# Construction

Amundsen Davis is the construction industry's premier comprehensive legal services provider. We know the industry in a way that no other law firm does. Many of our attorneys having worked in the industry and regularly provide the following legal services to the following industry partners:

#### CORPORATE/CONSTRUCTION

- Outside general counsel services, offering legal and business advice on issues as encountered
- Analyzing, drafting, and negotiating construction contracts
- Providing emergency response services during OSHA investigations and other catastrophic events
- Managing OSHA inspections
- Evaluating existing and necessary insurance coverage, including commercial general liability, professional liability, builders' risk, contractor-controlled, and owner-controlled (wrap-up) policies
- Evaluating and developing alternatives to traditional coverage schemes

#### LITIGATION/CONSTRUCTION

- Defending catastrophic personal injury, property damage, environmental and toxic exposure claims arising in the construction setting
- Litigating commercial and contract claims
- · Perfecting and litigating mechanics lien and bond claims
- Defending complex construction defect claims
- Contesting and litigating OSHA citations
- Identifying, evaluating, tendering, and enforcing coverage on behalf of design professionals, owners, and contractors

#### LABOR & EMPLOYMENT / CONSTRUCTION

- Human Resources Counsel as to all aspects of hiring, discipline and termination process, develop workplace policies, conduct investigations, guide through complexities of the ADA and FMLA, VESSA and workers' compensation leave, assess employee classification, and manage wage and hour matters.
- Union Relations Develop union avoidance strategy, negotiate and administer collective bargaining agreements, steer through NLRB election/

#### **PROFESSIONALS**

Dennis J. Cotter Partner

Matthew Horn Partner

Beverly P. Alfon Partner

Mark P. Broderick Partner

Michael F. Cocciemiglio Associate

Lisa Conforti Senior Counsel

Margaret Firnstein Gebhardt Partner

Brittany L. Flaherty Paralegal

Constantine Gavrilos Associate

Lynn M. Gompper Senior Paralegal & E-Discovery Specialist

Brad Goss Partner

Laura Grebe Partner

Aaron E. Hall Partner

Kimberly A. Herring Partner

Callan Heurung Paralegal

Michael F. Hughes Partner

Christopher J. Jaekels Partner

David A. Johnson Partner



deauthorization/decertification process, and plan for strike/picket activity

- Government Regulation, Audit and Compliance (USDOL, OFCCP, EEOC, NLRB, OSHA and state equivalent agencies, including prevailing wage) – Develop compliance strategies, education and compliance training, representation in government agency audit and investigations, assessment and conciliation.
- Employee Benefits & Compensation Navigate ERISA and ACA requirements, union fringe benefit fund audits, and withdrawal liability issues
- Staffing Agency, Independent Contractor & Contingent Workforce Develop strategy for avoidance of employer liability
- **Workers' Compensation** Analyze risk, coverage and loss prevention, and evaluate safety policies.
- Litigation Defend against the full spectrum of employment-related claims including matters pending before federal and state government agencies (EEOC, NLRB, USDOL, IDOL, IDHR), federal and state court and labor arbitration.

#### REPRESENTATIVE CONSTRUCTION INDUSTRY CLIENTS

- General and specialty contractors
- General contractors
- Design-build contractors
- Construction managers
- Home builders
- Material and equipment suppliers
  - Material suppliers
  - Material manufacturers and processors
  - Equipment manufacturers
  - Equipment sales and rental companies
- Owners and developers
  - Commercial and residential
  - Condominium associations
- Design Professionals
  - Architects
  - Engineers
  - Surveyors
- Insurers
  - Builders' risk

### Construction

Lisa A. Johnson Partner

Jason R. Just Partner

Max Kavy Associate

Lisa Kirchman Paralegal

Julie A. Line Partner

Patrick J. Lubenow Partner

Elizabeth H. Lum Partner

Thomas J. Lyman, III Partner

Matthew R. McClean Partner

Keith D. Mundrick Partner

Maddie Owen Paralegal

Ken Perry Partner

Daniel S. Peters Partner

Patrick J. Richel Associate

Jeffrey A. Risch Partner

Gerald T. Rohrer, Jr. Partner

Jack T. Sanker Partner

Michael Schlechtweg Partner

Andrew C. Seiber Partner



- Commercial general liability
- Excess insurers
- OCIPs and CCIPs ("wrap-ups")
- Professional liability
- Railroad protective liability

