

**BEN D. NOLAN, III, P.E., P.S.P.**  
BERKELEY RESEARCH GROUP, LLC  
1101 Gulf Breeze Parkway, Bldg. 3, Suite 7  
Gulf Breeze, FL 32561

850.677.0541

[bnolan@thinkbrg.com](mailto:bnolan@thinkbrg.com)

*Construction Claims  
Construction Advisory  
Management Consulting  
Expert Witness Testimony*

“A Who’s Who Leading International Arbitration Construction Expert”

Mr. Nolan is a recognized expert in the subject matters of construction contracting, forensic schedule delay analysis, project financial damage analysis, design engineering errors and omissions analysis and defective construction analysis. Mr. Nolan has served the construction industry for over 38 years, having worked as a project engineer for the US Army Corps of Engineers, as a project manager for a major general contractor, a marine contractor and a mechanical/utility contractor and as president of a general contracting company. His career has progressed from hands-on construction and engineering field work to construction dispute resolution and management consulting. Since 1992, Mr. Nolan has lead hundreds of expert and consulting engagements, both domestically and internationally.

Prior to joining Berkeley, Mr. Nolan held positions as Senior Vice President of Delta Consulting Group, with Marsh USA as Construction Industry Consulting Practice leader, as Principal and Practice leader of Arthur Andersen LLP’s Construction Risk Consulting Practice, as Director in the Construction Risk and Dispute Resolution Advisory Practice at PricewaterhouseCoopers LLP and as Vice President with High-Point Rendel.

## REPRESENTATIVE ENGAGEMENTS

- Expert for damages due to wrongful termination on behalf of the developer and the general contractor on a \$90 million plus waterworks and agricultural irrigation project in the Dominican Republic. After the project had been designed and was partially complete, the government agency failed to renew annual funding for the project, which effectively terminated the project. The government agency subsequently hired another international contractor to complete the balance of the work, totaling over \$90 million. The developer and general contractor sued the government agency for termination damages. Mr. Nolan testified to the developer’s and general contractor’s damages at a bench trial in US Federal Court in Miami.
- Expert in defense of a Texas-based, global EPC firm in a jury trial testifying that the firm and its appointed professionals met the Standard of Care for a global airport construction manager on a new airport project. Client won a complete defense jury verdict.

- Expert and consultant on behalf of a global steel manufacturer at its \$5 billion new plant analyzing schedule delays, financial damages claims, disputed change orders and leading forensic engineering investigations, including roof and foundation design errors, structural failure of hundreds of building connections, fatalities and off-spec crane rail installation, among other matters.
- On behalf of a major US contractor charged with making a false claim on a large airport project, reviewed existing claim and advised in preparation of a separate claim to satisfy any false claims tests.
- Expert claim preparation for the largest public US EPC engineering contracting firm for US\$ hundreds of millions of damages due to Process, Mechanical, Electrical, Civil, Controls and similar engineering design changes and design inefficiencies caused by continuous Owner changes throughout the design process at the world's largest Sulfur Processing Facility in Qatar under UNCITRAL arbitration.
- Expert and consultant on behalf of surveyor, in defense of contractor's claim that the survey and design for the reconstruction of an airport runway in Florida did not meet FAA specifications.
- Defend Architect/Engineering firm being blamed for the total cost overrun and total time delay on a new Municipal Complex in South Florida in Federal Court. Contractor and Owner claimed that A/E did not meet its Standard of Care in designing the structure or the architectural details. Performed a schedule delay analysis to determine what events drove the project delays, finding that the GC's slow work was the main cause of delays, not design errors. Evaluated over 1,100 RFI's to determine which RFI's were on or near the critical path, categorized the RFI's according to root cause and attributed each RFI to the party responsible for any cost and time impacts. Identified the discrete A/E errors and omissions and RFI's related to those E+O's. Testified in mediation.
- As expert for design engineer for an Alabama DOT bridge over the Tennessee River in the Middle District Federal Court in Alabama, analyzed contractor's delay claim; rebutted opposing expert's analysis of structural design errors; analyzed constructability of engineer's structural design for the coffer wall, seal and foundation structure; and analyzed contractor's claim for additional costs. Prepped other experts for depositions. Testified in deposition. Client achieved a satisfactory settlement prior to trial.
- Completed appointment as sole Independent Expert with binding decision authority in two international disputes between a Mechanical Contractor and a Government Ministry. For approximately two years, lead the technical investigation of the Mechanical, Electrical, Plumbing and Fire Protection design and construction issues and the resulting delays and cost damages, including detailed analyses of value engineering proposals, mechanical changes, change order requests, disputed mechanical changes, disputed progress of the mechanical works, mechanical claims, alleged defective mechanical work, alleged betterment claims, allowable direct costs, and allowable general conditions and home office overhead costs, all in order to issue the Final Decision on the Mechanical Contractor's financial entitlements. Lead the investigation process with parties represented by Queen's Counsel and in-country counsel.
- Expert on behalf of the leading global cement processing equipment manufacturer to analyze and rebut multiple claims from the Owner and Construction Manager alleging that late and off-spec equipment design, fabrication and delivery delayed the project and caused over \$40 million in labor cost overruns due to inefficiencies caused by re-sequencing of work. Prepared expert schedule delay and damages analyses and presented opinions to global Board of Directors.

