



## Daniel K. Felsen

SHAREHOLDER

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## Overview

Daniel Felsen focuses his practice on construction litigation and government contracts. His experience spans a wide variety of public and private projects, including commercial, federal, airports, residential, roads, hotels and resorts, hospitals and research facilities, and power and utility projects. Daniel has litigated before state and federal courts and national and international arbitration panels. His clients include owners, contractors, subcontractors, suppliers, architects, and sureties.

He is an author and speaker on issues relevant to the construction industry.

## Experience

- Defended a design-builder in arbitration from more than \$50 million in claims by a subcontractor arising out of the construction of a 101-kilometer road in Afghanistan. During litigation, Daniel drafted pleadings and motions, deposed witnesses, prepared fact and expert witness for trial, examined and cross-examined witnesses, and wrote post-hearing briefs.
- Managed claims for a national contractor on a \$350 million federal project, which involved cases in the U.S. District Court for the Western District of Pennsylvania and the District of Columbia, and separate arbitrations regarding the project.

- Represented a general contractor in an arbitration with a subcontractor in which the client asserted claims of more than \$3 million, and the subcontractor asserted claims of more than \$7 million. Daniel was involved in every aspect of the arbitration (before a three-member panel). In addition to the arbitration, the dispute involved two federal cases, one in which the subcontractor pursued the client's surety and another in which the subcontractor sought to stop or stay the arbitration.
- Defended a general contractor against more than \$11 million in subcontractor claims arising out of the construction of a \$500 million state-of-the art biocontainment laboratory and research facility.
- Represented a general contractor advancing more than \$10 million in claims, including delay and cumulative-impact claims, against the U.S. government, arising out of the construction of a U.S. Embassy.
- Daniel also has experience in bankruptcy matters. When a prominent subcontractor went into bankruptcy, the bankruptcy trustee retained him as special counsel to advise on suretyship and construction-related issues. This bankruptcy was one of the largest in the U.S. Bankruptcy Court for the Eastern District of Virginia in recent years.

## Areas of Focus

### Practices

- Construction
- International Arbitration of Construction Contracts
- Government Contracts
- Construction Transactions
- Construction Litigation

### Industries

- Construction

## Insights

09.22.2020

Understanding the Purpose, Limitations, and Benefits of a Liquidated Damages Clause

*Construction Executive*

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04.15.2020

Mechanic's Lien Flowchart (MD)

*Practical Law*

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04.15.2020

Mechanic's Lien Workflow Checklist (MD)

*Practical Law*

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04.15.2020

Mechanic's Liens in Practice (MD)

*Practical Law*

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## News

03.24.2020

The Significance of Proper Project Documentation

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01.28.2020

Legal Steps for Shutting Down a Dangerous Jobsite

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10.11.2019

Escalation Clauses Can Help Contractors Mitigate Price Increases

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09.12.2019

Carlton Fields Government Contract Lawyers Quoted in Construction Dive Article About Terminating P3 Construction Contracts

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08.14.2019

Carlton Fields Adds Five Attorney Team to DC Construction Group

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08.01.2019

Carlton Fields Expands Renowned Construction Practice

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# Speaking Engagements

- "Construction Claims & Change Order Management Session 2: Claim Preservation, Documentation, and Contract Interpretation," WPL Publishing Co. Four-Part Training Program on Construction Claims (2020)

# Credentials

## Education

- University of Virginia School of Law (J.D., 1991)
- University of Virginia (B.A., 1988)

## Bar Admissions

- District of Columbia
- Maryland
- Virginia

## Court Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Federal Claims
- U.S. District Court, District of Columbia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- U.S. District Court, District of Maryland

# Background

- Partner, McManus & Felsen LLP, Washington, D.C. (1998–2019)
- Associate, Katz & Stone LLP, Vienna, VA (1991–1998)