#### Experience

Successfully Established a New Business Plan for a General Contractor to Utilize Both Union and Non-Union Subcontractors

Secured a Restraining Order and Injunction against a School District for Unfairly Trying to Sway Construction Work Away From a Non-Union Contractor

Successfully Defended a General Contractor at Arbitration Against a Condominium Association

Defended a Large Engineering Firm in a 7-Figure Claim

Secured a Defense Verdict for a General Contractor in a Case Involving a Construction Injury Accident

Represented the General Contractor in a Transaction for the Construction Contracts for the Completion of a Portion of the Obama Presidential Center

Negotiated a Settlement for a General Contractor After Terra Cotta Fell From a Newly Renovated Building

Successfully Represented a Subcontractor on its Lien Claim When Financing for a Multimillion Dollar Project Ran Out and the Project Stalled

Recovered More than \$1.5 Million in Damages and Litigation Fees and Defeated a Multi-million Dollar Change Order Demand for a Village

Won a Motion to Dismiss on a Construction Contract Case Involving Enforceability of a Forum Selection Clause and Public Policy

Successfully Represented a Homeowner Who Discovered Substantial Errors in the Survey of His Property

Defended a Sewage District in Claims Alleging that the Deep Tunnel System Created Dewatering and Damage to a Local Business

Defended Allegations of Negligence, Breach of Contract and Fraud in a Case Involving a Serious Construction Accident

Negotiated a Resolution for a Construction Company in a Multi-Million Dollar Dispute with a Municipality

#### Construction

David Sethi Partner

Joe Trevino Partner

William Charles Phillips Westfall Associate

Brandi White Nurse Analyst

Jeff Young Partner



Won a Defense Verdict for a Mechanical Contractor Against Allegations of Civil Theft, Conversion and Unjust Enrichment

Represented a Concrete Subcontractor After a Partial Façade Collapsed at a Parking Garage

Prepared and Negotiated the Construction Contracts for a 137 Acre, Multi-Phase, Mixed-Income Development

Defended a Commercial Building Owner on a Subrogation Claim by a Tenant's Insurance Company Seeking Over \$500,000 in Damages

Defended Custom Home Builder in Case for Alleged Defects

Successfully Defended Distributor Facing Potential Punitive Damages

Obtained Summary Judgment in Favor of Insurer

Represented General Contractor in a Case for Alleged Damages

Defended Wholesaler and Distributor Before US Court of Appeals

Obtained Trial Verdict in Favor of Developer

Obtained Summary Judgment in a Wrongful Death Action Involving the Construction of Tunnels and Reservoirs

Represented Developer in Case Against Contractor

Obtained Summary Judgment in Favor of Commuter Rail

Defended an Engineering Firm Against Alleged Negligent Design and Unjust Enrichment

Obtained Summary Judgment on Behalf of a Special Purpose Government Agency in a Construction Negligence and Products Liability Action

Defended Underground Contractor in OSHA Case

Secured Summary Judgment on Behalf of a Property Developer Who Was Sued by a Bicyclist Hit by a Cab Adjacent to a Construction Project

Represented a Church Following a Construction Accident

Obtained Summary Judgment in a Construction Negligence Action Wherein an Iron Worker Sustained Extensive and Permanent Injuries

Secured Settlement in Complex Case Involving Oil Refinery Processing and Financial and Consequential Damages Forensics

Represented General Contractor in Lawsuit Against Subcontractor



Obtained Summary Judgment for Sub-Contractor

Obtained a Dismissal in a Construction Negligence Action Arguing that the Appropriate Statute of Limitations to Sue a Governmental Entity for a Construction Accident is One Year

Avoided Costly Litigation in an Allegedly Defective Design and Construction Case

Defended General Contractor From Multiple OSHA Citations

Successfully Tried Matter to Recover Reimbursement from Sub-Contractor

Negotiated a Favorable Settlement on Behalf of a School District in a Multi-Part Wrongful Death Matter

Won Counterclaim for Sign and Awning Contractor in Case Involving

Obtained a Not Guilty Verdict Before a Jury in a Construction Jobsite Injury Case

