspension, Debarment and False Claims Issues

We have successfully represented our contractor clients against government efforts to suspend and/or debar them. We are skilled in dealing with issues surrounding the government's allegations of false claims. Often these issues arise in the context of a civil monetary dispute, but occasionally there are possible criminal ramifications to the government's allegations. We work closely with our Government Compliance, Investigations & Litigation group [\(should be a link\)](#) to ensure comprehensive coverage of False Claims Act issues from all aspects of our client's business.

Contract Termination Issues

When appropriate, we have represented contractors in challenging the propriety of default terminations and have experience trying such cases. We are well-versed in analyzing the relevant issues relied upon by the government in support of its termination decision and preparing the contractor's case against the government's termination action. Our attorneys are also experienced in the preparation of termination for convenience claims and quantifying the contractor's damages resulting from the government's wrongful default termination.

Claims and Disputes

HUSCH BLACKWELL

Many construction projects end up late and/or over budget. Our attorneys frequently represent contractors in the preparation of claims for additional compensation and for time extensions. We are often called upon to analyze the nature of the cost overruns and develop the factual underpinnings in support of the contractor's claim for additional compensation. Because our attorneys practice in this area full-time, we are very familiar with the manner in which contractors track costs through their accounting systems and are able to efficiently analyze cost overruns and the likely bases therefore. Similarly, we are very comfortable with all forms of project scheduling software and are adept at analyzing schedule slippage and focusing on the likely causes for slippage in the contractor's schedule. This expertise allows us to efficiently and cost-effectively test theories of delay and provide our clients with early evaluation of the merits underlying a potential claim. This early accurate assessment approach enables us to provide clients with the information they need to develop the appropriate strategy before costs become a variable influencing a particular course of action.

When disputes cannot be resolved at a project and/or senior management level, we frequently represent general contractors through the dispute resolution phase. We have extensive experience in all facets of ADR and litigation, including mediations, mini-trials, and a wide array of structured settlement meetings. We are well-versed in representing contractors before dispute review panels, both in hearings as well as behind the scenes in principle-only proceedings. We have also tried numerous cases at the Boards of Contract Appeals and the U.S. Court of Federal Claims and argued appeals before the District of Columbia Court of Appeals.

State Contract and Local Government Issues

In addition to our experience on federal construction projects, our attorneys have similarly broad experience at the state and local level. We routinely handle issues ranging from bid protests at the pre-award stage to comprehensive claim litigation in the post-completion stage in a wide array of jurisdictions from coast to coast, both in state and federal court, as well as before numerous administrative tribunals.

Our experience also reaches the representation of owners on public projects. On the federal side, these projects are usually on behalf of quasi-governmental agencies and authorities (such as local airport authorities) or federally funded organizations (e.g. DOE-funded laboratories). However, on the state and local level, more frequently the involved agency will not have the need for dedicated professionals in discrete disciplines like construction law. As such, they are more likely to hire outside counsel to assist in their procurement-related legal needs. Our extensive work on behalf of public contractors helps make our representation of public owners more efficient and effective. Conversely, our work with owners helps us advise our contractor clients on what is most likely to have the best chance of resonating with the owner.

HUSCH BLACKWELL

Private Construction

Our Construction & Design attorneys are well-versed in certain issues uniquely applicable to private construction projects. We have filed and defended mechanic's lien actions in numerous jurisdictions throughout the country. We are equally knowledgeable in the evaluation of priorities vis-a-vis other creditors as it relates to construction project stakeholders.

Contract Drafting and Review

We are intimately familiar with the various forms of contract documents available to parties. This knowledge, coupled with our experience in witnessing projects gone astray provides us with a unique perspective that often permits us to contract around significant risks. We have a great deal of collective experience drafting and negotiating the terms of contracts to mitigate our clients' exposure to risks they seek to avoid.

Claim Preparation

We frequently represent contractors in the preparation of Claims and Change Order requests. We analyze project schedules to assist clients in understanding where time was lost and the causal factors impacting that lost time. We also guide clients in developing the factual predicate upon which the claim is based. Likewise, we are adept at analyzing contractor records to support the contractor's claim for damages.

