



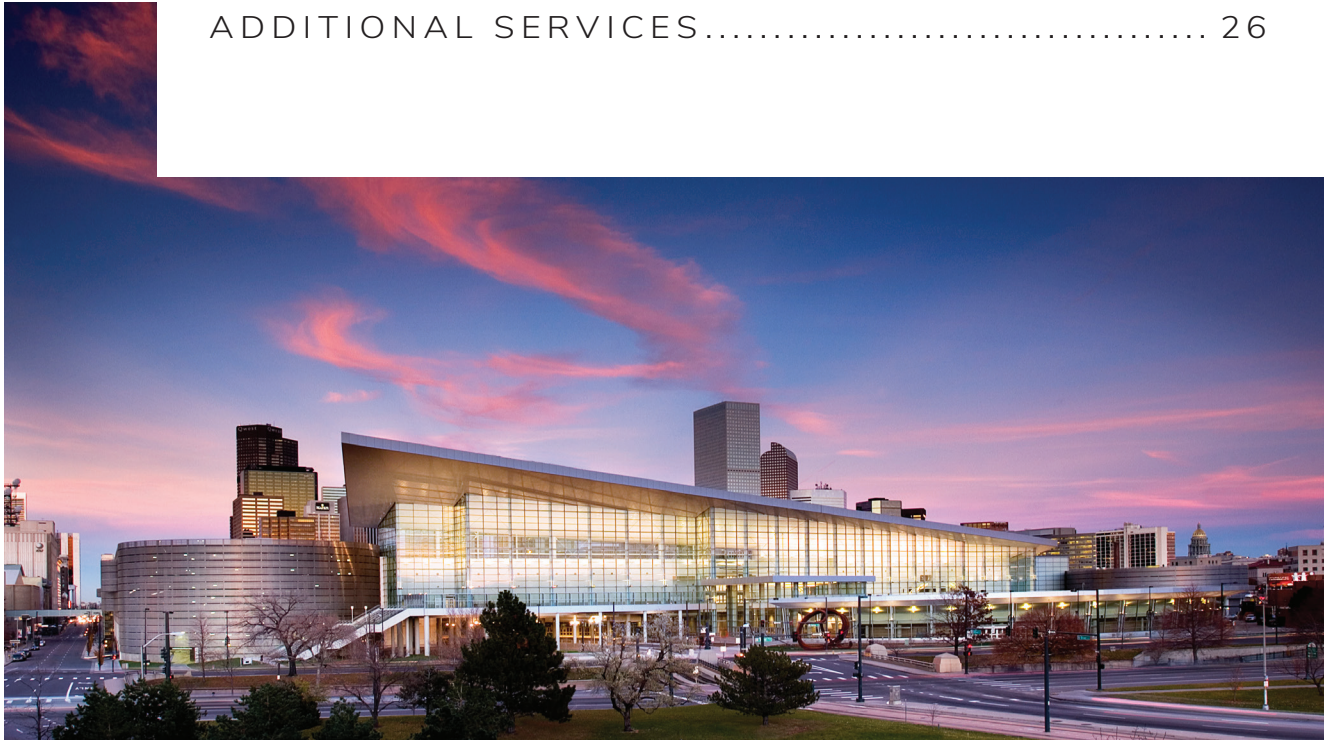
WOODS | AITKEN

CONSTRUCTION LAW

DENVER | LINCOLN | OMAHA | WASHINGTON, D.C.

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WE PROVIDE EFFECTIVE SOLUTIONS CONSISTENT WITH THE OVERARCHING GOALS AND BUSINESS PROPOSITIONS OF OUR CLIENTS.

The Woods Aitken Construction Law Practice Group emphasizes creative, cost-effective, and ethical solutions to the disputes and other challenges facing our clients. Our construction clients benefit not only from our knowledge and understanding of construction law, but also from our decades of experience in business counseling and dispute resolution involving the construction issues and events that impact their business futures.

We begin by helping our clients avoid or minimize the likelihood of disputes through education. Our commitment to education reaches across the construction industry through our national and local presentations to industry and client groups, the many legal and trade organizations in which we are members, and the educational institutions with which we partner.

Our service-oriented philosophy fuels our commitment to long-term client relationships and enables us to provide effective solutions consistent with the business goals of our clients.

