Construction Litigation

Overview

Our attorneys litigate most issues confronting the construction industry. We have significant experience handling the following types of litigation for:

Developers and Owners (public and private)

● Defective construction and design claims
● Time related damage claims including delay, acceleration, and lost productivity
● Change order/equitable adjustment claims
● Buyer rescission claims
● Construction claims of lien
● Payment disputes
● Liquidated damages
● Contractor terminations and suspensions of work
● Differing site condition claims
● Environmental issues
● Contract document negotiation and preparations

General Contractors, Subcontractors, and Suppliers

● Suspensions of work and termination
● Pay-when-paid clause disputes
● Warranty claims
● Contract document negotiation and preparations
● Defective construction and design claims
● Time related damage claims including delay, acceleration, and lost productivity
● Change order/equitable adjustment claims
● Construction claims of lien
● Payment disputes
● Liquidated damages claims
● Differing site condition claims
● Environmental issues

Homebuilders

● Class actions
● Defective construction and design claims
● Land use disputes
● Transactions including purchase and sale agreements
● Regulatory disputes with state and local government
● Licensing issues

Condominium Associations

● Defective construction and design claims
● Disputes with developers
● Land use issues
● Warranty claims

Sureties
Experience

- Counsel for national construction contractor in connection with more than $100 million in claims relating to central Florida convention center project.
- Counsel for subcontractor defending $85 million claim for failure of phosphate reservoir.
- Represent international airport authority on construction and insurance issues for multibillion-dollar airport expansion.
- Counsel for homebuilder in class action relating to $200 million in hurricane claims involving more than 8,000 homeowners.
- Counsel for homebuilder in class action, involving site-related claims by 118 homeowners seeking more than $10 million in damages.
- Represented contractors and homebuilders in connection with Chinese drywall claims exceeding $300 million.
- Represented contractor in connection with $120 million in claims arising from luxury hotel construction.
- Represented contractor in connection with claims relating to a $200 million-plus resort in Dade County, Florida.
- Defended lead designer of space shuttle launching facility at Cape Canaveral.
- Represented lead designer of $70 million highway expansion project in central Florida.
- Defended class action alleging underground storage tanks leaked due to construction defects; Class certification denied.
- Represented government entity on a $75 million claim arising from termination of a contractor on a waste water treatment plant; Matter involved untimely performance of defective work/delay, latent defects, bid irregularities, design defects, 255 bonds, interpretation of bid documents, plans and specifications, and errors and omissions.
Represented government entity on a delay and construction defects claim against a paving contractor on a multimillion-dollar road construction project.

Represented government entity on a multimillion-dollar claim against a general contractor for defective construction and delays arising from the construction of a water treatment plant.

Represented regional airport authority on multiple matters, including advice during construction and representation in litigation.

Represented county on multimillion-dollar claim against design professional for defective design and contract administration arising from the construction of a water treatment plant.

Represented county school district on a delay and defective construction claim against a general contractor arising from the multimillion-dollar high school renovation.

Represented construction company against numerous subcontractors involving numerous related cases arising out of hotel construction for major Orlando theme park.

Represented construction company suing for wrongful termination of a subcontract on a construction project for a public university.

Defended two separate lawsuits by a general contractor against subcontractor payment and performance bond sureties for defective construction, latent defects, and delay damages arising out of a luxury condominium.

Defended a suit against a subcontractor's performance bond for latent water damage in a condominium project.

Defended an architect against allegations of negligent design and project administration involving a commercial office and warehouse.

Defended numerous payment and performance bond claims by community schools involving school construction.

Defended general contractor's performance bond surety for mold and water damage to a county sheriff's building.

Represented bleacher designer, manufacturer, and installer in dispute where claims exceeded $14 million and involved a 75,000-seat super motor speedway; Action also involved suing engineer and foundation designer for design defects.

Represented general contractor for breach of contract and delay damages, involving a claim that exceeded $2 million.

Represented national heavy highway contractor against an engineering firm regarding supply of inaccurate soil data.

Represented site contractor against developer for delay damages.

Represented subcontractor against delay claim alleged by major theme park and general contractor.

Represented county on multiple construction matters arising from defective construction, design, or delay.

Represented numerous condominium associations on claims against developers, contractors, and designers arising from defective construction.

All Insights

**The Hurricane is Coming in Five Days - Are We Ready for This?**

AUGUST 30, 2019

Securing construction sites is critical during a hurricane. What elements should be included in a preparedness plan? What legal issues may arise?