Alternative Dispute Resolution

We work closely with clients to identify the best strategy for resolving each dispute. Early and accurate evaluation of the merits of the claim is a cornerstone of appropriate resolution and the formation of an overall resolution strategy.

Claims and Disputes

To a certain degree, disputes on a construction project are sometimes inevitable. Our Construction & Design attorneys litigate disputes in state and federal courts throughout the country and are very comfortable with the complex legal and technical issues that often arise. We defend general contractors in actions brought by subcontractors, and handle termination actions with owners and subcontractors alike. We routinely handle discovery issues and are sensitive to the evolving state of the law on electronic discovery and the cost challenges they present. We frequently work with clients in defining their litigation strategy as well as with opposing counsel to draw the right balance between the breadth of discovery and the costs associated.

Representative Experience

Power

- Represented general contractor in presentation of claim on hydroelectric power plant in San Bernardino, Calif. The project required two separate significant aspects of work. One was the construction of a power house, including the procurement and installation of two large turbines. The second involved the construction and installation of a large (12') diameter Penstock pipe, including a bifurcation section. The substantive legal issues included differing site conditions, delays, productivity impacts and extra work claims by the contractor and defense of false claims allegations by the state. Case settled after a seven-month trial (approximately 100 hearing days).
- Represented general contractor in prosecution and defense of claims stemming from the construction of a three-by combined cycle power plant in upstate New York. Issues included delays, productivity impacts and additional work along with quality issues. Case resolved favorably after trial.
- Represented general contractor in defense of claims from pipe manufacturing subcontractor on hydroelectric project in Santa Barbara, Calif. Manufacturer sued in state court in Wisconsin for over \$8 million. Case settled for \$300,000.
- Represent construction contractor against EPC contractor/capitol equipment supplier in arbitration and mediation proceedings on 1,100 megawatt combined cycle power plant project in San Marcus, Texas
- Represented general contractor related to performance issues associated with out of spec water chemistry on a combined cycle power plant
- Retained by Con Edison to provide contract administration services on improvements made to Con Edison's East River Generating Station project. The contractor on the \$188 million project was to install gas turbines, heat recovery steam generators, and other equipment furnished by the owner. During construction, the contractor claimed that the original design documents were defective and that changes made to the baseline design delayed and disrupted its performance. We assisted the Con Edison project management team in evaluating these claims and developing a mitigation strategy to resolve the claims without the need for litigation. Our services included reviewing schedule and productivity data and developing project correspondence to support our client's position.
- Represented the developer of a 1,000-megawatt electricity generating facility on Odessa, Texas, in disputes with EPC contractor hired to design and build the facility. The disputes focused on responsibility for delayed completion of the project.
- Represented an international energy developer in defending more than \$40 million in claims for delays and other extra costs asserted by an EPC contractor responsible for designing and building a hydroelectric power plant in Nepal. The contract called for the application of Singapore law.
- Represent owner in litigation against combustion turbine and generator manufacturer relating to plan performance deficiencies and latent defects in generator design
- Represented ownership group related to the construction of an alternative energy facility. Specifically, the concept was to utilize elephant grass as a fuel stock. The facility employed elements of traditional biomass technology and the modified application of a combined cycle power generation equipment. We prepared the prime contract and advised the ownership group on the preferred contract delivery vehicle. As part of that process, represented ownership group related to the construction of a performance demonstration unit.
- Represented a major petroleum company owner in arbitration and mediation involving disputes relating to the construction of a gas-fired, combined-cycle cogeneration facility in Texas

Infrastructure/Bridge/Tunnel

- Represented general contractor in the preparation and prosecution of claims related to cut-and-cover tunnel as part of the Boston "Big-Dig" project. The claim preparation was particularly complex in that the delay analysis for each window had to consider the impact on 28 separate milestones as well as the overall project. Further complicating analysis was the fact that two distinct ownership groups, each with its own particular scope, were subsumed within these 28 distinct milestones.

