Pillsbury was presented with the 2018 Construction Lawyers Society of American Law Firm Award for high acumen and ability in Construction Law.

Pillsbury’s Construction Counseling & Dispute Resolution team assists clients at every stage of construction. Our lawyers anticipate and avoid friction, negotiating and drafting contracts with precise language, clearly described milestones, and carefully allocated risks and responsibilities. Backed by an arsenal of market-leading project finance, real estate, insurance, public-private partnership, environmental law and tax practices, Pillsbury’s counselors, negotiators, insurance professionals and construction litigation lawyers can tackle any issues that arise during construction. From financing for development of a toll road, regulatory guidance regarding a new power plant, or insurance coverage and liability issues, Pillsbury brings together superior industry and regulatory knowledge, local market experience, and transactional and litigation skill to help owners, developers, lenders and contractors manage risk, resolve challenges and get the job done.

Our lawyers seek dispute resolution without unnecessary litigation. But if a matter requires formal dispute resolution, we have a team of litigators that has won some of the most complex construction cases ever brought in state and federal courts, before administrative bodies and before arbitration panels worldwide. From the Panama Canal extension and major infrastructure development around the globe to multibillion-dollar hospitals and mixed-use facilities, we have advised on some of the world’s most significant construction projects.

Pillsbury Construction dispute lawyers advise on and assist with transactional matters, including contract negotiations and preparation. We provide guidance on insurance, indemnification and risk management, troubled projects, offer post-disaster counseling, and handle litigation and alternative dispute resolution.
Our Construction Counseling & Dispute Resolution team has extensive experience with:

- Commercial & Residential Projects & Properties
- Energy Facilities and Power Projects
- Health Care Facilities
- Hospitality Industry
- Industrial and Manufacturing
- Construction-Related Insurance Coverage and Recovery Crisis Management/Building Disasters
- Procurement
- Public Works & Infrastructure Projects
- Stadiums, Arenas and Convention Centers
- Telecommunications
- Universities and Colleges

Our Construction Counseling & Dispute Resolution practice is an active participant in a wider Real Estate and Construction Industry Team — a comprehensive cross-disciplinary team with broad and in-depth experience in a broad array of industry sectors.

REPRESENTATIVE EXPERIENCE

- Successfully defended a major Japanese manufacturer and several of its U.S. subsidiaries in ICC Arbitration in California involving the San Onofre Nuclear Generating Station (“SONGS”) that stemmed from claimed failure of certain critical components manufactured and supplied by our clients with claims exceeding $7 billion, and awarded fees and costs as the “prevailing party” in excess of $58 million.

- Advised the Panama Canal Authority on project delivery methods, phasing and contracting strategies for a $5 billion project, which included excavation of new canal sections and dredging of inland and oceanside waterways.

- Successfully defended Duke Energy against Westinghouse’s $482 million claim for termination costs resulting from the termination of an EPC Agreement for the Levy County nuclear power plant, after bench trial in federal court.

The team has extensive experience advising on, negotiating and litigating diverse construction-related matter. These include:
Commercial & Residential Projects & Properties

- Represented a joint venture on construction and insurance issues arising from the sinking and leaning Millennium Tower in San Francisco.

- Won more than $23 million in damages, plus costs, interest and attorneys' fees for a construction company client seeking insurer's indemnification for damages and losses caused by subcontractors' mistakes.

- Represented a joint venture owner regarding closeout of a $160 million multiuse project in the mid-Atlantic region. This was a large, complex project, with complicated legal issues and substantial amounts at issue.

- Advised a developer and owner of multifamily residential projects across the U.S., drafted and negotiated design and construction contracts, advised on contracts' administration, and handled dispute resolution for company.

- Represented one of the U.S.'s largest homebuilders in a multidistrict litigation homeowners' class action claiming damages from the incorporation of yellow brass fittings into the plumbing systems of homes built in California and Nevada.

- Assisted a real estate developer with Chinese drywall and related issues, including pursuit of third-party recoveries to help fund drywall replacement and damage repairs in a Florida high-rise condominium project.

- Defended a homebuilder against claims by 2,000 plus homeowners and pursued claims against approximately 100 subcontractors and 25 insurers related to the construction of more than a dozen Central Valley, CA, housing developments.

