

OVERVIEW

The Tucker Ellis Construction Group represents owners, contractors, suppliers, and developers in all aspects of construction.

Our group has a thorough understanding of the construction industry acquired from years of hands-on industry experience and representation. Our attorneys include former in-house construction counsel and project managers. This valuable experience gives Tucker Ellis a unique understanding of the issues facing our clients and the skills and experience to best address them.

Client service teams, specially selected from across dozens of Tucker Ellis practice areas, provide individualized solutions even before the shovel goes into the ground. We minimize project costs while meeting schedule and quality objectives. We identify critical issues that can delay a project or increase costs and work to resolve them quickly. We recommend timely resolutions of claims issues and provide legal advocacy during dispute resolution processes. Should litigation become necessary, our attorneys have significant courtroom experience in construction matters, construction defect litigation, complex litigation, and insurance coverage to resolve claims in the most efficient and cost-effective way. And finally, our commitment to alternative fee arrangements removes the risk and uncertainty from fees and costs – allowing us to focus on what matters most to our clients: results.

AREAS OF EMPHASIS

- Project acquisition, structure, and financing
- Negotiation and documentation – contracts, purchase orders, change orders, waivers, releases, and owner-controlled insurance policies
- OSHA compliance – including day-to-day consultation, preparation, and review of safety programs, training, worksite audits, and citation defense
- Bid protests and withdrawals
- Development and implementation of informal dispute resolution processes
- Complex construction claims and industrial construction litigation – claims of breach of contract, termination, warranty, extended conditions, impacts, and delays
- Construction defect litigation
- Wage and hour disputes – prevailing wage disputes and Davis-Bacon matters
- Federal Requests for Equitable Adjustments
- Preservation and prosecution of lien and bond claims on private and public projects at the state, local, and federal levels

REPRESENTATIVE MATTERS

LITIGATION

- National counsel for wood, fuel, and stove manufacturer in product liability and construction defect claims
- National counsel for elevator manufacturer in product liability and construction defect claims
- National counsel for construction material supplier
- Lead trial counsel in series of cases involving power plant equipment and allegations of design and construction defects
- Construction defect counsel for nationally known window manufacturer

REPRESENTATIVE MATTERS, LITIGATION (CONTINUED)

- Represented condominium association in litigation involving faulty design of exterior cladding system resulting in the recovery of a six-figure settlement on behalf of association
- Recovered six-figure award on behalf of private school for defective design and construction of ice rink by design builder
- Represented specialty contractor in presentation of several requests of equitable adjustment on federal contract resulting in recovery of six-figure awards
- Represented subcontractor in the presentation and defense of construction delay and interference claims involving construction of hotel resulting in seven-figure award and dismissal of eight-figure counterclaim
- Represented subcontractor in the presentation and defense of construction delay and interference claims involving the construction of a hospital resulting in seven-figure award
- Successfully defended contractor from allegations of improper installation of cladding materials
- Defended general contractor in negligence action involving paralyzing injuries suffered by subcontractor's employee from a fall resulting in payment of settlement by subcontractor and not general contractor
- Successfully defended specialty contractor at trial of OSHA citations resulting in reduction of willful violations to other than violation
- Successfully represented general contractor in defense of OSHA citations alleging multiple fall protection violations resulting in reduction of all citations to other than violation
- Represented construction manager in a large multi-use development that went into receivership, spawning multiple pieces of complex litigation
- Successfully secured summary judgment on behalf of a commercial roofing system designer and manufacturer on an eight-figure flooding case involving a commercial building
- Defended manufacturer and installer of window and door products involved in custom single-family residence defect claims

TRANSACTIONAL

- Represented public owner in Ohio in first design-build project by a public authority in Northeast Ohio; guided owner through design-build selection process, contracting, and construction
- Represented private owner in the negotiation and preparation of multiple design-build contracts for multiphase construction of winery and supporting facilities in Northeast Ohio
- Represented design-builder in negotiation of multimillion-dollar contract for construction of new manufacturing facility in Northwest Ohio to be owned and operated by German interests
- Represented publicly owned company in negotiation and preparation of construction manager at risk contract for construction of new home office facilities in Cleveland, Ohio
- Represented a specialty contractor in litigation and dispute resolution proceedings involving the construction of high-profile public and private projects throughout the United States, including Cleveland Browns Stadium, Jacobs Field, and Staples Center
- Coordinated and managed 90 lawsuits stemming from the collapse of a winery terrace, resulting in only two cases being tried to verdict; drafted and implemented a dispute resolution process resolving over 80% of the claims in the early stages of the proceedings
- Represented general contractor in the defense and prosecution of numerous delay, disruption, and loss of efficiency claims presented by trades, including excavation, electrical, steel, plumbing, drywall, masonry, interior, and fire suppression systems on commercial projects throughout the Midwest and Southeastern United States
- Obtained an order against a city enjoining it from awarding a contract to another bidder and an order granting mandamus forcing the city to award the contract to our client