CONSTRUCTION

PRACTICE OVERVIEW

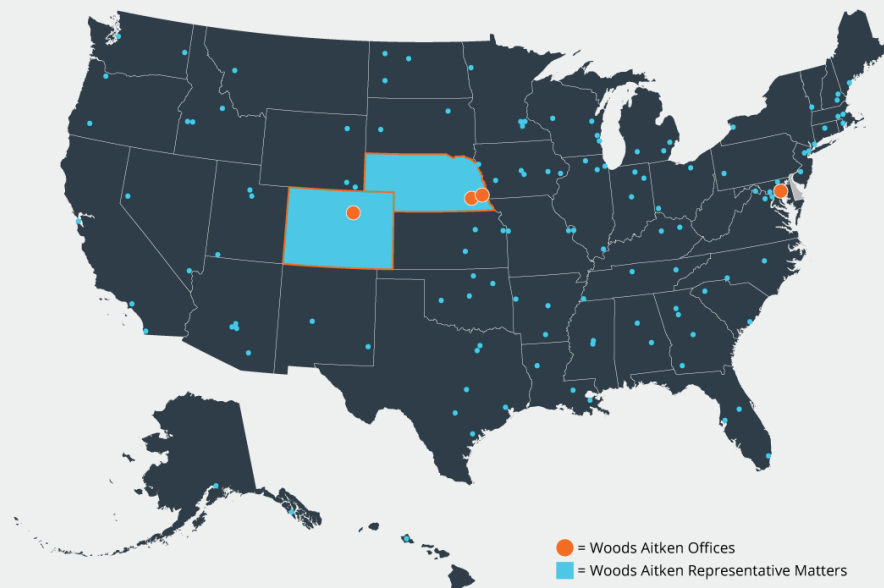
REPRESENTATION

Woods Aitken's representation includes firms engaged in all facets of the construction industry including design professionals, general and civil contractors, electrical and mechanical firms and other specialty subcontractors, manufacturers and suppliers, project owners, financial institutions, and sureties on tender.

EXPERIENCE

Members of the Firm are active in analyzing construction projects and problems from start to finish in an effort to understand the most efficient, cost-effective means of overcoming obstacles faced by our clients. We strive for early identification of key issues in construction disputes in order to reach an early, acceptable resolution. If a resolution cannot be achieved short of trial, our team is experienced in construction litigation. That experience includes state and federal courts, arbitrations, dispute review boards, the U.S. Court of Federal Claims, Civilian Board of Contract Appeals (including many of its predecessor Boards), the Armed Services Board of Contract Appeals, and the Postal Service Board of Contract Appeals.

OUR FOOTPRINT OF LITIGATION AND TRANSACTIONAL MATTERS



PROJECTS

- Airports
- Alternative Energy (photovoltaic, concentrated solar, and hydroelectric)
- Bridges
- Canals
- Casinos
- Commercial Buildings
- Courthouses and Other Governmental Facilities
- Dams
- Data Centers
- Remediation
- Heavy/Highway
- Hospitals
- Hotels
- Manufacturing and Processing Plants
- Transmission & Distribution Lines
- Power Plants (nuclear, conventional and cogeneration)
- Residential Buildings
- Schools
- Shopping Centers
- Steel Mills
- Tunnels
- Wastewater and Sewage Treatment Plants
- Water Treatment Facilities and Pumping Stations
- Waterways
- Other Engineering and Architectural Projects

LEADERSHIP

Partners of the Firm serve with construction industry organizations such as ABA Forum on Construction Law, Associated Builders and Contractors, Associated General Contractors of America, American Institute of Architects, American Subcontractors Association, Construction Financial Management Association, Construction Lawyers Society of America, and Design-Build Institute of America. They present lectures on topics pertinent to industry groups and publish articles on current construction

issues. In addition, members of the Firm present “in house” educational programs to its construction clients. These programs not only inform clients of current issues, they help clients take proactive measures to protect their interests. Several of our attorneys not only represent clients on construction matters but also serve as adjunct professors for Construction Law.

Several Woods Aitken attorneys have earned the distinction of being selected by their peers to be Fellows in Colleges of their area of practice.

This includes:

- American College of Construction Lawyers
- American College of Trial Lawyers
- The College of Labor and Employment Lawyers
- American College of Real Estate Lawyers
- American College of Mortgage Attorneys

ALTERNATIVE DISPUTE RESOLUTION

The Firm’s experience includes alternative methods of resolving disputes such as mediation, dispute review boards, arbitration, and mini-trials. Members of the Firm serve in associations concerned with developing streamlining dispute resolution procedures and serve as arbitrators and mediators.

SUPPORT

Woods Aitken’s litigation experience enables the Firm to provide budgets and case management plans for handling complex claims and disputes. Additionally, the Firm has developed a support staff capable of organizing, coding, and processing literally millions of documents and project records on a cost-effective basis.

CLIENT SERVICES



“ It has been our experience that the avoidance of disputes on construction projects often begins long before the first ground breaking. Our services include counseling clients to help them avoid the missteps that often lead to disputes. ”

PRE-PROJECT ASSESSMENT— IDENTIFYING, UNDERSTANDING & ALLOCATING RISKS

Our experience teaches us that construction disputes often can be minimized or even avoided when clients identify and assess the legal risks on a project and then appropriately manage or allocate those risks through their contract documents. Woods Aitken works closely with its clients before any agreements are signed to assist them in the assessment of the legal risks associated with the exigencies and realities of each situation, enabling the client to make the best-informed business decisions.

EDUCATIONAL SEMINARS & TRAINING

The best legal strategy is to proactively manage legal risks through training, education, and experienced counsel. Therefore, we offer our clients a number of in-house seminars – presented at no charge – to the executives, management and employees of our construction clients. The ever-evolving presentations combine our practical experience, knowledge of the law, and latest regulatory changes into hands-on information and advice that can be applied immediately.

Our presentations are short, focused, and allow ample opportunity for discussion. For a small investment of time, we will reward that investment with critical knowledge that can pay for itself time and again. The following list of presentations can be tailored to fit a particular need or we can prepare presentations to address specific questions and circumstances.