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**Trial Checklist**

MARCH 18, 2019

This chart provides a quick reference regarding motions and objections that may be made immediately prior to, during, and immediately after trial to preserve issues for appellate review.

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**Chapter 558 and Commencement of an Action: Gindel v. Centex**
MARCH 1, 2019

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**Florida Supreme Court Reaffirms that Frye is the Standard**
MARCH 1, 2019

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**Qualified Opportunity Zones vs. 1031**
JANUARY 30, 2019

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**Risk Management and the Development / Construction Industry**
JANUARY 24, 2019

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**Supreme Court of Florida Upholds the Frye Standard**
NOVEMBER 13, 2018

On October 15, 2018, in the matter of Richard Delisle vs. Crane Co., et al., the Supreme Court of Florida unequivocally reaffirmed that Frye remains the standard for the admission of expert testimony. This reaffirmation comes after the Florida Legislature amended section 90.702 to incorporate the Daubert standard into the Florida Rules of Evidence in 2013.

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**Fourth DCA Rules Chapter 558 Notice of Defect Can Constiutute Commencement of Action Giving Plaintiffs More Time to File Suit**
SEPTEMBER 19, 2018

On September 12, the Fourth District Court of Appeals ruled that a Chapter 558 notice of defect can be considered the “commencement” of a construction defect action.

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**Key Contacts**
Richard T. Tschantz
SHAREHOLDER
ORLANDO

Christopher M. Paolini
TAMPA

Bruce Charles King
ASSOCIATE
ORLANDO

Daniel K. Felsen
WASHINGTON, D.C.

David J. Butzer
MIAMI

Christopher O. Aird
SHAREHOLDER
MIAMI

Lori Baggett
SHAREHOLDER
TAMPA

Erin E. Banks
SHAREHOLDER
TAMPA

Wm. Cary Wright
SHAREHOLDER
TAMPA

Defended numerous payment and performance bond claims by community schools involving school construction.

Defended an architect against allegations of negligent design and project administration involving a commercial office and hotel construction for major Orlando theme park.

Represented government entity on a multimillion-dollar claim against a general contractor for defective construction and plant; Matter involved untimely performance of defective work/delay, latent defects, bid irregularities, design defects, 255

Represented government entity on a $75 million claim arising from termination of a contractor on a waste water treatment facility.

Represented lead designer of $70 million highway expansion project in central Florida.

Represented contractor in connection with $120 million in claims arising from luxury hotel construction.

Represented contractors and homebuilders in connection with Chinese drywall claims exceeding $300 million.

Counsel for homebuilder in class action relating to $200 million in hurricane claims involving more than 8,000 homes.

Represent international airport authority on construction and insurance issues for multibillion-dollar airport expansion.

Defective construction.

Represented numerous condominium associations on claims against developers, contractors, and designers arising from defective construction.

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Counsel for homebuilder in class action relating to $200 million in hurricane claims involving more than 8,000 homes.

Represent international airport authority on construction and insurance issues for multibillion-dollar airport expansion.

Defective construction.
We also represent insurers and their insureds in the defense of construction risk claims, and, on their behalf, have addressed

Additionally, we handle litigation related to mold contamination and infestation, including construction defect, products, and

Sureties

Condominium Associations

General Contractors, Subcontractors, and Suppliers

following types of litigation for:

Overview

Construction Litigation

- SHAREHOLDER
  - Michael Jay Rune II
  - TAMPA
- SHAREHOLDER
  - Christopher M. Paolini
  - OF COUNSEL
  - Bruce Charles King
  - ASSOCIATE
  - Logan Moses Owens
  - ORLANDO
- SHAREHOLDER
  - Christopher O. Aird
  - ASSOCIATE
  - Jaret J. Fuente
  - MIAMI
- SHAREHOLDER
  - John J. Lamoureux
  - OF COUNSEL
  - Donald E. Hemke
  - TAMPA
- SHAREHOLDER
  - Alana Zorrilla-Gaston
  - ASSOCIATE
  - LGBTQ
  - Hart Semple
  - Harvard
  - Yale

- SHAREHOLDER
  - Missy O. Sullivan
  - ASSOCIATE
  - Joan E. Dimick
  - MICHIGAN

- SHAREHOLDER
  - Christopher Mauro
  - ASSOCIATE
  - Peter A. Kryk
  - OHIO

- SHAREHOLDER
  - Jason A. Booth
  - ASSOCIATE
  - Jeffery A. Blakely
  - WASHINGTON, D.C.

