

Construction



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Represented the owner of a new potassium carbonate plant, the output of which did not meet specifications for a variety of reasons, including the designer's lack of field verification of technical capabilities of the processing system. The dispute was favorably resolved following heavily contested discovery and motions practice, but well in advance of the expense of trial preparation.

Represented the installer of 12' diameter fiberglass water recirculation pipe which failed at a nuclear power plant. The installer's contribution toward the settlement of multimillion dollar claims was less than the anticipated cost of defense.

Represented a large architectural firm in connection with a claim brought by a public owner alleging a failure to timely submit grant application papers resulting in the loss of significant federal funding. We were able to work through this omission with the office of a United States Senator and secured an amendment to the federal budget within hours of Congressional passage of that annual budget.

Represented a museum owner and the entire design team in response to a subcontractor's claim for \$1.3 million on a \$30 million project. We worked in unison with the general contractor throughout an eight-month mediation process, following the informal production of thousands of documents regarding the construction, but without incurring the significant expense of having an expert consultant review the delay and acceleration claim. We successfully settled the case for \$500,000. On the last day of mediation, the owner, design team and general contractor together drew a line in the sand with a collective offer of \$500,000. The subcontractor refused to go below \$600,000. In the weeks that ensued, the subcontractor eventually agreed to the \$500,000 settlement number.

Represented the supplier of electric switch gear providing power to a new 30-story building in Cincinnati. The switch gear allegedly failed, causing fires throughout the building, the discharge of water through the building's sprinkler system on many floors, and the loss of use of the building for many weeks. The claims against our client ran into the millions. We successfully defended the equipment designer and manufacturer, identifying through expert examination and testimony that the installation of the electric "bus runs" by a co-subcontractor was contrary to installation instructions and the root cause of the fires. We resolved the case for a de minimis payment.

Represented a general contractor in relation to an addition placed on a hospital in central Ohio. During the construction of this addition, a three-story wall consisting of drywall had to be left exposed (except for a plastic covering) owing to construction sequence issues. Water intrusion and mold were identified throughout the face of this



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Construction



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improvement, presenting the risk of contamination to the hospital itself and potential closure. In the face of this risk, we secured a hygienist and remediation contractor to fix the problem completely and promptly for a cost under \$50,000, thereby avoiding all claims.

Represented the design engineer of a pollution abatement system on a glass manufacturing facility in central Kentucky. The client's system did not work for a variety of reasons, causing the plant to violate EPA emission regulations. The plant owner sued the design engineer for approximately \$2 million for damages incurred as a result of the allegedly deficient design. We defended the case by arguing that the glass manufacturing process upon which the client relied in designing the air handling equipment had changed significantly and that these unexpected alterations were the cause of the owner's problems. We settled the case for less than 20 percent of the amount claimed.

Represented a major northeast Ohio city in the negotiation of construction manager/general contractor agreements for the construction of a \$35 million convocation center.

Represented a general contractor in connection with the negotiation of construction contracts for more than 50 multi-family housing projects around the country with contract amounts for each project ranging from \$4 million to \$16 million.

Represented an office tenant in the negotiation of a construction contract with A.M. Higley Company for the build-out of 100,000 square feet of space.

Represented a general contractor in connection with the negotiation of approximately 20 construction contracts for commercial projects throughout Ohio.

Represented a wholesaler in connection with the negotiation of a design-build construction contract for a new distribution facility in Parma, Ohio.

Represented an FDA-licensed food products manufacturer in connection with the negotiation of a construction contract with the general contractor for a new facility in Avon, Ohio valued at \$3.5 million.

Represented an automobile dealer in negotiations involving construction contracts with a general contractor for a new dealership in Brunswick, Ohio.



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Advised a world-class architect with regard to extras allegedly related to the design of the School of Business of Case Western Reserve University.

Currently acting as Ohio counsel to a national home builder in connection with construction claims.

Resolved, on behalf of UH, significant architectural design error and omission claims which resulted in cost overruns on the Wolstein Research Building project. A confidential \$500,000 settlement was obtained without the cost or inconvenience of litigation.

Represented an internationally recognized designer of the helipad on top of UH's Lerner Tower in connection with a helicopter crash which resulted in two deaths and severe personal injury claims.

Represented a leading real estate development and investment company that served as owner's representative to a large Cleveland-based hospital system and its ground lessee in negotiations regarding owner-contractor agreements for the construction of the Euclid Avenue Parking Garage and Office Building project.

Represented a design-build general contractor in design-build contract negotiations with a hospital located in New Castle, PA, for the ground-up construction of a new MRI center. This matter also included advising the general contractor on the draw request and lien waiver process.

