

Representative Projects Throughout The Industry



■ **Representing a Fortune 200 manufacturer** of electrical and control systems in various claims related to construction of a foreign hydropower plant. The largest Canadian power company contracted with an international consortium of EPC (Engineer Procure Construct) contractors for the modernization of a 1930s generation station to increase its capacity to 45 MW. The project included construction of a new dam, spill way, power canal and power house. It was alleged that our client and its vendor contributed to a catastrophic failure of the plant's control and operation systems.

■ **Represented a national general contractor** who asserted several claims related to the construction of an office building which was designed and built for ultimate lease to the Federal Bureau of Investigation. The contractor's claims involved delay, disruption and extra work. Our representation involved the negotiation of a liquidating agreement with the electrical subcontractor which avoided claims between contractors. The representation resulted in a substantial seven-figure award for our client after a 15-day arbitration proceeding.

■ **Represented the owner of a 19-story apartment building** which experienced substantial water infiltration and cracking problems shortly after occupancy. We established that the defects were the result of numerous design and construction deficiencies related to a unique reinforced singlewythe brick facade system. Our representation included numerous issues associated with successor liability created by the multiple transfers in ownership of the general contractor. The representation resulted in a significant seven-figure settlement prior to trial.

■ **Represented a concrete contractor** involved in the construction of the new federal courthouse in Cleveland, Ohio. The contractor asserted a claim for the

increased cost incurred in the re-design of the reinforcing steel for the cast-in-place concrete core when it was determined that the original design could not be constructed. The discovery of the design problem and its correction created additional installation expense and performance delays to the installation of the concrete core. The representation resulted in a seven-figure recovery of incurred costs after mediation.

■ **Represented an interior subcontractor** in a dispute with the general contractor over delays and disruptions to the construction of a new hospital project in Streetsboro, Georgia. The project was substantially impacted by owner-directed design changes. The general contractor, after negotiating additional compensation from the owner, refused to adjust the project schedule and accelerated the subcontractors' performance. Our client's performance was dramatically impacted by the ensuing congestion and trade stacking. The representation resulted in a substantial seven-figure award after a 21-day arbitration hearing.

■ **Represented a national general contractor** in a dispute with the developer over the rehabilitation of a former department store into residential apartments. The developer refused to grant time extensions for delays created by unforeseen asbestos contamination and design errors. It likewise refused to pay for directed extra work. The client demonstrated that its performance was consistently delayed and disrupted by a myriad of owner created issues that impacted the critical path of performance. The representation resulted in a substantial seven-figure settlement.

■ **Represented a general contractor** in a dispute with a governmental owner over delays, disruptions and extra work incurred during the construction of a new college classroom building. We demonstrated that the delays and

disruptions were created by substantial design revisions to the structural steel frame that disrupted its fabrication and erection. We counseled the client on how to respond to these events and assert its contract rights. Despite these efforts, the owner refused to grant appropriate time extensions and the general contractor was forced to accelerate its performance. The representation resulted in a substantial seven-figure settlement after mediation.

- **Represented several contractors** involved in the construction of the addition to the Federal Reserve Bank in Cleveland, Ohio. The issues involved unforeseen subsurface conditions incurred in the installation of the slurry wall foundation system and delays and disruptions to the performance of the electrical contractor. The representation resulted in substantial and favorable settlements for all represented clients after mediation.
- **Represented the electrical prime contractor** involved in the construction of a new county justice center. The project was plagued with design and project management delays from its inception. These events adversely impacted our client's performance throughout the entire project. We commenced and aggressively presented the client's rights to additional compensation during its performance on the project. We also developed a unique methodology to measure the economic impact to the client's performance caused by the delays and disruptions. We were successful in negotiating a highly favorable seven-figure settlement of incurred costs for our client thereby avoiding the cost and expense of a 12-week trial.
- **Represented a nationwide contractor** specializing in hotel construction, on claims for delays and disruption involving several of the world's largest hotel franchisers. Our client, a large Ohio contractor which builds in the 50 U.S. States, Puerto Rico and Canada, successfully asserted substantial claims for damages against several international hotel franchises, as a result of new construction of large hotels and conference centers. Most of the claims were

for structures throughout the Midwest and included significant pass-through claims for errors and omissions against the owner's design professionals.

- **Represented a publicly traded restaurant developer** and franchiser in a catastrophic design and construction defect matter that necessitated demolition and replacement of a newly built structure. Within days of the planned grand opening of a restaurant, design and construction errors in the building's deep foundation system were identified. The building was ultimately demolished and replaced – it could not be repaired due to the extensive nature of the construction and design deficiencies. The representation resulted in a seven-figure settlement between our client and the design team, and a full recovery from the general contractor after a 15-day arbitration hearing.
- **Represented multiple contractors** who performed work and provided services as part of the construction of the new Cleveland Browns Stadium. Cleveland Browns Stadium was built by both local and out-of-state contractors. We served as both counsel for area contractors and local counsel for some of the non-area primary suppliers and contractors who worked on the project. This resulted in several million dollars of claims on attested account (public liens) and claims for loss of efficiency and changes. We were successful in resolving all claims in a favorable manner for each of our involved clients.
- **Represented a specialty trade contractor** in the construction of an \$800 million electric power peaking plant. A large power company and the world's largest provider of turbines formed a joint venture for the construction of an electric power plant in northwest Ohio. Our client was the lead contractor on the project, and was responsible for all infrastructure work and installation of the plant's complete electrical and mechanical systems. This culminated in our assertion of an affirmative claim against the upstream joint venture, which involved 18 parties and nearly \$30 million in claims. We facilitated a mediated global resolution of all claims in advance of arbitration.

■ **Represented various school boards** as project counsel in a myriad of disputes with multiple prime contractors for the simultaneous rehabilitation and construction of public school buildings as a part of master improvement plans. Among others, we represented a far southwest Cleveland-area public school board in its construction and rehabilitation of multiple school buildings. This included a 220,000-square-foot new high school building, modernization of several existing structures, and transfer of students and activities from one building to another to facilitate construction and as a permanent placement method. Our representation began shortly after project commencement and culminated in successful resolution of nearly \$10 million in contractor claims and owner-generated claims against its design professionals. Upon resolution of all claims, the project was completed under budget.

■ **Represented a general contractor** in a delay and disruption claim as a result of re-sequenced and delayed construction of a large hospital facility. Our client executed roughly \$20 million in contracts for selective demolition and new construction of a hospital facility and clinic. We successfully resolved a seven-figure claim against the developer who performed its work as part of a joint venture with the owner in this off-balance-sheet project.

■ **Represented a public housing authority** in a multi-million dollar delay and disruption claim from an out-of-state contractor. Our client, a local housing authority, received a \$4 million delay/disruption claim asserted by an out-of-state prime contractor, who contended that it was financially devastated by changed conditions, a crowded work site, and design issues on the project. After a lengthy arbitration spanning several weeks, we received a defense award on the majority of the contractor's claims.

■ **Represented an Ohio county** as it reviewed bids to construct a waterline extension on a Lake Erie island. The second-lowest bidder filed suit, claiming that the low/successful bidder had named the incorrect project owner in its contract. The judge ultimately agreed with our argument that the winning bidder, in fact, provided a bid guarantee — and that listing the incorrect name was merely a technical error, not a reason to invalidate the winning contract. Because it was allowed to accept the low bid, the county saved \$200,000 and was able to meet a key deadline and secure \$1.2 million in federal grant money.