SEMINAR TRAINING EXAMPLES:

- Killer Contract Provisions
- Project Management and Documentation: A Legal Perspective
- Maintaining Profitability in Recovery
- Lien and Bond Claims
- Protecting Your Right to Payment
- Insurance, Indemnity, and Contractual Risk Transfer
- Project Delivery Systems
- Specifications and Bidding
- Mastering Subcontracts
- Fundamentals of Construction Contracts and Purchase Orders
- Change Orders
- Ten Things Every Contractor Should Know about Construction Law
- Labor and Employment Issues Affecting Contractors
- Federal and State False Claim Acts
- Key Risk Allocation in Standard Form Agreements

CONSTRUCTION BULLETINS ON CURRENT ISSUES

With the ever-changing landscape of the law and the construction industry, ongoing communication about developments in the law is key. For that reason, we developed our Construction Bulletins which include topics such as legal/regulatory updates, procedural advice, recent high-impact court decisions, and interpretation of key statutes. The bulletins contain references to crucial resources and share our experiences to help our clients avoid the problems experienced by others.

CASE ASSESSMENT

Once disputes arise, we believe it is in our clients' best interests to have a realistic understanding of the relative strengths and weaknesses of their positions in the legal proceedings in which the disputes may ultimately be resolved. An early case assessment provides a proactive and efficient basis on which to determine the best means of resolving each case.

REPRESENTATIVE LIST OF COMPLEX CONSTRUCTION CASES

Woods Aitken distinguishes itself in the legal representation of companies involved in disputes arising from all manners of construction projects. We have obtained substantial recoveries for our clients and successfully defended our clients against substantial claims. Such matters include major litigation and arbitration proceedings throughout the United States. Regardless of the process or venue, it is our goal to assist our clients in obtaining the best resolution possible whether through negotiation, mediation, arbitration, or litigation. Our clients benefit both from our nationally recognized experience in handling large, complex litigation, as well as from the economic benefits offered by a Midwestern law firm.

The following case summaries illustrate the nature of the projects and disputes in which Woods Aitken has been involved in recent years.



“ Our clients benefit from both our nationally recognized experience in handling large, complex litigation, as well as from the economic benefits offered by a Midwestern law firm. ”

BUILDING

CASE EXPERIENCE

HOSPITAL CONSTRUCTION ARBITRATION

INDIANAPOLIS, INDIANA

Woods Aitken represented the architect/engineer in a multi-party construction dispute pertaining to indemnification on a design-bid-build project in Richmond, Indiana. As a result of an arbitration between the owner and contractor over delay issues, the owner proceeded to bring a claim against the architect for negligence, delay damages, and that delay damages are not attributable to the owner's election to proceed with a fast-track delivery method in excess of \$2.7M. Following a four-day hearing, the arbitration panel awarded the owner 25% of its claim.

HOSPITAL CONSTRUCTION ARBITRATION

MENOMINEE FALLS, WISCONSIN

Woods Aitken represented a specialty contractor in defense of \$20M claims due to deficient design and construction defects alleged by the owner relating to the construction of a hospital facility in Menominee Falls, Wisconsin. After commencement of the arbitration proceedings, at the encouragement of the owner, WA was instrumental in orchestrating a multi-party settlement amongst the owner, general contractor, other specialty subcontractors, and their insurance carriers.



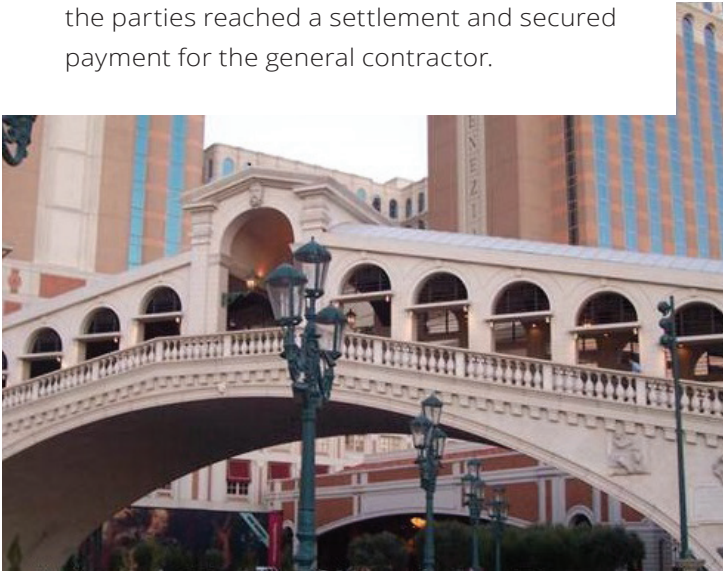
BUILDING

CASE EXPERIENCE

HOTEL AND PARKING GARAGE LITIGATION

LAS VEGAS, NEVADA

Represented a large general contractor in a lien foreclosure action due to non-payment, as well as additional claims against the general contractor relating to the construction of the Venetian Casino Resort in Las Vegas, Nevada. On the morning of the first day of hearings on the lien claim, the parties reached a settlement and secured payment for the general contractor.



RESIDENTIAL AND COMMERCIAL CONSTRUCTION LITIGATION

OMAHA, NEBRASKA

Woods Aitken represented the owner/developer of a mixed-use residential and retail building located in Omaha, Nebraska. After completion of the building envelope, water intrusion became evident. The general contractor was ineffective in making necessary corrections to solve the problem, causing the owner to hire replacement contractors in order to meet tenant closing dates and commitments to financing partners. The owner withheld payments to the general contractor which became the basis of a lawsuit in Nebraska District Court relating to over \$3M in claims and counterclaims. WA was successful in negotiating a settlement prior to the commencement of trial.

HOTEL CONSTRUCTION LITIGATION

VAIL, COLORADO

Woods Aitken represented a trade contractor in a multi-party construction dispute involving numerous allegations of construction defects during construction of the Four Seasons Hotel in Vail, Colorado. WA successfully defended the contractor from the indemnity claims asserted by the general contractor and obtained a dismissal of the trade contractor avoiding the costs of an eight-month trial.