Represented a design-build general contractor in design-build contract negotiations with Medical Mutual of Ohio related to the construction of a new wellness center and cafeteria.

Advised a general contractor with respect to mechanic's lien issues in connection with a construction project involving The Regional Cancer Center in Erie, PA.

Represented an international medical equipment company in negotiations with a design-build general contractor for construction of a new facility in Twinsburg, Ohio.

Represented a hospital located in Cleveland, Ohio in a very large claim against a contractor involving a relatively new coal tar roof which failed and was replaced.

Counseled a Boston architect who designed the Clinic's Cole Vision Building, with regard to HVAC issues on that project.



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Acted as lead counsel to the owner in connection with the \$100 million plant expansion at its Elmore, Ohio facility. This project involved fast track design and construction, technology implementation, equipment procurement and installation, sale/leaseback structure for tax purposes, tax abatements, financing through the Toledo Port Authority, State of Ohio development loans, and various other governmental grants and loans.

Represented the owner in connection with the development of its worldwide corporate headquarters facility in Cleveland, Ohio. This project involved site acquisition and construction, environmental brownfields (including the first covenant not to sue issued in the State of Ohio), tax abatements, job credits and various levels of financing, including port authority bonds, state and city loans.

Acted as lead counsel to the owner in the relocation and construction of a new corporate headquarters. This project cost \$38 million and financing was done by the Cuyahoga-Cleveland Port Authority, the City of Cleveland, the State of Ohio, Cuyahoga County and a private foundation.

Acted as lead counsel to a local community college in connection with over \$100 million of construction and renovation projects. In addition, we represented the public owner on several major real estate acquisition and construction projects, including new west campus technology center and a new corporate college. We have also represented this college on its entire energy conservation program involving all of its facilities.

Represented a group of contractors in connection with contract negotiations and claims settlements for the Gund Arena (currently Quicken Loans Arena) project in Cleveland, Ohio.

Provided representation with respect to a major construction claims case that involved the construction of a new hospital in Burlington, Iowa. After construction of the hospital was completed, the windows began to leak. The hospital asserted that the architect negligently designed the windows and that the general contractor and subcontractors negligently installed the windows. The hospital and the contractors settled all claims. The AIA agreement between the hospital and the architect required resolution via arbitration.

Provided representation in a three-week trial involving numerous design and concrete issues related to the reconstruction of a parking lot for St. Luke's Hospital.



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Provided representation in a claim involving wiring and electronic issues in a newly constructed surgical suite of St. Vincent's Charity Hospital in Cleveland, Ohio.

Represented a general contractor in relation to an addition placed on a hospital in central Ohio. During the construction of this addition, a three-story wall consisting of drywall had to be left exposed (except for a plastic covering) which led to construction sequence issues. Water intrusion and mold were identified throughout the face of this improvement, presenting the risk of contamination to the hospital itself and potential closure. In the face of this risk, we secured a hygienist and remediation contractor to fix the problem completely and promptly for a cost under \$50,000, thereby avoiding all claims.

Currently providing representation with respect to the Global Cardiovascular Innovation Center Project (GCIC) for construction of a new \$9 million facility to be known as the "Wright Mega-Center of Innovation."

Currently preparing and negotiating a variety of agreements with architects, construction contractors, and construction managers on behalf of owners for new construction and renovation projects. Recent projects have included: a \$9.7 million Social Services Facility and County Services Center in the Fairfax Neighborhood of Cleveland, Ohio; and a \$6.5 million Social Services Facility and County Services Center in the Mount Pleasant Neighborhood of Cleveland, Ohio.

Represented a local school district in its negotiations with the Ohio School Facilities Commission regarding the district's desire to have project labor agreements for school construction projects.

Represented a local sewer district in a civil rights challenge to the district's minority hiring goals for contractors on public works projects.

Assisted with the design and implementation of a local school district's "small and local business preference" (a non-race based construction contract set aside program) and represented the district in its meetings with disgruntled minority contractors.

Represented an Ohio school district in discussions with the Ohio School Facilities Commission, labor unions, construction representatives, and community activists as the district attempted to develop policies and procedures before and during the district's construction projects. Construction-related matters included project labor agreements, apprenticeships through the local vocational schools and high schools, and city resident employment goals.



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Defended a manufacturer of concrete blocks whose product was used in a commercial construction project for the Ohio Office of the Attorney General Office. One of the key issues in this project involved the design and construction of the office building for the Ohio Attorney General.

Defended a local engineer who designed a subdivision in a dispute involving water and silt run-off into a neighboring property.

