

CAPABILITIES / LITIGATION

## Construction Litigation

Obermayer represents the construction industry from contract formation and administration through claim initiation and resolution – delivering effective and efficient representation.

### OVERVIEW

*“Our team understands both the business and legal challenges that our clients face in today’s complex construction industry.”*

— Nicholas Poduslenko

Our Construction Litigation team recognizes the integrated, multi-disciplinary nature of modern construction, providing services from the inception of the construction project to its conclusion. These include advice and counsel for:

- Environmental issues;
- Land use and construction permitting;
- Drafting, reviewing and negotiating contract documents;
- Negotiation and drafting of development and joint venture agreements; and
- Negotiation among project team members.

When disputes arise, our attorneys look to negotiate and resolve construction claims using the most efficient and cost-effective means possible, whether by mediation, arbitration or litigation.

### Our Value

We partner with our clients, providing tutorials and “lessons learned” meetings to avoid and mitigate potential claims. We also represent our clients in defense of personal injury claims that often arise in the construction industry.

Members of Obermayer’s Construction practice have extensive experience with the financial aspects of construction, including advising lending institutions. We also represent lenders in drafting and negotiating construction loan documentation and evaluate construction projects if loans default.

Finally, our Construction Litigation attorneys have extensive experience dealing with labor issues related to construction. This includes managing strike negotiations and jurisdictional disputes. We appreciate the intricate and dynamic relationships between parties in modern projects and we strive to achieve creative, practical solutions.

### Our Clients

Public and private owners, developers, prime contractors, subcontractors, construction managers, architects and engineers, and other design professionals – as well as insurers and bonding companies – rely on the members of our Construction Litigation practice to represent them in the state and federal courts in the region and beyond. In addition, Obermayer provides claims avoidance services to its clients on how to avoid and mitigate claims during a project.

### Our Focus

The construction industry is slow in adopting new technologies. Therefore, companies that are early adopters in implementing current technology have a noticeable advantage, not only with project efficiency, but also with claims documentation and prevention. Thanks to Obermayer's experienced team, our members provide advice and counsel to our clients on not only having the appropriate technology, but ensuring that it is implemented properly by the client's employees.

In addition, safety continues to be a challenge – and a top priority – within the construction industry. Obermayer counsels its clients about developing safer work environments as well as protocols to avoid injuries from occurring.

Obermayer helps clients manage costs and avoid claims. We do this by ensuring that clients have up-to-date, enforceable contracts and that they document events during the course of the construction project in the event claims are presented. We also assess whether to resolve claims at an early stage in order to avoid the time and expense involved in litigating and defending claims.

## EXPERIENCE

- We represented a client in a claim involving a defectively designed and constructed 700,000-square-foot shelter roof. Our litigation team, with the help of technical consultants, determined the cause of the roof failures and then pursued claims against multiple parties involved in the construction project, positioning them for an early resolution. Upon initiation of the claims, our attorneys engaged all counsel involved on behalf of the parties, where a mediation resulted in the successful resolution of the matter on behalf of the client.
- We successfully defended a transit agency in defending and ultimately resolving a multi-million dollar lawsuit involving 24 distinct claims. Through defending the matter, we were able to resolve the claim for a fraction of the value being sought.
- We represented a developer in a property line dispute involving the construction of 17 townhomes. Neighboring property owners filed an injunction action where we were able to have the injunction resolved, allowing the developer to construct the townhomes.

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