- Lead expert for a global insurer in a London Court of Arbitration matter analyzing thousands of construction defects claimed under a national-scale Builder's Warranty policy over a ten year period. Case required detailed research and investigation of specific claims; evaluation of root cause of claim as a covered warranty item, structural defect or a maintenance issue. Claims included evaluation of defective construction investigations by other experts and cost of repairs at condominiums; scope and cost of Chinese drywall remediation in several neighborhoods; evaluation of the reasonableness of the amount of differential settlement and slab cracking due to expansive soils in several neighborhoods, and similar expert analyses of defective construction. Matter achieved satisfactory settlement after mediation and prior to Arbitration
- Expert for a national road and bridge engineering firm defending the general contractor's claim for delays and cost overruns due to alleged design errors in the preliminary design that lead to bid mistakes in the design-build expansion of Interstate 40.
- Expert on behalf of infrastructure design firm defending the general contractor's claim that alleged design errors led to quantity and cost overruns on a design-build road and tunnel Caltrans project in California.
- Expert witness and consulting services for an ENR Top 100 civil engineering firm being sued for defective design and delay costs on a multi-million dollar municipal pier project.
- Expert on behalf of Contractor preparing a claim for unpaid pre-engineered and pre-fabricated, packaged modular waste water treatment systems to be used at a U.S. military base in Afghanistan.
- Consulting expert services to analyze differing site conditions and schedule delay claim by an ENR Top 10 environmental contractor against a Fortune 500 company on a Superfund site clean-up project in New York.
- Marine industry subject matter expert on behalf of the lender in the bankruptcy case of a major dredging contractor, providing analysis and opinions as to the reasonableness of marine construction equipment rental rates for numerous pieces of specialized equipment, including the world's largest mechanical dredge.
- Insurer's representative for contaminated soil clean-up projects, monitoring the contractor's means and methods to control costs on a time and material contract.
- On behalf of a major oil company, analyzed causes of critical project delays due to physical losses and property damage and prepared a claim under a Delayed Start Up insurance policy on a \$2.9 billion oil field development project on the Grand Banks in Canada. Consulting expert in internal evaluation of ENR Top 50 contractor's differing site conditions claim on a high rise courthouse.
- Managing consultant preparing delay and damages claim for differing site conditions and excessive erosion control requirements on behalf of the general contractor that built a large U.S. Army Tank Firing Range. Project included over 10 million cubic yards of excavation.
- Prepared the audit and damage recovery analysis under US Federal Acquisition Regulations for a contractor that had been default terminated on a Department of Energy Uranium Mines Tailing Restoration project in Colorado. Matter was tried and verdict was identified as one of the Top 100 Verdicts of 2006.

- On behalf of class action plaintiffs, led the investigation of one of the largest public EPC firms alleged to have covered up US\$ hundreds of millions of project losses using accounting fraud through improper revenue recognition for claims and change orders on dozens of international EPC projects.
- Consultant on behalf of plaintiffs in a class action securities fraud matter investigating a publicly traded contractor's improper revenue recognition practices in numerous pipeline construction projects across the US, which required distinguishing legitimate change orders from disputed claims under US Accounting Statement of Practice 81-1 and identifying when the accounting irregularities began and ended.
- Expert analyzing delay and inefficiency claims by the Mechanically Stabilized Earth Retaining Wall subcontractor, general contractor and the Louisiana Department of Transportation against the engineer of record on an interstate interchange expansion project.
- Construction industry subject matter expert on consulting team assisting the Panama Canal in its financing of the new Third Lane Locks, one of the world's largest marine-oriented projects. Responsibility was to plan the Canal Authority's organizational structure that would be created to design, procure and manage the construction of the new third lane locks.
- Expert claim preparation on behalf of a nuclear module supplier preparing a request for equitable adjustment for over \$7 million in damages due to late and conflicting design information required to fabricate and assemble nuclear modules for two nuclear construction projects.
- Prepared delay claim and change order request on behalf of contractor expanding a 628MW power facility in Southern Nevada.
- Expert analysis of a major EPC firm's alleged construction cost overruns due to Process and Mechanical design changes on behalf of a global German company expanding its North Carolina production facility.
- Participated on Kaiser Aluminum's emergency re-construction executive management team in the aftermath of its Gramercy, Louisiana Alumina plant explosion. Conducted a comprehensive project risk assessment; advised Kaiser Executives on project issues and recommendations; reformed the project organization structure; and established a cost reporting protocol between client and its insurer to assure smooth project cash flow during the reconstruction phase.
- Expert analyzing the General and Mechanical Contractor's claims exceeding \$50 million on a major waste water treatment plant expansion.
- As expert for general contractor improving the levee system in New Orleans, prepared a damages claim against a specialty piling driving and drilling subcontractor and their equipment supplier for lack of production and delays when the equipment failed to achieve agreed production rates of pile driving and drilling. Report was used in negotiation and mediation. Client achieved a satisfactory settlement prior to trial.
- Forensic construction expert on behalf of a group of re-insurers to analyze hurricane damage claims and captive insured's estimated cost to repair versus the estimated cost to complete construction of new stores at three malls in Miami due to Hurricane Wilma. Each claim exceeded \$30 million and was favorably settled in mediation.