HOTEL & CONVENTION CENTER CONSTRUCTION ARBITRATION

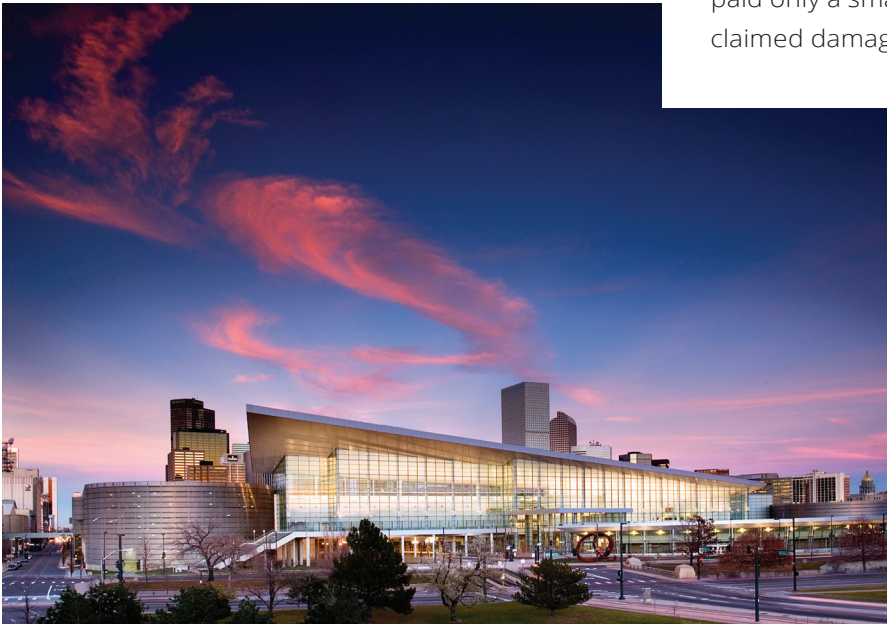
DENVER, COLORADO

Woods Aitken represented a trade subcontractor in an arbitration proceeding against the general contractor relating to claims arising from the construction of the Denver Convention Center, which included the analysis and preparation of affirmative claims by the subcontractor for changed and additional work of nearly \$1M. Prior to commencement of the proceedings, a settlement was reached on terms favorable to the subcontractor.

MIXED-USE, HIGH-END, HIGH-RISE APARTMENT ARBITRATION

DENVER, COLORADO

Woods Aitken represented a national general contractor in litigation, which was stayed pending arbitration, related to a high-end, multi-use apartment complex in downtown Denver, Colorado. The general contractor faced a million-dollar changes, delay, and impact claim from its glazing subcontractor, along with its own delay and defect claims against its subcontractor. On the eve of the arbitration hearing, the firm's client settled on favorable terms, wherein the contractor paid only a small fraction of the subcontractor's claimed damages.



ENERGY

CASE EXPERIENCE

BIOGAS FACILITY LITIGATION

GREELEY, COLORADO

Woods Aitken represented a large EPC contractor against an owner in multi-party litigation regarding disputes on one of the largest anaerobic digester facilities in the United States. The lawsuit involved \$10M in affirmative claims for wrongful termination and unpaid change order requests as well as the defense of over \$45M in claims due to alleged delays, defective construction, and design errors and omissions. After extensive litigation, WA assisted the EPC contractor in obtaining a favorable settlement prior to trial.

COMPRESSOR STATION

WELD COUNTY, COLORADO

Woods Aitken represented a full-service engineering and construction company to resolve a schedule dispute on a compressor station project in Weld County, Colorado. The dispute involved the assertion of delay claims and impacts from both the owner and subcontractors related to owner-directed design changes and subcontractor defaults. WA assisted the client with coordinating and navigating the contractual claim and informal dispute resolution procedures to obtain a multi-party settlement prior to the initiation of formal proceedings.



INDUSTRIAL WOOD PELLET FACILITY LITIGATION

ONTARIO, CANADA

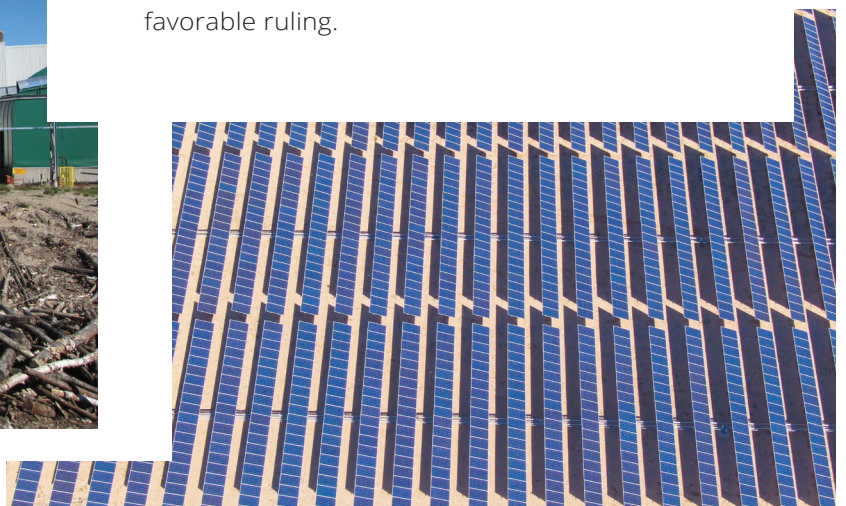
Woods Aitken represented an engineering/construction management firm in defense of claims in excess of \$45M of alleged deficient design and construction management by the Owner of industrial wood pellet facilities in Ontario, Canada. Working with Canadian counsel, WA performed an analysis of the complex insurance-related issues, as well as the applicability of a limitation of liability provision pursuant to Canadian law. After commencement of the litigation in Canada, WA successfully negotiated a settlement and release of the owner's claims.