Successful Defense of an Excavation Company in Multi-Party \$50 Million CERCLA Environmental Claims

Obtained a Favorable Settlement on Behalf of a Property Owner in a Multi-Party Premises Liability Matter

Successfully Defended a Masonry Contractor in a Construction Injury Case

Won Partial Summary Judgment on Complex Issues of Federal Preemption

Successfully Helped a Construction Company and its Employee Avoid the Risk of Paying Punitive Damages in a Wrongful Death Case

Successfully Defended an Owner and Operator of a Crane in a Personal Injury Case

Defended Majority Business Owner Against Claims in Excess of \$2 Million

Secured a Summary Judgment in Wrongful Death Matters on Behalf of a Government Agency After Two Employees of a Subcontractor Died of Oxygen Deficiency

Represented a Subcontractor Hired as an Excavator on a Commercial Development but was Not Paid

Represented a Purchaser in an Acquisition and Development of a Construction Entity

Obtained Summary Judgment on Behalf of a Governmental Entity and Obtained a Favorable Settlement for the Co-Defendant in a Serious Injury Case

Successfully Defended a Construction Contractor under the Illinois Prevailing Wage Act



Won a Substantial Verdict in Illinois State Court for a Developer Cut Out of Deal

Defended a Prominent Road Construction General Contractor in a Personal Injury Case

Represents Construction Clients in Defense of Petitions for Enforcement Administrative Subpoenas Under Prevailing Wage Act

Obtained Dismissal on Behalf of Contractor

Represented a Trucking Company at Trial in a Multiple Fatality Case

Successfully Defended Construction Company Resulting in Settlement

Successfully Filed Numerous Unfair Labor Practice Charges Against Unions Unlawful Picketing Activities at Construction Sites

Obtained Dismissal By Way of Dispositive Motion on Behalf of Millwork Contractor

Served as Outside Counsel for a Large Construction and Civil Engineering Company

Defended a Construction Industry Client Against Claims by Union Benefit Funds that Claims the Client was the Purported Successor of a Prior Business Entity and Owed the Funds More than \$1 Million

Represented a General Contractor in a Multi-million Dollar Dispute Regarding Design and Construction of an Apartment Complex

Obtained Dismissal by Way of Dispositive Motion

Obtained Dismissal of Consumer Fraud & Deceptive Business Practices Act Claims

Defended a Construction Company Against a Wrongful Death Claims Involving OSHA Citations

Obtained Summary Judgment on Behalf of Owner of Construction Project

Represented a Contractor in an Ownership Dispute over Equipment the Client Purchased

Represented the General Contractor in the Transaction for a Sprawling, Multi-Use, Multi-Unit, Mixed-Income Development

Facilitated the Construction Contracts for the \$56 Million Development of a State-of-the-Art Cargo Facility at Chicago's O'Hare Airport

Represented the General Contractor in the Transaction for a Luxury, Mid-Rise Development



Secured Dismissal for Construction Contractor in a Contentious False Claims Act Claim

Prepared and Negotiated the Construction Contracts for the Completion of a \$43 Million Residential Development

Handles a Variety of Contract Negotiations with Prime and Subcontractors for a Large Construction Company

Successfully Defended a Large Construction Company in a Multi-Party Lawsuit Alleging Breach of Contract and Multi-Million Dollar Damages

#### Firm News

Amundsen Davis Attorneys Included in the 2024 Illinois Super Lawyers and Rising Stars List

Firm News, January 25, 2024

Welcome Attorney William Charles Phillips Westfall to Amundsen Davis Firm News, January 16, 2024

Amundsen Davis Attorneys Included in 2023 Wisconsin Super Lawyers and Rising Stars Lists!

Firm News, November 16, 2023

Amundsen Davis Named in the 2024 Edition of Best Law Firms® Firm News, November 2, 2023

92 Amundsen Davis Attorneys Recognized by Best Lawyers® in 2024 in America Firm News, August 17, 2023

Amundsen Davis Welcomes Max Kavy to Construction Service Group Firm News, July 24, 2023

Amundsen Davis Promotes Three Attorneys to Partner Firm News, February 21, 2023

Subscribe to Amundsen Davis's Litigation Nation Podcast for the latest legal updates!