- SHAREHOLDER
  - Edward J. Bauman
  - ASSOCIATE
  - Scott A. Blakely
  - NEW YORK

- SHAREHOLDER
  - Robert G. Biever
  - ASSOCIATE
  - Andrew A. Blakely
  - CALIFORNIA

- SHAREHOLDER
  - David J. Butzer
  - SENIOR COUNSEL
  - WASHINGTON, D.C.
  - Email: 202.965.8118
  - Email: vCard

- SHAREHOLDER
  - Charles J. Cacciabeve
  - OF COUNSEL
  - ORLANDO
  - Email: 407.244.8223
  - Email: vCard

- SHAREHOLDER
  - James P. Carney
  - SHAREHOLDER
  - WASHINGTON, D.C.
  - Email: 202.965.8117
  - Email: vCard

- SHAREHOLDER
  - Dana Chaaban
  - ASSOCIATE
  - MIAMI
  - Email: 305.539.7417
  - Email: vCard

- SHAREHOLDER
  - Ryan D. Class
  - ASSOCIATE
  - HARTFORD
  - Email: 860.392.5055
  - Email: vCard

- SHAREHOLDER
  - Chelsey J. Clements
  - ASSOCIATE
  - ORLANDO
  - Email: 407.244.8245
  - Email: vCard

- SHAREHOLDER
  - Laurynne A. Counts
  - ASSOCIATE
  - CALIFORNIA

- SHAREHOLDER
  - Christopher O. Aird
  - ASSOCIATE
  - Jennifer A. Danciger
  - D.C.

- SHAREHOLDER
  - John A. Creamer
  - ASSOCIATE
  - Jarette A. Danciger
  - NEW YORK

- SHAREHOLDER
  - Edward A. Dancy
  - ASSOCIATE
  - James A. Danciger
  - CALIFORNIA

- SHAREHOLDER
  - David A. Danciger
  - ASSOCIATE
  - Brian A. Danciger
  - OHIO

- SHAREHOLDER
  - Oregon A. Danciger
  - ASSOCIATE
  - Christopher A. Danciger
  - WASHINGTON, D.C.
Construction Litigation

Represented county on multiple construction matters arising from defective construction, design, or delay.

Defended numerous payment and performance bond claims by community schools involving school construction.

Defended class action alleging underground storage tanks leaked due to construction defects; Class certification denied.

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Represented contractor in connection with claims relating to a $200 million-plus resort in Dade County, Florida.

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Counsel for subcontractor defending $85 million claim for failure of phosphate reservoir.

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Additionally, we handle litigation related to mold contamination and infestation, including construction defect, products, and General Contractors, Subcontractors, and Suppliers following types of litigation for:

**Construction Litigation**

- Represented county on multiple construction matters arising from defective construction, design, or delay.
- Represented subcontractor against delay claim alleged by major theme park and general contractor.
- Defended numerous payment and performance bond claims by community schools involving school construction.
- Defended a suit against a subcontractor's performance bond for latent water damage in a condominium project.
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- Represented construction company against numerous subcontractors involving numerous related cases arising out of hotel construction for major Orlando theme park.
- Represented contractors and homebuilders in connection with Chinese drywall claims exceeding $300 million.
- Counsel for subcontractor defending $85 million claim for failure of phosphate reservoir.
- Represented county on multimillion-dollar claim against design professional for defective design and contract litigation.
- Represented government entity on a delay and construction defects claim against a paving contractor on a multimillion-dollar project.
- Represented contractors and homebuilders in connection with Chinese drywall claims exceeding $300 million.

**Insurance Disputes**

- Insurance claims and coverage
- Personal injury relating to defective construction of window
- Personal and emotional injury related to mold claims
- Pile driving (property damage)
- Concrete pumping
- Amputation
- Wrongful death
- Indemnity claims
- Litigation and insurance claims relating to property damage and loss
- Defective construction and design claims
- Construction claims of lien
- Change order/equitable adjustment claims
- Differing site condition claims
- Contractor terminations and suspensions of work
- Indemnity claims
- Time related damage claims including delay, acceleration, and lost productivity

**Construction Litigation**

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- Contractor terminations and suspensions of work
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- Time related damage claims including delay, acceleration, and lost productivity
Our attorneys litigate most issues confronting the construction industry. We have significant experience handling the

**Construction Litigation**

**MIAMI**
- Bruce Charles King
  - OF COUNSEL
  - 305.539.7244
  - Email
  - vCard

**HARTFORD**
- Leslie P. King
  - SHAREHOLDER
  - 860.392.5053
  - Email
  - vCard

**TAMPA**
- Edward Kuchinski
  - OF COUNSEL
  - 813.229.4262
  - Email
  - vCard

**ORLANDO**
- Wm. Cary Wright
  - ASSOCIATE
  - 305.347.6806
  - Email
  - vCard

**SENIOR GOVERNMENT CONSULTANT**
- Kari B. Hebrank
  - Seat super motor speedway; Action also involved suing engineer and foundation designer for design defects.