HUSCH BLACKWELL

- Represented engineering company related to claims stemming from construction of Tren Urbano Project in San Juan, Puerto Rico. Tren Urbano is the San Juan subway system and the construction of the project was fraught with significant delays and cost overruns. The dispute lasted several years, however we were able to keep our client from being named as a party to the litigation.
- Represented general contractor on claims related to the construction of a large diameter tunnel in Southeast Asia. The project was executed utilizing a tunnel boring machine (TBM). Among the many challenges was the fact that the project was located in one of them most remote and inaccessible sites for a TBM project. Our lawyers played a significant role in the preparation of claims for presentation to dispute review panel. The dispute settled favorably for the client.
- Represented general contractor in the preparation and presentation of claims related to the Queens Tunnel in New York. The key issues centered on the casual connection between actual subsurface conditions and the impact on project completion.
- Represented general contractor related to claims associated with tunnel boring machine performance in Southern California (Alameda County and San Diego County Water Authority)
- Represented owner in defense of over \$35 million in claims related to tunnel project in Illinois performed through drill and blast construction methods. Case settled for approximately 15 percent of claim value following presentation to Disputes Review Board.
- Represented a bridge contractor in connection with its delay and changed conditions claims against the Missouri Department of Transportation relating to construction of the Bill Emerson Memorial Bridge over the Mississippi River. The changed conditions related to certain restrictions on the contractor's construction methods that were imposed by the engineering firm MODOT retained to manage the construction project.
- Represented a subcontractor challenging propriety of a prime contractor backcharge asserted during the renovation of the Williamsburg Bridge in New York City

Industrial/Water

- Represented contractor related to claims stemming from construction of desalination facility in Tampa, Fla.
- Represented the prime contractor on a \$100 million wastewater treatment project in Virginia. The project involved the upgrade and expansion of an existing waste water treatment plant to increase its daily capacity to approximately 54 million gallons per day. The claim sought additional costs and a substantial time extension because of additional and changed work.
- Represented contractor in prosecution of claims stemming from installation of multiple telemetering facilities in Washington, D.C. area
- Represented an engineering firm in defense of a claim filed by the prime contractor alleging deficient design of drop-shafts and related facilities for a wastewater treatment project in Wisconsin. Succeeded in having the case dismissed as a sanction for spoliation of documents. Represented the client on the appeal of the ruling and on supplemental proceedings.
- Represented a specialty subcontractor in pursuing differing site conditions claims related to the construction of a flood-control channel in Beckley, W.Va.
- Represented a performance bond surety in the defense of claims arising from the bankruptcy and default of a directional drilling subcontractor on a liquid natural gas pipeline project in Northern Virginia
- Represented tiered-subcontractor against subcontractor and prime contractor in federal court litigation relating to construction of periphyton-based storm water treatment area in Palm Beach County, Fla. Matter favorably settled after six days of trial.

Military Housing/Mixed Use/Hospitality

- Represented a regional general contractor in arbitration proceedings arising from a \$40 million hotel renovation project in Northern Virginia. The matter involved claims and counterclaims of more than \$10 million, including at least eight subcontractor pass-through claims and a significant owner claim for defective work. After a month-long arbitration, the client defeated the owner's claims almost entirely and recovered the majority of its own claims, including a significant award of attorney's fees and arbitration costs.
- Represented a contractor in litigation in the Eastern District of Virginia and the Fourth Circuit Court of Appeals as to the scope and enforceability of an arbitration provision relating to a large residential development in Loudoun County, Va. This case resulted from a non-standard arbitration clause that purported to limit the availability of arbitration to contractor claims that were the subject of mechanic's liens. The owner refused to arbitrate the contractor's claim for damages arising from acceleration and interference in the sequencing of the project. The case settled after two district court opinions and two appellate court opinions on the scope of the arbitration clause. Interestingly, the Fourth Circuit followed a Seventh Circuit

HUSCH BLACKWELL

opinion by Judge Easterbrook holding that an appeal from an order denying arbitration is subject to an automatic stay pending the resolution of the appeal.