Prosecuted a breach of contract claim for a general contractor regarding the quality of the construction.

Represented a large retail chain in disputes over workmanship by various subcontractors.

Provided representation in connection with the construction of the new Cleveland Stokes Library. This work involved dewatering, pile driving, building damage, critical path timing, delay, etc.

Provided representation in the critical path construction of the Van Aken transit line.

Advised with respect to a project involving the construction and reconstruction of a large industrial plant roof.

Represented a subcontractor on a project involving the widening of a public road.

Represented a civil engineer against allegations of neglect causing allegedly two landslides and over \$1 million in damages.

Represented a general contractor against allegations of defective construction of a \$3.5 million, eight-story, Florida home constructed to allow water and mold to infiltrate the structure so much that it was no longer inhabitable. This matter was resolved in pre-suit mediation (that we initiated) involving the owner, the designer, and relevant subcontractors, with the general contractor recovering 90 percent of the loss.

Represented an architect in a claim with respect to alleged negligent design and layout of a Buffalo Wild Wings restaurant. This case was resolved prior to suit for a fraction of the amount claimed.



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Represented an engineering company in a claim with respect to alleged negligent design of a glass manufacturing facility bag house. This case was resolved prior to suit through mediation for less than 20 percent of \$2.5 million claim.

Represented a greenhouse designer and builder in a \$2 million claim with respect to alleged negligent design that caused five acres of greenhouses to collapse under snow load. The claimant decided not to file suit after being persuaded that our client's design could not have caused the collapse.

Secured summary judgment for an architect in a negligent design of school building claim allegedly allowing pervasive water intrusion and mold contamination.

Currently representing the building owner in a \$1.8 million claim against a general contractor for defective construction of \$3.4 million medical office building.

Represented a national bank in a million dollar claim against a general contractor for defective construction of a parking garage. This case was settled in pre-suit mediation.

Obtained dismissal for a civil engineering firm in a lawsuit alleging that negligent design of an excavation caused settlement of adjacent structures.

Represented general contractors in a claim against Cuyahoga Metropolitan Housing Authority (CMHA) for payment of additional charges resulting from design changes imposed by CMHA through the design engineer.

Represented an electrical design engineer in connection with a claim involving faulty electrical wiring installed by a subcontractor.

Provided legal assistance to a local school district in connection with its capital improvements/construction program, reviewing, revising and negotiating contracts with design professionals and construction contractors.

Representing hotel purchaser in \$2.0 million claim against seller for fraud against contractor for defective construction.

Representing architect against allegedly defective design of doorway to the outside on the third floor (for installation of large electrical equipment) through which person fell landing on concrete surface.



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Represented the owner in connection with negotiation of prime construction contract for Euclid Avenue mixed use redevelopment.

Acted as counsel to a developer and contractor in the construction of more than 2000 units of tax-credit housing in Cleveland, Arizona, Texas, Michigan and North Carolina.

Represented publicly-traded home builder in projects throughout Ohio.

Represented a local community college in several major real estate acquisition and construction projects, including the new west campus technology center and the new corporate college in Westlake, Ohio.

Handled all the legal work for the purchase, construction and financing of the new Valley View, Ohio, headquarters office, manufacturing and warehouse facility for a manufacturer.

Represented a local non-profit, private school in the acquisition of property for the construction of a new facility and related bond financing.

Represented the City of Youngstown in the land acquisition and construction of \$35 million downtown convocation project.

Represented a large local labor organization in the filing of a number of liens for unpaid wages and benefits on behalf of the organization's members involving several government construction projects in Northeastern Ohio.

Represented the supplier of electric switch gear providing power to a new 30-story building in Cincinnati. The switch gear allegedly failed, causing fires throughout the building, the discharge of water through the building's sprinkler system on many floors, and the loss of use of the building for many weeks. The claims against our client ran into the millions. We successfully defended the equipment designer and manufacturer, identifying through expert examination and testimony that the installation of the electric "bus runs" by a co-subcontractor was contrary to installation instructions and the root cause of the fires. We resolved the case for a *de minimis* payment.

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closure. In the face of this risk, we secured a hygienist and remediation contractor to fix the problem completely and promptly for a cost under \$50,000, thereby avoiding all claims.

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Represented design/build contractor and drafted form contractual documents including builder/owner agreement, builder/subcontractor agreement, change order form/release and spreadsheet to monitor/prosecute/resolve change order issues.

Overtured defense verdict in multiday jury trial on Fraud and Ohio Consumer Sales Practices Act claims brought against national homebuilder by homeowner seeking rescission due to alleged construction defects.



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