**Represented numerous condominium associations on claims against developers, contractors, and designers arising from**

- Defended lead designer of space shuttle launching facility at Cape Canaveral.
- Represented bleacher designer, manufacturer, and installer in dispute where claims exceeded $14 million and involved a
  - Defended numerous payment and performance bond claims by community schools involving school construction.

**Represented county on multimillion-dollar claim against design professional for defective design and contract litigation.**

**Counsel for homebuilder in class action relating to $200 million in hurricane claims involving more than 8,000 homeowners.**

**Represented contractor in connection with $120 million in claims arising from luxury hotel construction.**

**Represented regional airport authority on multiple matters, including advice during construction and representation in**

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**Action Giving Plaintiffs More Time to File Suit**

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**Risk Management and the Development / Construction Industry**

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**SHAREHOLDER**
- Robert L. Shannon
  - 813.229.4224
  - Email
  - vCard

**SHAREHOLDER**
- Lannie D. Hough Jr.
  - 813.229.4224
  - Email
  - vCard

**SHAREHOLDER**
- Alana Zorrilla-Gaston
  - 561.822.2974
  - Email
  - vCard

**SHAREHOLDER**
- Jason Perkins
  - 202.965.8114
  - Email
  - vCard

**SHAREHOLDER**
- Joseph A. McManus Jr.
  - 202.965.8114
  - Email
  - vCard

**SHAREHOLDER**
- Erin E. Banks
  - 801.392.5053
  - Email
  - vCard

**SHAREHOLDER**
- Logan Moses Owens
  - 801.392.5053
  - Email
  - vCard

**SHAREHOLDER**
- Jaret J. Fuente
  - 860.392.5053
  - Email
  - vCard

**SHAREHOLDER**
- Michele B. Softness
  - 860.392.5053
  - Email
  - vCard

**SHAREHOLDER**
- Scott P. Pence
  - 860.392.5053
  - Email
  - vCard

**SHAREHOLDER**
- Jason J. Quintero
  - 860.392.5053
  - Email
  - vCard

**SHAREHOLDER**
- Bruce Charles King
  - 305.539.7244
  - Email
  - vCard

**SHAREHOLDER**
- Leslie P. King
  - 860.392.5053
  - Email
  - vCard

**SHAREHOLDER**
- Edward Kuchinski
  - 813.229.4262
  - Email
  - vCard

**ASSOCIATE**
- James S. Czodli
  - 305.539.7244
  - Email
  - vCard

**ASSOCIATE**
- Wm. Cary Wright
  - 305.347.6806
  - Email
  - vCard

**ASSOCIATE**
- Robert L. Shannon
  - 813.229.4224
  - Email
  - vCard

**ASSOCIATE**
- Lannie D. Hough Jr.
  - 813.229.4224
  - Email
  - vCard

**ASSOCIATE**
- Alana Zorrilla-Gaston
  - 561.822.2974
  - Email
  - vCard

**ASSOCIATE**
- Jason Perkins
  - 202.965.8114
  - Email
  - vCard

**ASSOCIATE**
- Joseph A. McManus Jr.
  - 202.965.8114
  - Email
  - vCard

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- Erin E. Banks
  - 801.392.5053
  - Email
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  - Email
  - vCard
Homebuilders
Developers and Owners (public and private)

Our attorneys litigate most issues confronting the construction industry. We have significant experience handling the following:

- Construction Litigation
- Real Estate
- Land Use & Zoning
- Environment
- Labor & Employment
- Insurance Coverage & Bad Faith
- Tax
- Litigation

We represent clients in the following areas:

