

Representative Engagements: Alternative Dispute Resolution

- Served as an AAA arbitration panel member awarding an aggregate award of \$3.7 million to a general contractor and subcontractor for a subcontractor's defective installation of bell caissons for a new 35-story apartment tower in Chicago; subsequent to the award, an Illinois state trial court and an Illinois appellate court upheld the \$3.7 million arbitration award, with the three-judge Illinois appellate panel finding "the arbitrators' award to be quite well reasoned"
- Successfully completed six years of construction claim representation and multiple complex mediations for the owner of a 25-megawatt hydroelectric power plant under construction north of Houston, including defending contractor claims involving Hurricane Harvey in August 2017, the 500-year East Texas storm in October 2018, construction delays and impacts, two Federal Emergency Management Agency (FEMA) claims, the termination of the project engineer, change order negotiations, differing site conditions involving slicken-sided clay conditions, dam safety issues involving three fatal drownings in the project footprint, complex international insurance coverage issues, COVID 19 disruptions and impacts, and international rotating equipment and commissioning issues and delays totaling more than \$50 million in individual claims against the owner; retained engineering and accounting experts to perform forensic engineering studies involving structural, geotechnical, project delays, rotating equipment, hydrology and complex damage analysis, with the forensic accounting analysis on project claims reducing a \$22 million delay claim to \$3 million and reducing a \$16 million project closeout claim to \$7.2 million; resolved numerous additional non-economic issues preemptively at the construction contract level, including the correction of defective underground work, enhanced project scheduling, new change order pricing involving fixed markups, recalibration of the project completion schedule and the reimbursement of approximately \$8 million in milestone payments
- Served as arbitrator involving slope stability failures impacting the structural integrity of a river bluff single-family residence with an attached outdoor sports entertainment annex; multiple geotechnical experts, appraisers and structural engineers testified in arbitration regarding complex entitlement and damage issues
- Served as a mediator in multiple mediations regarding complex change order disputes involving Chicago Transit Authority (CTA) train stations, hospitals, high-rise buildings, façade claims, airports, day care centers and churches
- Served as co-arbitrator for a 35-story high-rise building impacted by project delays and accelerations due to bell caisson failures, construction defects, soft clay conditions and differing site conditions; matter involved multiple testimony from experts over five days of hearings in a multiparty conflict
- Served as an arbitrator for a high school project involving change order claims and delay damages for a subcontractor to a prime contractor on downstate project in Illinois
- Served as a mediator in a construction dispute between the general contractor for a chain hotel that involved defective construction, delays, impacts and change order disputes in Wisconsin
- Served as lead counsel for a national physics laboratory in a \$30 million claim brought by a general contractor for differing site conditions on a tunnel project; the matter involved a Disputes

Holland & Knight

Review Board and multiple hearings on 20-plus claims; successfully negotiated project change order governing project completion to resolve all claims

- Represented a general contractor on a large undeveloped block in the city of Chicago against subcontractor claims including, but not limited to, delay damages, job accelerations and multiple change orders in excess of \$3 million
- Represented a material supplier in a large condominium development workout involving more than 75 parties; mediation required the rental of the Metropolitan Club at Sears Tower to facilitate a three-day mediation/arbitration with multiple parties; successfully negotiated settlement on behalf of a major material supplier at the condominium project
- Represented the owner of a commercial retail center with substantial building defects and building envelope failures that permitted water to penetrate the building envelope
- Participated in three mediation/arbitration sessions with the general contractor and various subcontractors to resolve claims by the owner against these contractors; successfully negotiated claims totaling more than \$3 million
- Represented a joint venture on a deep tunnel project in the defense of over 250 property damage claims due to blasting operations in the deep tunnel; successfully managed multiparty mediation and arbitration of multiple property damage claims against the joint venture
- Represented a general contractor in construction workouts regarding the fast-track development of commercial retail and residential properties involving the employment of four different architectural firms; successfully negotiated settlement claims in excess of \$3.3 million against the owner
- Successfully represented a public owner in the defense of a general contract claim in excess of \$3 million due to a termination for convenience under federal regulations and federal law; extensive forensic accounting was completed to review and negotiate settlements for multiple subcontractor claims and the claim by the general contractor
- Represented a Fortune 500 company and major contractor involved in a workout at a community college against claims totaling more than \$1 million; multiparty mediation/arbitration was required to resolve construction workout issues
- Represented the owner/developer of a hotel in construction workouts involving fraud, construction defects and contractor insolvencies; successfully negotiated settlement upstream with the original owner and downstream with the general contractor and subcontractors