- Represented general contractor with respect to construction of multiple mixed-use facilities in Maryland, Virginia and the District of Columbia
- Represented general contractor in prosecution of claims on General Services Administration Project in Prince George's County, Md.
- Represented a condominium association in pursuing claims against architect and contractors responsible for design and construction errors affecting the restoration of a historic residential building in Northern Virginia
- Represented a subcontractor seeking additional compensation and extensions of time as a result of differing site conditions and other government-caused delays during the construction of the Thomas F. Eagleton U.S. Courthouse in St. Louis, Mo.
- Defended award of Privatization of Army Lodging (Group A) Project against two separate GAO bid protests. Project involved the privatization of 3,225 transient housing units at 12 military installations under the Military Housing Privatization Initiative
- Representation of contractor in post-award bid protests before the General Accounting Office and the U.S. Court of Federal Claims regarding \$100 million of U.S. Army procurement for the Intermediation New Generation Army Targetry System
- Defended contractor against owner claims of construction defects in road and golf course project. Owner claims were rejected in their entirety at the conclusion of arbitration proceedings
- Prepared and litigated claim involving a deductive modification on a U.S. Army Corps of Engineers contract for construction of military family housing at Ft. Wainwright, Alaska. Matter settled at full claim value inclusive of statutory interest following submission of motion for summary judgment at the Armed Services Board of Contract Appeals.
- Represented design-builder in GAO bid protest and latent subsurface conditions claim on privatization project for military family housing at Elmendorf Air Force Base, Alaska, under the Military Housing Privatization Initiative. GAO protest was successfully settled with client receiving award of the project and latent subsurface condition claim was resolved with client recovering ninety percent of the claimed amount.
- Representation of contractor before GSBCA and in mediation on build-to-lease project for the National Oceanic and Atmospheric Administration's headquarters campus on extra work claims relating to cyclical maintenance and improvement requirements. Matter was favorably resolved following mediation.

Airport/Aviation

- Represented a prime contractor pursuing defective specifications claims arising from a Corps of Engineers design-build project requiring the renovation of an existing aircraft maintenance hanger at Tinker Air Force Base, Okla.
- Represented airport authority in defense of claims related to the construction of International Arrivals Building at Dulles Airport outside of Washington, D.C.
- Represented a regional general contractor in pursuing and negotiating the resolution of defective specifications claims relating to the exterior restoration of the old terminal building at Reagan National Airport
- Defended major national architect /engineering firm in design negligence lawsuit in U.S. District Court in Maryland involving the failure of the ceramic tile flooring system for the Southwest Airlines Terminal Expansion Project at Baltimore-Washington International Airport. Matter favorably resolved following mediation.

Telecom

- Defended a prime contractor's default termination of a subcontractor on a telecommunications upgrade project at Fort Rucker, Ala, before the U.S. District Court for the Eastern District of Virginia. The Court found the default termination to be proper following a five-day trial.
- Represented general contractor in defense of claims related to construction of telecommunications project in Southern California

Health Care

HUSCH BLACKWELL

- Represented general contractor in prosecution of claims stemming from construction of a Naval Hospital in Bremerton, Wash. Dispute culminated in five-month trial before the Armed Services Board of Contract Appeals.
- Represented surety and contractor before the Armed Services Board of Contract Appeals on the termination for default of a U.S. Army Corps of Engineers' contract for the construction of the Primary Care Clinic, Fort Detrick, Md. Default termination converted to a termination for convenience following mediation.

Transit/Transportation

- Represented a rail transit owner in dispute review board proceedings relating to track and electrification improvements for a rail line between New York and Boston. Claims at issue exceeded \$200 million.
- Represented road contractor in prosecution of claims stemming from modifications to Pennsylvania Turnpike
- Represented general contractor related to performance of rail construction project in and about Philadelphia, Pa.
- Represented a rail transit owner in defense of a contractor's claim for delay and acceleration costs relating to the construction of an extension of a rail transit project in Maryland
- Represented a state transit authority in a professional malpractice action against an engineering firm. The case related to the engineering firm's work overseeing the procurement and construction of an electric infrastructure upgrade project in New York.