- Represented county on multimillion-dollar claim against design professional for defective design and contract bonds, interpretation of bid documents, plans and specifications, and errors and omissions.
- Represented lead designer of space shuttle launching facility at Cape Canaveral.
- Defended lead designer of space shuttle launching facility at Cape Canaveral.
- Counsel for subcontractor defending $85 million claim for failure of phosphate reservoir.
- Counsel for homebuilder in class action relating to $200 million in hurricane claims involving more than 8,000 individual claims.
- Represented contractors and homebuilders in connection with Chinese drywall claims exceeding $300 million.
- Represented county on multiple construction matters arising from defective construction, design, or delay.
- Represented subcontractor against delay claim alleged by major theme park and general contractor.
- Represented national heavy highway contractor against an engineering firm regarding supply of inaccurate soil data.
- Represented 75,000-seat super motor speedway; Action also involved suing engineer and foundation designer for design defects.
- Represented construction company against numerous subcontractors involving numerous related cases arising out of construction of $150 million convention center project.
- Represented construction company suing for wrongful termination of a subcontract on a construction project for a public university.
- Represented construction company for wrongful termination of a subcontract for a major Orlando theme park.
- Represented contractor for $50 million claim against architect.
- Represented construction company against claims for defective construction and design.
- Represented construction company for $75 million claim against tenant for defective construction.
- Represented construction company against numerous subcontractors involving numerous related cases arising out of construction of $150 million convention center project.
- Represented construction company for $50 million claim against tenant for defective construction.
- Represented construction company for $75 million claim against tenant for defective construction.

For more information, please contact us.

George J. Meyer
SHARINGHOLDER
TAMPA
813.229.4140
Email
vCard

Frank T. Moya
ASSOCIATE
TAMPA
813.229.4237
Email
vCard

Logan Moses Owens
ASSOCIATE
ATLANTA
404.815.2759
Email
vCard

Christopher M. Paolini
SHARINGHOLDER
ORLANDO
407.244.8253
Email
vCard

Scott P. Pence
SHARINGHOLDER
TAMPA
813.229.4322
Email
vCard

Jason Perkins
SHARINGHOLDER
ORLANDO
407.244.8250
Email
vCard
Luis Prats
SHAREHOLDER
TAMPA
- 813.229.4102
- Email
- vCard

Jason J. Quintero
SHAREHOLDER
TAMPA
- 813.229.4103
- Email
- vCard

Michael G. Rothfeldt
ASSOCIATE
TAMPA
- 813.229.4388
- Email
- vCard

Michael Jay Rune II
SHAREHOLDER
MIAMI
- 305.539.7231
- Email
- vCard

Robert L. Shannon
SHAREHOLDER
ATLANTA
- 404.815.2753
- Email
- vCard

Michele B. Softness
OF COUNSEL
MIAMI
- 305.539.7234
- Email
- vCard

Represented national heavy highway contractor against an engineering firm regarding supply of inaccurate soil data.

Represented bleacher designer, manufacturer, and installer in dispute where claims exceeded $14 million and involved a university.

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Defended lead designer of space shuttle launching facility at Cape Canaveral.

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Represented government entity on a multimillion-dollar claim against a general contractor for defective construction and a multimillion-dollar road construction project.

Represented county on multimillion-dollar claim against design professional for defective design and contract

Represented international airport authority on construction and insurance issues for multibillion-dollar airport expansion.

Counsel for homebuilder in class action relating to $200 million in hurricane claims involving more than 8,000 homeowners.

Represent international airport authority on construction and insurance issues for multibillion-dollar airport expansion.

Represented convention center project.

Delay claims
Failure to cooperate in the spoliation of a ladder from which worker fell
Negligent use of heavy construction equipment (equipment totaled)

OSHA issues
Accidents, including those related to scaffolding and trenches

Warranty claims
Takeover and completion of bonded projects
Payment bond claims

Pay-when-paid clause disputes
Suspensions of work and termination

Contractor terminations and suspensions of work
Payment disputes
Construction claims of lien

Warranty claims
Buyer rescission claims
Change order/equitable adjustment claims

The Hurricane is Coming in Five Days - Are We Ready for This?
AUGUST 30, 2019
Securing construction sites is critical ... 305.530.4058
 Email
 vCard
Alana Zorrilla-Gaston
SHAREHOLDER
WEST PALM BEACH
 561.822.2974
 Email
 vCard

Fourth DCA Rules Chapter 558 Notice of Defect Can Constitute Commencement of

expert testimony. This reaffirmation comes after the Florida Legislature amended section

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Richard T. Tschantz
OF COUNSEL
TAMPA
■ 813.229.4274
■ Email
■ vCard

Paul J. Ullom
SHAREHOLDER
TAMPA
■ 813.229.4108
■ Email
■ vCard

Charlotte L. Warren
OF COUNSEL
ORLANDO
■ 407.244.8231
■ Email
■ vCard

Michael G. Zilber
ASSOCIATE
MIAMI
■ 305.530.4058
■ Email
■ vCard

Alana Zorrilla-Gaston
SHAREHOLDER
WEST PALM BEACH
■ 561.822.2974
■ Email
■ vCard

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