SOLAR PHOTOVOLTAIC PLANT ARBITRATION AND APPEALS

DENVER, COLORADO

Woods Aitken represented an electrical contractor in an arbitration arising from work on separate projects for the construction of two solar photovoltaic plants in New Mexico. A subcontractor asserted that it had performed almost \$2.8M in extra work on an "open account" theory. On behalf of its client, WA argued, among other things, that New Mexico law barred the subcontractor's claim for failure to carry the requisite license during the work. The panel agreed on the licensing issue, rejected the subcontractor's extra work claim, and awarded the subcontractor less than the undisputed contract balance. On appeal to both the U.S. District Court for the District of Colorado and the Tenth Circuit Court of Appeals, WA successfully defended the favorable ruling.



INFRASTRUCTURE CASE EXPERIENCE

TUNNEL CONSTRUCTION INSURANCE COVERAGE CLAIM DISPUTE

LAS VEGAS, NEVADA

Woods Aitken represented a public owner in an insurance coverage dispute pertaining to claims arising from the underground construction phase of a water intake system located in Lake Mead, Nevada. As the result of various differing conditions and inflow events, the contractor was required to change the intake tunnel alignment incurring significant additional costs. When the consortium of insurers denied coverage for a majority of the additional costs, the owner filed an arbitration demand for additional unpaid benefits in excess of \$30M. Following a three-week hearing, the arbitration panel awarded the owner 96% of its claim and, as the prevailing party, entitled the owner to recover its costs of the arbitration and pre-judgment interest.

WATER TREATMENT FACILITY REHABILITATION PROJECT MEDIATION

LAS VEGAS, NEVADA

Woods Aitken represented a public utility against \$30M of claims brought by the general contractor relating to work on rehabilitating a large water treatment facility in Las Vegas, Nevada. During the mediation process, WA was successful in negotiating substantial reductions in the contractor’s claims and in securing significant contributions to the settlement amount from the utility’s construction manager and engineer, resulting in a favorable outcome to the utility.



SALTWATER PROCESSING AND DISPOSAL FACILITY CONSTRUCTION ARBITRATION

HOUSTON, TEXAS

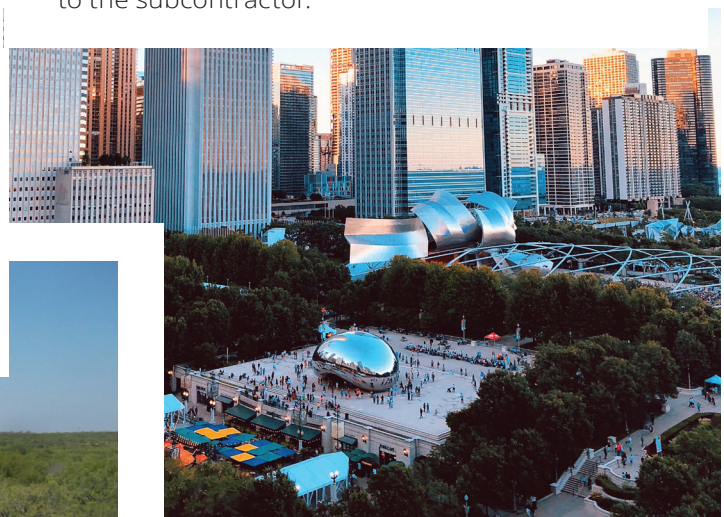
Woods Aitken represented a design-builder in the resolution of its disputes arising from the design and construction of five separate oilfield facilities located in Texas, Oklahoma, and Wyoming. Prior to commencing hearings, the design-builder added WA to its legal team to provide leadership during this crucial phase. As new lead counsel, WA successfully prosecuted the design-builder's claims in a three-week arbitration proceeding in Houston, Texas. In addition, WA successfully defended the owner's counterclaims in excess of \$25M, clearly making the design-builder the prevailing party entitling it to recover its costs and fees associated with the arbitration and pre-judgment interest. The total award was in excess of \$4.6M.



LIEN AND BOND CLAIM ON PUBLIC CONSTRUCTION PROJECT

CHICAGO, ILLINOIS

Woods Aitken represented a steel erection subcontractor in the preparation and negotiation of its claims in excess of \$2M against a steel fabricator relating to the subcontractor's work on the Millennium Park band shell in downtown Chicago. The claims arose due to the fabricator's misfabrication, late delivery, and design changes causing delays and extra work to the subcontractor.



INFRASTRUCTURE CASE EXPERIENCE

WATERLINE RESTORATION AND REPAIR PUBLIC WORKS LITIGATION BOULDER, COLORADO

Woods Aitken represented a regional heavy highway general contractor in litigation relating to a high-profile public works project in Boulder, Colorado. The contractor asserted a multimillion-dollar claim against a defaulting subcontractor and its surety arising out of its subcontractor’s alleged unsafe and deficient waterline work. The dispute raised novel suretyship and surety-claim issues due to the emergent, expedient nature of the subcontractor’s scope of work after the contractor terminated its defaulting subcontractor. The matter was settled under favorable terms on the eve of trial.