Education

- Represented a regional prime contractor in pursuing claims relating to unanticipated subsurface condition encountered during the construction of a parking deck on the campus of a Virginia university. Although the contract documents omitted the standard differing site conditions clause and sought to disclaim responsibility for the accuracy of the government-furnished geotechnical report, the contract stated that payment for removal of "obstructions" would be paid under the changes clause. The defendant refused to recognize that the adverse conditions encountered during construction constituted "obstructions." The case settled at the midpoint of the trial in the Rockingham County Circuit Court.
- Represented general contractor in presentation of claims for additional compensation related to construction of housing at the University of Maryland
- Represented general contractor related to cost overruns associated with a school in Alexandria, Virginia
- Represented general contractor in prosecution of claims related to the construction of the Performing Arts Center at Georgetown University

Government

- Represented a foreign construction contractor related to its performance under a base construction project in Iraq. The contractor was retained to construct military bases at five separate locations in Northern Iraq necessitated by the U.S. invasion of Iraq. Subsequent to its initial construction activities, the contractor was given a new work release for the operation and maintenance of the new bases. After years of performance of those activities, the government alleged certain billing practices were not in accordance with the requirements of the contract. We represented the contractor in defense of alleged violations of the False Claims Act following our internal audit of its performance and billing practices.
- Represented a regional contractor in pursuing differing site conditions claims on a Corps of Engineers project at Fort Meade, Md.
- Represented a national site development contractor in pursuing differing site conditions claims on a U.S. Army project at Aberdeen Proving Ground, Md.
- Represented a specialty contractor in protesting the award of a Corps of Engineers contract for the installation of tiebacks at Bluestone Dam in Hinton, W.Va.
- Represented a software development services contractor in protesting the award of an Air Force contract for technical support services required by The Office of Air Force Lessons Learned
- Represented a contractor pursuing claims against the U.S. Postal Service on multiple contracts to operate mail-sorting facilities
- Represented a warehouse services contractor in challenging a default termination and pursuing claims for additional compensation against the U.S. Postal Service

HUSCH BLACKWELL

- Represented a major air transportation contractor in pursuing claims for additional compensation on a multi-billion contract with the U.S. Postal Service
- Represented a national construction-engineering firm in protesting the award of a construction contract by a Virginia University. The case was resolved after a bench trial in the Circuit Court for the City of Fredericksburg, Va.
- Represented a mid-Atlantic electrical contractor in challenging the legality of certain contracting practices adopted by the Prince William County School Board
- Represented a Miller Act surety pursuing the rights of a defaulted prime contractor on a project for the U.S. Navy
- Represented a major business and software-consulting firm in federal court litigation over the development and installation of Oracle Enterprise Resource Management (ERP) software based on the Oracle database software
- Represented a major American defense contractor in defending action by an Israeli contractor seeking to collect commissions due in connection with military contracts awarded by the governments of Australia, South Korea and Israel
- Represented a military software development contractor in defending a \$10 million action for breach of contract, civil conspiracy and copyright infringement initiated by a software designer
- Represented American defense contractor seeking an order compelling the U.S. Defense Intelligence Agency to produce records relating to contracts to purchase records relating to contracts to purchase military hardware from the former Soviet Union
- Represented a surety company in district court and appellate litigation involving case of first impression on the applicability of the Equal Credit Opportunity Act to the general agreement of indemnity executed in connection with the issuance of payment and performance bonds
- Representation of electrical subcontractor in a Miller Act suit against CM/Prime and its surety arising out of the DHS Renovation and Modernization Project in downtown Chicago. Developed and presented a complex labor inefficiency claim and defeated efforts to stay the federal court proceedings. Negotiated a favorable pass-through agreement.