Tucker Ellis LLP

Construction

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. 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. It starts with drafting, reviewing, and negotiating the project's construction contracts to further our clients' business goals while also protecting their interests. After the project begins, we identify critical issues that can cause delays or increase costs and work to resolve them quickly. We recommend timely resolutions of claims issues and provide legal advocacy during the dispute resolution process. 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
- 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

Experience

LITIGATION

- Lead counsel for a leading infrastructure, transmission and pipeline contractor in construction claims
- Lead counsel for a large elevator manufacturer in construction claims
- Represented consolidated lien claimants in a nine-figure foreclosure to obtain funds for construction work performed
- National counsel for construction material supplier
- Lead trial counsel in a series of cases involving power plant equipment and allegations of design and construction defects
- Represented a subcontractor in the presentation and defense of construction delay and interference claims involving the construction of a hotel resulting in a seven-figure award and dismissal of an eight-figure counterclaim
- Represented a subcontractor in the presentation and defense of construction delay and interference claims involving the construction of a hospital resulting in a seven-figure award
- Lead counsel for a nationally known window manufacturer
- Represented a subcontractor in a seven-figure termination costs claim arising from the termination of a large high-rise residential building project
- Represented a condominium association in litigation involving the faulty design of an exterior cladding system resulting in the recovery of a six-figure settlement on behalf of the association
- Recovered a six-figure award on behalf of a private school for the defective design and construction of an ice rink by the design builder
- Represented a specialty contractor in the presentation of several requests of equitable adjustment on a federal contract resulting in the recovery of six-figure awards
- Successfully defended a contractor from allegations of improper installation of cladding materials
- Represented a 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 a manufacturer and installer of window and door products involved in custom single-family residence defect claims

TRANSACTIONAL

- National counsel for a leading horticultural and environmental contractor in the negotiation, drafting, and review of construction contracts nationwide
- Represented a public owner in Ohio in the first design-build project by a public authority in Northeast Ohio; guided owner through the design-build selection process, contracting, and construction
- Panel counsel for a leading infrastructure, transmission, and pipeline contractor in the negotiation, drafting, and review of construction contracts

- Represented an architectural firm of record in negotiating a services agreement for a nine-figure residential facility
- Represented a private owner in the negotiation and preparation of multiple design-build contracts for the multiphase construction of a winery and supporting facilities in Northeast Ohio
- Represented a design-builder in the negotiation of a multimillion-dollar contract for the construction of a new manufacturing facility in Northwest Ohio to be owned and operated by German interests
- Represented a high-rise developer in the negotiation and contract drafting for multiple national mixed-use nine-figure projects
- Represented a general contractor in negotiating multiple agreements for work at healthcare facilities
- Represented a publicly owned company in the negotiation and preparation of a construction manager at risk contract for the construction of new home office facilities in Cleveland, Ohio
- Represented a government entity in the negotiation of a development agreement to establish a testing and inspection protocol for site work and infrastructure improvements
- Represented a private owner in the negotiation and preparation of construction contracts for the construction of a medical marijuana dispensary
- Represented a private owner in the negotiation and preparation of construction contracts for long-term care facilities
- Represented a specification subcontractor in negotiating agreements with architectural firms around the nation
- Represented a private owner in negotiating construction and design contracts for the construction of a large food processing facility