- Represented the owner of a new contemporary art museum in Los Angeles, asserting delay and breach of contract claims against its design-build GFRC veil, façade and glass contractor.
- **Energy Facilities and Power Projects**
  - Represented a multinational engineering and project management company in connection with claims exceeding $2.4 billion in alleged damages related to a refinery expansion megaproject in Colombia.
  - Secured settlement for Duke Energy with insurers (Nuclear Electric Insurance Limited) totaling $835 million for business interruption loss following damage to the Crystal River Nuclear Plant. The result was the largest payout in the history of NEIL.
  - Represented Brookfield Renewable Power on negotiation and enforcement of EPC and construction contracts, as well as claims resolution for renewable energy generation and transmission projects in New England, Texas and California while providing advice on EPC and financing for hydroelectric dam modernization projects in Pennsylvania and Minnesota.
  - Defended a utility against a claim exceeding $500 million brought by a vendor under a terminated EPC agreement for a nuclear power plant.
  - Represented an EPC contractor in pursuing recovery of more than $200 million of insurance claims arising out of the construction of enhancements to five coal-fired power plants.
  - Acted for a major utility company in connection with a $175 million loss arising out of the failure of a steam generator for a nuclear facility during testing.
  - Represented a client in arbitration involving claims between a joint venture LNG facility owner and an EPC contractor relating to facility construction delays and force majeure events.
Health Care Facilities

- Represented the Regents of University of California in connection with disputes totaling $480 million arising from construction of two major hospitals in Los Angeles.

- Assisted a major hospital system with construction disputes regarding its ongoing new clinical building project, an $800 million facility to replace older buildings and provide state-of-the-art operating rooms and patient care capabilities.

- Represented New York University on construction defects claims against Turner Construction arising from damages to its hospital caused by Superstorm Sandy.

- Represented Stanford University and Hospitals on educational, research, residential and commercial engineering, procurement and construction projects totaling several billion dollars, including the New Stanford Hospital (NSH), the expansion of the children’s hospital, faculty home development, and an innovative central energy and cogeneration plant.

- Represented an owner against contractor claims on a multi-prime contract involving 42 trades and construction of a state-of-the-art cancer center. Successfully resolved all issues and closed all contracts without litigation.

- Acted for a construction company in connection with the construction of a $1 billion private hospital facility, where design issues have resulted in substantial delays and increased costs.

- Represented a general contractor and its surety during the construction of a roughly $200 million central plant and inpatient building.

- Successfully defended a joint venture building contractor against Kaiser Foundation Health Plan’s $50 million claims for the defective construction of a hospital tower in Honolulu, Hawaii.
Hospitality Industry

- Represented a construction company in a complex dispute alleging cost overruns, increased work scope and defective work on an upstate New York casino/hotel complex.

- Represented a hotel owner against a contractor in AAA arbitration over a remodel and obtained an award for substantially all of owner’s delay and defective work claims.

- Advised a lender regarding multiple construction and design contracts for new, high-profile hotels and a convention center in downtown Los Angeles.

- Represented the owner and developer of an $8 billion Las Vegas resort and casino complex in resolving nearly $500 million in claims brought by some 273 subcontractors in state court.

- Represented a $5.7 billion integrated resort development owner in Singapore International Arbitration Centre proceedings regarding unauthorized reuse of proprietary designs in conjunction with proposed competing 8.8-million-square-foot development elsewhere in Asia.

- Acted for a Las Vegas resort and casino owner regarding crisis management, forensic analysis, remediation/repair, litigation and insurance recovery related to disruptions and damages caused by defenestration from its high-rise hotel windows.
- **Public Works & Infrastructure**
  - Advised the San Francisco Bay Area Rapid Transit (BART) on major work related to Bay Area extension rail projects to northeastern Contra Costa County and to Livermore, and completion of the Oakland Airport Connector.

  - Represented a construction company on design-build contracts, environmental issues and claims resolution in the extension of the BART metro network, which includes two stations, six level crossings and two over bridges.

  - Represented a construction company on design-build construction contracts, project management issues and claims analysis in a multiyear, multibillion dollar light rail line from Exposition Park in Los Angeles, to Santa Monica.

  - Represented a construction company on contract and disputes advice in connection with a large tunnel project joining two lines of the LA Metro, and the new line extension to the planned La Cienega Station in Los Angeles.

  - Represented Clark/Kiewit a Joint Venture in connection with claims for additional compensation from the Metropolitan Washington Airports Authority in connection with the construction of the Silver Line, a rail line from Washington, DC, to Dulles Airport.