Firm News, February 10, 2023

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List

Firm News, Amundsen Davis, January 23, 2023

Attorney Julie Line Joins Amundsen Davis's Chicago Office Firm News, January 3, 2023

BTI Consulting Group Names Dennis Cotter on Client Service All-Stars 2023 List Firm News, *BTI Consulting Group*, 2023



U.S. News & World Report – Best Lawyers® "Best Law Firms" 2023 Firm News, November 3, 2022

Attorney Lisa Conforti Joins Construction Service Group in Chicago Firm News, August 22, 2022

41 Amundsen Davis Attorneys Recognized by Best Lawyers in America © 2023 Firm News, August 18, 2022

Amundsen Davis Promotes Five Attorneys to Partner Firm News, March 14, 2022

30 Amundsen Davis Attorneys Included on 2022 Illinois Super Lawyers and Rising Stars Lists

January 28, 2022

Amundsen Davis Welcomes Constantine Gavrilos to Construction Practice Group December 13, 2021

Amundsen Davis Attorneys Included in the 2021 Missouri Super Lawyers List *Amundsen Davis*, November 18, 2021

Amundsen Davis Attorneys Included in the 2021 Wisconsin Super Lawyers and Rising Stars List

Amundsen Davis, November 18, 2021

U.S. News & World Report – Best Lawyers® "Best Law Firms" 2022 November 4, 2021

34 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© *2022* August 19, 2021

Amundsen Davis Welcomes Construction Attorney Jeff Young to Chicago Office Firm News, July 19, 2021

Attorney Gerald T. Rohrer, Jr. Joins Amundsen Davis as a Partner in Chicago July 12, 2021

27 Amundsen Davis Attorneys Included on 2021 Illinois Super Lawyers and Rising Stars Lists

January 29, 2021

Attorney Patrick J. Richel Joins Amundsen Davis's Construction Practice Group in Chicago

January 4, 2021

Attorney David Sethi Joins Amundsen Davis's Transportation Practice Group in Chicago

November 30, 2020



Amundsen Davis Attorneys Included on the 2020 Wisconsin Super Lawyers and Rising Stars Lists

Amundsen Davis, November 17, 2020

U.S. News & World Report – Best Lawyers® "Best Law Firms" 2021 November 5, 2020

24 Amundsen Davis Attorneys Included on 2020 Illinois Super Lawyers and Rising Stars Lists

January 29, 2020

29 Amundsen Davis Attorneys Included on 2019 Illinois Super Lawyers and Rising Stars Lists

January 24, 2019

Amundsen Davis Ranks on Crain's Chicago Business' 2018 Largest Law Firms List *Crain's Chicago Business*, October 25, 2018

Amundsen Davis Promotes Attorneys to Partner March 15, 2018

6 Amundsen Davis Attorneys Included on 2018 Indiana Super Lawyers and Rising Stars Lists

Firm News, Amundsen Davis, February 20, 2018

John Tanselle Honored as Distinguished Fellow by the Indianapolis Bar Foundation

November 21, 2017

Amundsen Davis Ranks on Crain's Chicago Business' Largest Law Firms List *Crain's Chicago Business*, September 15, 2017

27 Amundsen DavisAttorneys Included on 2017 Illinois Super Lawyers and Rising Stars Lists

Firm News, Amundsen Davis, January 13, 2017

Amundsen Davis Ranks on Crain's Chicago Business' Chicago Largest Law Firms List

Firm News, Crain's Chicago Business, September 10, 2016

#### In the Media

USLAW Releases Updated Construction Compendium of Law Media Mention, *USLAW*, May 2021

USLAW Releases Updated Construction Compendium of Law Media Mention, *USLAW*, May 2018



USLAW Releases Updated Construction Compendium of Law Media Mention, *USLAW*, May 2017

USLAW Releases Updated Construction Compendium of Law Media Mention, *USLAW*, April 2016

#### Alerts

California Court Opens the Litigation Floodgate Re: COVID-19 Exposure in the Workplace

Construction Alert, April 21, 2022

New Pending Illinois Legislation Could Impact Potential COVID-19 Exposure Claims

Amundsen Davis Construction Alert, March 4, 2021

OSHA's Latest COVID-19 Guidance

Amundsen Davis OSHA Alert, February 10, 2021

COVID-19 Updates Impacting Employers Amundsen Davis Alert, April 24, 2020

Wisconsin's New Safer At Home Order Alters Restrictions on Businesses Article, April 16, 2020