PURCHASE OF MATERIALS FOR WATER DAMS LITIGATION AND APPEAL

DENVER, COLORADO

Woods Aitken represented a designer/ manufacturer of inflatable dams in a lawsuit with the client’s vendor over the agreed-to price of materials. The firm’s client contended that it had overpaid the vendor by more than \$100K because of a price modification by the vendor the client hadn’t agreed to. The client filed suit in the United States District Court for the District of Colorado to recover the overpayments and the vendor countersued for over \$700K. After summary judgment was entered in favor of the vendor, WA appealed and obtained a reversal of the summary judgment. On remand, WA obtained a jury verdict in favor of the client for the overpayment, a zero recovery for the vendor, and recovery of the client’s attorneys’ fees and costs.



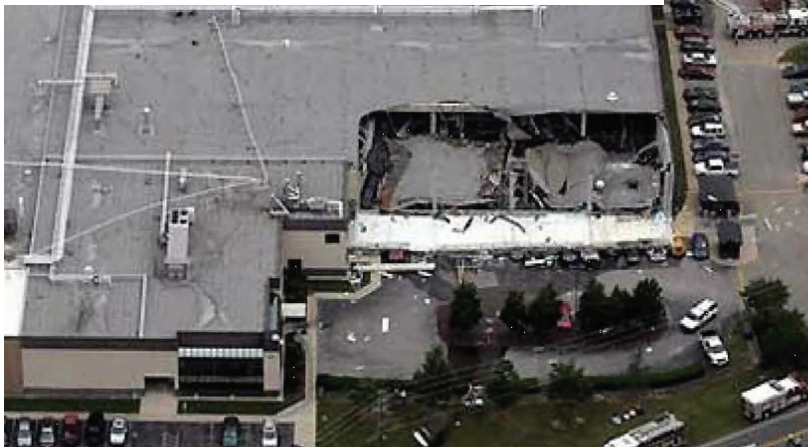
MANUFACTURING

CASE EXPERIENCE

PACKAGED FOOD PLANT CONSTRUCTION LITIGATION

OMAHA, NEBRASKA

Woods Aitken jointly represented a California-based engineering firm in a civil lawsuit seeking contractual indemnification for settlement costs paid to injured parties as the result of an explosion caused by a natural gas leak during a building renovation project, resulting in several fatalities and dozens of injured individuals. Following the owner's rejection of the engineering firm's demand for indemnification, a lawsuit was filed in Nebraska. The engineering firm claimed it had no role in the explosion. After a four-week jury trial in the District Court of Douglas County, Nebraska, the jury agreed and returned a verdict in favor of the engineering firm for the full amount of its claims, \$109M. WA was instrumental in achieving this jury verdict, which is believed to be the largest of its kind in Nebraska history.



FOOD PROCESSING PLANT CONSTRUCTION LITIGATION

HARLAN, IOWA

Woods Aitken represented the general contractor and designer in the litigation of its claims pertaining to a design-build contract for the expansion and renovation of an operating food processing plant in Harlan, Iowa. The design-builders claims related to the multitude of changes in the work and the improper termination by the owner and sought several million dollars. Following a two-week arbitration hearing, the arbitration panel awarded the contractor 90% of its claim amount and, as the prevailing party, also ordered the owner to pay the design-builder its costs of the arbitration and pre-judgment interest.