  - Represented Walsh Austin Joint Venture in a dispute against the City of Los Angeles, Los Angeles World Airways, arising from the construction of the new Tom Bradley International Terminal West, a $2 billion addition to LAX facilities.

  - Represented the University of Kansas regarding development of up to six new buildings and a major utility project to be delivered as a public-private partnership.

  - Assisted a major railroad company in negotiating construction and maintenance issues arising from major highway and other infrastructure projects impacting railroad property and operation.

  - Acted for the Academy of Motion Picture Arts and Sciences in drafting and negotiating design and construction documents for its new Motion Picture Museum in the Los Angeles County Museum of Art.

  - Represented an EPCM contractor in a dispute arising from the relocation, upgrade and commissioning of an ammonia plant from Sicily to Manitoba. The dispute involved issues of delay and whether the plant met warranted startup production levels.

  - Advised the program manager for the Honolulu Rapid Transit system and its client, the Honolulu Authority for Rapid Transportation (HART), regarding resolution of claims arising from delays and contract scope changes.

  - Counseled a client regarding the catastrophic failure of the lining material in a ~100-mile-long water pipeline from a Chilean desalination plant to a mine in the Atacama Desert.

  - Advised the Concessionaire on the Presidio Parkway PPP project linking the City of San Francisco to the Golden Gate Bridge, and filed a declaratory relief action against the Department in San Francisco Superior Court.
• Represented a Pakistani contractor in ICC International Court of Arbitration proceedings regarding the reconstruction of a major airport in Afghanistan.

• Represented a large MEC subcontractor in a construction dispute arising from the construction of the Doha International Airport.

• Advised a client in connection with the renovation of the Delta terminal at Fort Lauderdale International Airport.

• **Stadiums, Arenas and Convention Centers**

  • Represented a contractor on construction issues arising from the installation of the retractable roof at Arthur Ashe Stadium.

  • Handled contracting and advised on planning for construction of the $320 million AT&T Park, the first major privately funded U.S. sports facility to be built in more than 30 years.

  • Represented the general contractor in post-completion litigation to resolve subcontractor claims for delay, disruption and extra work related to the construction of Citizens Bank Ballpark in Philadelphia.

  • Represented a construction company in insurance recovery following a gigantic crane collapse at a still-under-construction baseball park in Milwaukee, WI.

  • Represented a joint venture regarding a close-out agreement with the DC Sports & Entertainment Commission for the Washington Nationals baseball stadium.

  • Represented a contractor on construction disputes in connection with the Arizona Cardinals football stadium.

  • Assisted in the negotiation and drafting of design-build construction contracts between the City of San Diego and the San Diego Ballpark Builders joint venture for the home of the San Diego Padres.

• **Crisis Management/Construction Disasters**

  • Represented a crane company in connection with a crane collapse at the National Cathedral in Washington, DC.

  • Represented a construction company regarding construction, insurance and other issues related to a hanger roof collapse and the damage or destruction of more than a dozen aircraft at Dulles Airport during a snowstorm.

  • Represented a real estate company in connection with the garage collapse at the Watergate Hotel in Washington, DC.

  • Represented a document storage company regarding a fire that burned for over a month in Brooklyn and resulted in a total loss of the facility and its contents.

  • Represented a real estate company in connection with a building collapse at 476 K Street in Washington, DC.
PRACTICE AREA HIGHLIGHTS

- The Legal 500 U.S. ranked Pillsbury’s Construction team as a national leader.
- The 2019 Chambers USA nationally ranked (Band 2), Washington, DC-ranked (Band 1), California-ranked (Band 2) and Japan-ranked (Spotlight Table).
- In 2018, Pillsbury’s Construction team received the Construction Lawyers Society of America Law Firm Award for demonstration of high acumen and ability in construction law.
- Touted by clients as “very responsive” and for going “above and beyond,” Pillsbury’s Construction practice and team members are repeatedly recognized by Chambers USA for outstanding work.
- The 2018 Chambers Asia Pacific ranked Pillsbury’s Construction and Asset Finance practices among Asia Pacific’s finest.
- The 2018 Who’s Who Legal named six Pillsbury partners to its list of Top Construction Lawyers.
- In 2016, Pillsbury was named “Law Firm of the Year” for Construction Law by U.S. News & World Report – Best Lawyers.