Illinois Department of Labor Launches Prevailing Wage Electronic Database – April 1, 2020

Amundsen Davis Labor & Employment Alert, April 13, 2020

Contractors Considered Essential Workers during Shelter-in-Place Orders Amundsen Davis Construction Alert, April 8, 2020

COVID-19's Impact on Construction in Illinois

Amundsen Davis Construction Alert, March 23, 2020

Proceed, Pause or Be Damned? Immediate Construction Contract Considerations for Owners and Contractors
Article, March 20, 2020

New Illinois Law Impacts Retainage for Contractors Amundsen Davis Construction Alert, September 5, 2019

OSHA Issues Final Rule on Crane Operator Certification Employer Evaluation Amundsen Davis OSHA Alert, November 8, 2018

New Bill May Impact Your Retainage

Amundsen Davis Construction Alert, July 20, 2018



Additional Changes to A201  $\mid$  2017 AIA Document Series – Revisions to the Core Contract Documents (Part 6)

Article, October 10, 2017

B101 Owner/Architect Agreement | 2017 AIA Document Series – Revisions to the Core Contract Documents (Part 5)

Article, October 9, 2017

Insurance and Bonding Provisions | 2017 AIA Document Series – Revisions to the Core Contract Documents (Part 4)

Article, October 8, 2017

Owner/Contractor Relationship Revisions to A201  $\mid$  2017 AIA Document Series  $\mid$  Revisions to the Core Contract Documents (Part 3)

Article, August 25, 2017

Notice Requirements Under the Revised A201 | 2017 AIA Document Series | Revisions to the Core Contract Documents (Part 2)
Article, August 15, 2017

Dispute Resolution Under the Revised A201 | 2017 AIA Document Series | Revisions to the Core Contract Documents (Part 1) Article, July 30, 2017

OSHA Postpones New Construction Silica Standard *Amundsen Davis OSHA Alert*, April 7, 2017

#### **Events**

Ninth Annual Construction Industry Program Event, Amundsen Davis, Webcast, February 6, 2024

Marijuana and Other Drugs

Speaking Engagement, Associated Builders and Contractors of Illinois; Webcast, February 1, 2024

Eighth Annual Construction Industry Seminar Event, Amundsen Davis; Virtual Livestream, February 2, 2023

NEW U.S. DOL Davis-Bacon Rule – What the Construction Industry Needs to Know!

Event, Webcast, May 12, 2022

The ABCIL Training Trust: A No Brainer for Participation Webcast, March 24, 2022

Complying with OSHA Standards in 2022 Webcast, March 10, 2022



Seventh Annual Complimentary Construction Industry Legal Power Seminar Event, Amundsen Davis; Webcast, January 20, 2022

Cyber Threat Actors Have their Eyes on the Construction Industry Event, Amundsen Davis, Webcast, November 16, 2021

Racine & Kenosha Counties – The Bridge to Wisconsin's Future Speaking Engagement, BizTimes Media, Webcast, April 22, 2021

Changes to Medical Leave in the COVID Age Speaking Engagement, 35th Annual DBE Workshop and Secretary's Golden Shovel Awards, Webcast, February 25, 2021

2021 Artificial Intelligence in Construction Virtual Seminar DRI and Illinois Defense Counsel, Webcast, February 16, 2021

The Illinois Construction Industry Legal Power Seminar – Sixth Annual A Live Streamed Seminar Event, Amundsen Davis; Webcast, January 21, 2021

Election 2020 and the Merit Shop: How Should Merit Shop Contractors Prepare for Upcoming DOL Policy and Regulatory Actions?

