

## Construction Litigation

From contract negotiation to final completion, Sheehan Phinney attorneys have extensive experience representing owners, developers, contractors, subcontractors and design professionals in all facets of a construction project throughout New England and beyond. Because we believe that solutions are framed by the reality of what is on the ground, we offer a practical approach to the resolution of these issues.

To provide maximum protection and clarity for our clients, our attorneys are fully acquainted with the range of AIA, AGC and other common construction industry forms and have familiarity with and are comfortable reviewing all applicable contract documents. We have substantial experience negotiating fixed-price, guaranteed-maximum price, cost-plus, construction management and design-build contracts as well as owner/architect and subcontractor agreements. We also recognize that the construction industry has legal needs that go beyond project-based contract issues, and we regularly counsel our construction industry clients on corporate, employment, environmental and real estate matters that arise during the course of operating a business. We are frequent writers and lecturers on topics of interest to the construction industry, and are members of various construction-based trade organizations and stay up to date with industry changes.

When disputes arise, we work with our clients to thoroughly analyze the facts and then develop the best strategy to address your specific needs. Whether in court, arbitration or other settings, we regularly litigate construction project disputes including lien claims, scope changes, extras, and changed or concealed conditions. We recognize that each dispute is unique and tailor our approach to reflect your individual goals and needs, be it aggressive prosecution of claims or exhaustive exploration of settlement alternatives. Regardless of the approach, we know that operating from a position of strength is the best way to achieve the desired goals.

## Construction Disputes

- Defended international engineering firm in case alleging negligent design of cleanrooms.
- Obtained plaintiff's jury verdict for national environmental remediation contractor (and defeated owner's counterclaim) in breach of contract case involving complex design and site issues associated with the installation of an impermeable membrane in slurry trench.
- Obtained defendant's jury verdict for regional civil engineering firm in negligent design claim involving a private wastewater treatment facility and multi-million dollar damages claims by an

## Members

- Janet B. Fierman
- James P. Harris
- John H. Perten

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adjoining commercial landowner.

- Defended general contractor against subcontractor claims for extra compensation based on inefficient excavation of ledge on state highway construction project.
- Represented contractors in several claims for extra compensation for unforeseen conditions (ledge) in various municipal sewage projects.
- Represented owner of 20 story office building in defending design-build contractor claims.
- Defended contractor responding to claims of negligent blasting allegedly causing water contamination on adjacent properties.
- Represented a geotechnical engineer in defense of wrongful death action coupled with multiple property damage actions totaling millions of dollars arising from the catastrophic collapse of an earthen dam.
- At mediation favorably resolved damages claim by downstream property owner resulting from failure of improperly constructed privately owned earthen dam.
- Assisted civil engineer in defense of multimillion dollar property damage claims in New York state resulting from failure of earthen dam.
- Won arbitration award against a site contractor who abandoned a job following the reduction of a payment requisition, defeating site contractor's pretext defense.
- Represented contractors in mediations of various construction disputes with owners arising from construction of high school/middle school project(s).
- Represented contractor in mediation of construction dispute concerning construction of multi-million dollar summer camp facility.
- Represented contractor in mediation of delay and change order dispute concerning construction of municipal safety facility.
- Represented public owner in HVAC design dispute in nursing home.
- Represented private secondary school in claims against unlicensed engineer relating to the failure to provide for special inspections.

## Contract Negotiations

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- Negotiated a \$10 million contract for the construction of a new hotel and a \$15 million dollar contract for brownstone renovation in downtown Boston.

## **Miscellaneous Construction Industry Proceedings**

- Represented national architectural firm in multiple state licensing proceedings.
- Successfully represented contractors in various public project bid disputes in Vermont.