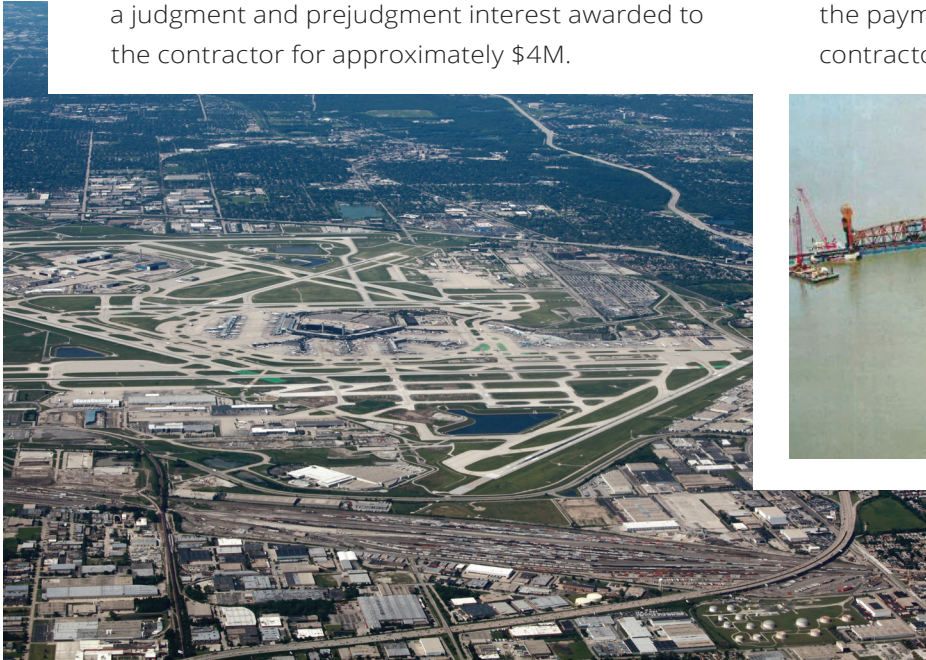


TRANSPORTATION CASE EXPERIENCE

AIRPORT TERMINAL RENOVATION CONSTRUCTION CONTRACT LITIGATION

CHICAGO, ILLINOIS

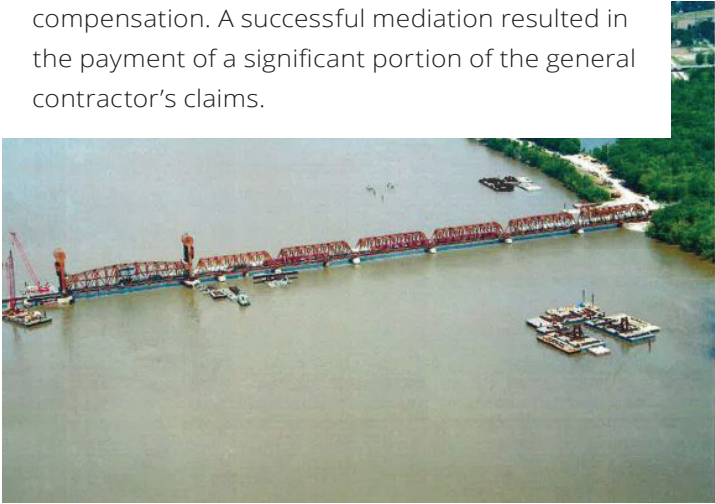
Woods Aitken represented a steel erection firm in litigation relating to its contract with the prime contractor for the renovation of the terminals at O'Hare International Airport in Chicago. Due to differing conditions experienced on the project, the client terminated its contract for nonpayment and walked off the project. A lawsuit was filed against the surety to collect payment for the lost productivity and extra and changed work performed prior to contract termination. The matter was tried for two weeks before a jury with a judgment and prejudgment interest awarded to the contractor for approximately \$4M.



RAILROAD BRIDGE CONSTRUCTION LITIGATION

DAVENPORT, IOWA

Woods Aitken represented a general contractor in the litigation of its claims and the pass-through claims of its steel fabricator, all of which relate to the construction of a railroad bridge spanning the Mississippi River near Burlington, Iowa. The dispute primarily concerned the interpretation of contractual provisions governing the measurement of and compensation for quantities of structural steel required for the project. The client's interpretation of the general contract entitles it to an additional \$3.8M in compensation. A successful mediation resulted in the payment of a significant portion of the general contractor's claims.



HEAVY HIGHWAY CONSTRUCTION ARBITRATION

LINCOLN, NEBRASKA

Woods Aitken represented a Nebraska-based general contractor in the analysis and preparation of over \$2M in claims against an Oklahoma boring and utility subcontractor for delays and disruptions resulting in damages which included missed contractual incentive payments and suffering disincentive penalties for late completion of a highway resurfacing project for the Oklahoma Department of Transportation. After an eleven-day arbitration, the arbitrator's final ruling rejected the subcontractor's counterclaims entirely and awarded the general contractor a significant portion of its claim.

PEDESTRIAN BRIDGE DESIGN DISPUTE LITIGATION

OMAHA, NEBRASKA

Woods Aitken represented a design and engineering firm in its defense of breach of contract and professional negligence claims exceeding \$2M brought against them for disputes relating to the design and construction costs for a pedestrian bridge in Omaha, Nebraska. WA worked with the designer's errors and omissions insurance carrier and negotiated a settlement prior to trial.

AIRPORT RENOVATION CLAIM

SALT LAKE CITY, UTAH

Woods Aitken represented a national electrical subcontractor in a dispute relating to the installation of the electrical work at the Salt Lake City International Airport. As a result of major impacts and changes to the client's work, the client incurred significant cost increases during the project. After submitting multiple claims, WA assisted the client to successfully mediate and resolve the client's electrical claims.

BRIDGE RETROFIT CONSTRUCTION CONTRACT LITIGATION

SAN FRANCISCO, CALIFORNIA

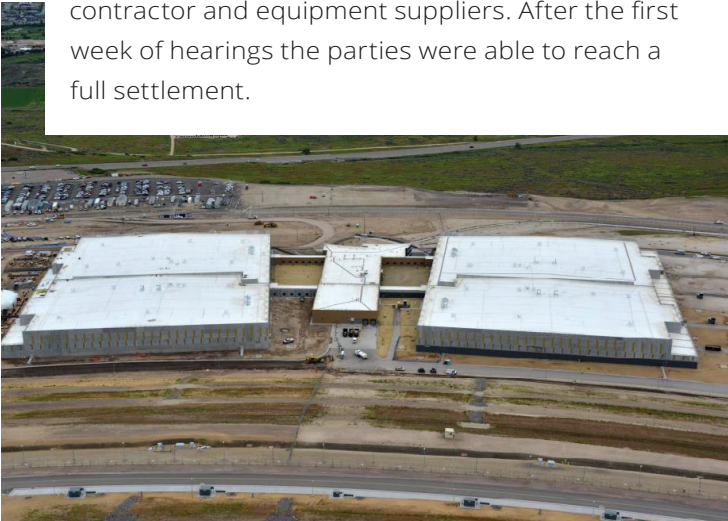
Woods Aitken represented a steel erection firm in litigation relating to their work on the seismic retrofitting of the Golden Gate Bridge in San Francisco, California. The subcontractor experienced numerous delays and disruptions due to design changes and schedule revisions resulting in significant productivity losses and extra costs exceeding \$3M. A settlement was reached prior to the commencement of trial.