Associated Builders and Contractors' Legal and Policy Forecast Conference;

Webcast, December 3, 2020

USLAW Network Virtual Worldwide Retreat: 2021 and Beyond USLAW Network, Webcast, September 30, 2020 - October 9, 2020

Industry Experts Fireside Chat: Construction Law Speaking Engagement, USLAW, October 7, 2020

COVID-19: What Illinois Contractors Must KNOW and DO NOW Event, Amundsen Davis, Webcast, April 9, 2020

Milwaukee Business Journal – Downtown CEO Roundtable Event, Milwaukee Business Journal's Downtown CEO Roundtable, Seminar; Milwaukee, WI, January 28, 2020

The Illinois Construction Industry Legal Power Seminar – Fifth Annual Critical Legal Updates Impacting the Construction Industry: What You Need to Know for 2020

Event, Amundsen Davis, Seminar; Oak Brook, IL, January 23, 2020

Construction Industry Conference
Illinois CPA Society; Chicago, IL, October 30, 2019

There's a Buzz in the Air Drone Safety in Construction Seminar; Woodridge, IL 60517, September 26, 2019



How to Document and Terminate in YOUR Industry Event, Amundsen Davis, Webcast, August 21, 2019

Recreational Marijuana and the Construction Industry Speaking Engagement, Finishing Contractors Association of Illinois; Webcast, August 8, 2019

OSHA Violations and How to Keep Your Company's Name Out of the Paper Construction Expo & Safety Conference; Oakbrook, IL, March 19, 2019

Understanding and Negotiating Important Provisions in Construction Contracts Finishing Contractors Association of Illinois (FCAI), Webinar, March 6, 2019

There's a Buzz in the Air - Are You Ready? Drones in Construction: A Risk and Liability Checklist

Construction Expo & Safety Conference; Oakbrook, IL, March 5, 2019

Critical Legal Updates Impacting the Construction Industry: What You Need to Know for 2019

Amundsen Davis, Seminar; Oak Brook, IL, January 17, 2019

2018 ICSC/CARW Retail Conference

Event, Potawatomi Hotel & Casino; Milwaukee, WI, April 18, 2018

CLE and Reception at Lodge Kohler Event, Lodge Kohler; Green Bay, WI, February 28, 2018

Critical Legal Updates Impacting the Construction Industry: What You Need to Know for 2018

The Illinois Construction Industry Legal Power Seminar – Third Annual Amundsen Davis, Seminar; Lombard, IL, January 17, 2018

Construction Contracts: Recognizing and Understanding the Important Provisions

Illinois Chamber of Commerce; Webinar, November 14, 2017

No Coverage? Practical Implications of Recent Wisconsin Insurance Cases on Construction Matters

Speaking Engagement, Glacier Canyon Lodge at the Wilderness; Wisconsin Dells, WI, June 15, 2017

The Daily Reporter's 2017 Construction Summit Speaking Engagement, May 4, 2017

Hot Topics in Construction: Strikes and Withdrawal Liability Mid America Regional Bargaining Association, Seminar; Lombard, IL, February 7, 2017



Construction Law Power Seminar: Critical Legal Updates Impacting the Construction Industry: What You Need to Know for 2017 Amundsen Davis, Seminar; Lombard, IL, January 24, 2017

The Construction Industry: Shortcuts to Disaster Illinois State Bar Association, May 13, 2016

Prevailing Wage Law - Completing the Certified Transcript of Payroll Illinois Chamber of Commerce, Webinar, April 28, 2016

Construction Law Power Seminar: Critical Legal Updates Impacting the Construction Industry in 2016 Amundsen Davis, Lombard, IL, February 11, 2016

#### **Published Works**

The importance of client service and relationships Publication, *The Indiana Lawyer*, June 8, 2022

COVID Conundrum

The CLM Magazine, May 21, 2020

Court Rules on Sufficient Control - To The Extent You Litigate Injury Construction Claims in Illinois

The Construction Claims Magazine, October 27, 2017

### **Blog Posts**

New Changes to Illinois' Wage Payment and Collection Law Seeks to Pressure General Contractors to Become Union Signatory Labor & Employment Law Update, June 28, 2022

Construction Contractors Beware: Think Twice Before Paying Prevailing Wage Assessments!

Labor & Employment Law Update, April 2, 2021

Construction Picket Lines: What Union Workers Must Know Labor & Employment Law Update, March 16, 2021

In Case it was Ever in Doubt, the Illinois Prevailing Wage Act Now Expressly Adopts UNION SCALE to Establish Prevailing Wage in the "Construction" Industry Labor & Employment Law Update, June 18, 2019

Keep Calm and Be Cautiously Optimistic – Recent NLRB Developments *Labor & Employment Law Update*, September 25, 2018