U.S. GOVERNMENT CASE EXPERIENCE

FEDERAL GOVERNMENT DATA PROCESSING FACILITY ARBITRATION CAMP WILLIAMS, UTAH

Woods Aitken represented a trade subcontractor in a multi-party arbitration of construction disputes arising from the construction of a large federal government data processing facility at Camp Williams, Utah. The prime contractor settled with the owner leaving the disputes between the contractor, subcontractors, sub-subcontractors, and suppliers to be resolved in arbitration. A primary issue in arbitration is the determination of responsibility for faulty performance of installed equipment and systems and the delays to project completion which resulted in the assessment of millions of dollars of liquidated damages by the owner. Additionally, the trade subcontractor pursued nearly \$40M in project change order requests against the prime contractor and equipment suppliers. After the first week of hearings the parties were able to reach a full settlement.



FEDERAL GOVERNMENT MILITARY AIRCRAFT HANGAR ARBITRATION WICHITA, KANSAS

Woods Aitken represented a general contractor in disputes arising from the construction of three military maintenance and storage hangars, after the general contractor's roofing and siding subcontractor filed a lawsuit against the general contractor. WA successfully obtained a stay of the federal litigation pending arbitration. In the arbitration, the subcontractor pursued claims totaling nearly \$3.5M for alleged Miller Act violations, breach of contract, quantum meruit, and a myriad of delay and impact claims. WA then filed counterclaims and represented the general contractor in all aspects of the dispute, including a two-week arbitration hearing. The arbitrator denied a great majority of the subcontractor's claims and ultimately awarded the subcontractor only a small fraction of its claim amount, which primarily consisted of the undisputed contract balance. Due to WA's successful defense of the subcontractor's claims, the arbitrator awarded the general contractor its attorney fees, resulting in a net payment due to the subcontractor of over \$27K, which was conditioned on the subcontractor supplying a disputed roof warranty.

FEDERAL GOVERNMENT MILITARY AIRCRAFT HANGAR ARBITRATION

OKLAHOMA CITY, OKLAHOMA

Woods Aitken represented a general contractor and its surety in an arbitration involving disputes that arose between the general contractor and its roofing and siding subcontractor, in connection with the construction of a military aircraft hangar and an associated mechanical building. After the subcontractor filed suit in federal court, asserting violations of the Prompt Payment Act, breach of contract, unjust enrichment, and delays, disruptions, and impact claims, WA successfully obtained a stay of the federal litigation pending arbitration. WA filed counterclaims asserting delay, defective work, and other subcontract breaches and defaults. WA negotiated a settlement upon favorable terms for the general contractor and its surety and is in the process of receiving the submittals and documentation needed from the subcontractor to fulfill the settlement terms. WA simultaneously represented the general contractor and its surety in the defense of claims for non-payment from the subcontractor's suppliers. WA facilitated the resolution of those claims directly between the subcontractor and its suppliers, thereby securing voluntary dismissals of all supplier claims against the general contractor.



FEDERAL GOVERNMENT AIR TRAFFIC CONTROL TOWER ARBITRATION

OKLAHOMA CITY, OKLAHOMA

Woods Aitken represented a general contractor on a federal project for the construction of a military air traffic control tower in a dispute with its utility, earthwork, erosion control, and concrete subcontractor. The subcontractor filed an arbitration proceeding against the general contractor, asserting claims for breach of contract, unjust enrichment, Prompt Payment Act violations, delay and impact, and entitlement under the Miller Act. WA filed counterclaims on behalf of the general contractor, asserting breach of contract claims for, among other things, delayed, defective, and incomplete work. During a six-week arbitration hearing, the subcontractor sought damages in excess of \$2M. WA sought counterclaim damages on behalf of the general contractor in excess of \$1.3M. The arbitrator awarded the general contractor over \$1M which constituted nearly the entire value of damages sought, after deducting the subcontractor's undisputed subcontract balance. The arbitrator also left open the issue of the general contractor's entitlement to liquidated damages and ordered the subcontractor to fulfill certain other obligations under the subcontract.



INSIGHTS

PUBLICATIONS

BREAKING NEW GROUND THROUGH PUBLICATIONS

Our attorneys address emerging issues in construction law through writing and publication of articles and commentaries. The challenge of publication is in looking at old issues in new ways, connecting with the industry's innovators, making complex concepts practical, and pushing ourselves in new directions to better serve our clients. The following bibliography describes some of the Firm's publications and presentations.

BOOKS AND ARTICLES

Kory D. George and Laura J. DePetro, *Construction Checklists, Second Edition: A Guide to Frequently Encountered Construction Issues*, Checklist 16: Target Price Contracts—Contractor's Considerations, American Bar Association Book Publishing, 2022.

Craig C. Dirrim and Audrey R. Svane, *Fifty State Construction Lien and Bond Law*, Nebraska Chapter, 2022 Edition, Wolters Kluwer Legal & Regulatory U.S., 2021.

Craig C. Dirrim and Audrey R. Svane, *State-by-State Guide to Design and Construction Contracts and Claims (3rd ed.)*, Nebraska Chapter, Wolters Kluwer Legal & Regulatory U.S., 2021.

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INSIGHTS

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PRESENTATIONS

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