- Expert witness and consulting services at arbitration involving defective and incomplete construction on several projects reconstructed after Hurricane Andrew in Florida.
- As expert for Steel Plant Owner, prepared a road construction cost estimate to support their claim for tax savings benefits due to capital improvements on site. Participated in meetings with State Officials to present the estimate and answer their questions.
- Testified in bench trial on behalf of plaintiff, a municipality, regarding construction defects and damages claims against the general contractor of a road widening project for defective installation of large bore stormwater drainage pipe system under a roadway experiencing continued settlement of the road after multiple pipe system repairs.
- Expert witness on behalf of Engineer of Record in defending against contractor's claims for differing site conditions, delays and cost overruns on an urban street modernization program in Miami Beach, FL.
- Surety workout services for bonding company on a failed contractor's nine defaulted Florida road construction contracts.
- Lead over seventy engineering contract compliance audits to reconcile final payment for work performed for a State Department of Transportation.
- Advise General Contractor and prepare delay claim consistent with FAR requirements on two barracks conversion projects on a Naval Air Station. Supported contractor with in-person negotiations with the Contracting Officer and prepared contractor executives to meet and negotiate with NAVFAC executives. Contractor achieved a satisfactory time extension for disputed delays and a satisfactory performance rating from NAVFAC, preserving their ability to pursue future work.
- Expert on behalf plaintiff, a national REIT, preparing claim for increased costs of designing and constructing a new "super road" in Raleigh, NC and rebutting defendant's claims that delays caused the increased costs. Provided expert opinions in deposition. Client settled matter prior to trial.
- As lead consultant for defendant, a prominent Boston-area site and utility subcontractor on the replacement of seven bridges along Route 128 in Boston, analyzed the general contractor's delay and damages claims. Findings included that GC had significantly underbid portions of the project based upon our independent cost estimate and a comparison of other bids; that the GC had significant inefficiencies in its own work that delayed the project; and that the GC had mis-coded much of the damages it claimed, which had nothing to do with the site or utility scope of work. Client achieved a favorable settlement.
- Led the forensic engineering audit on behalf of a City to investigate the reasonableness of engineering and construction costs incurred under the bond program funding the annexation and development of the infrastructure (roads and bridges) and real estate subdivision of a new section of the City. Investigated allegations of insider trading among former city council members and the developers, among other things.
- Expert in defense of a national road and traffic engineering firm and the Engineer of Record for a highway expansion project involving a fatal automobile crash in which the victim's estate claimed that engineering errors contributed to the cause of the accident.

- Assessed contract profitability and likely value of and cash flow from outstanding claims for a financially distressed, publicly owned Railway engineer-contractor-operator as part of its audit and revenue recognition evaluation.
- On behalf of a Joint Venture formed by three large US contractors constructing a commuter railroad in Florida, reviewed and restated its claim in order to satisfy any false claims tests.
- On behalf of a major telecommunications service provider, lead the investigation of causes of delays to FDOT road construction projects.
- Advise General Contractor and prepare claim against Owner of a large apartment complex in Louisiana. Analyze carpentry subcontractor's claim against GC for lost productivity and change orders. Prepared contractor executives for negotiations with Owner and Subcontractor. Contractor achieved satisfactory settlements with both the Owner and Subcontractor.
- As expert for carpentry contractor, analyze alleged carpentry defects and costs to repair. Rebut several expert's opinions. Testify in deposition. Client achieved satisfactory settlement in mediation.
- As expert for a national-scale construction materials supplier, analyzed alleged framing, window and door installation defects. Rebutted expert's opinions. Presented findings in mediation. Assisted client in negotiations. Client achieved satisfactory settlement at mediation.
- Prepare a structural concrete repair estimate based on expert structural repair designs for a concrete high rise in Houston. Developed detailed construction estimate and provided deposition testimony.
- Expert witness and consulting services in investigation of cost and delay impact of defective concrete delivered to a \$7,000,000 HUD apartment complex in Miami.
- Owner's Representative, Design Errors and Omissions Expert, and Construction Defects Expert for eight condominiums in Florida experiencing extensive roof leaks and water intrusion; mold investigation and remediation; slab cracks due to differential settlement; stucco cracking due to lack of building expansion or control joints; window leaks due to incomplete waterproofing details and construction; accelerated parking lot deterioration due to off spec asphalt and base preparation, and other defects. Included eight days of deposition testimony and three expert reports.
- Expert for Attorney General leading investigation of alleged fraudulent procurement, contracting, overbilling and non-payment activities associated with the Design-Build Process, Mechanical and Electrical engineering and Construction Management at a defaulted Beef Processing facility in Mississippi.
- Forensic investigation of seventeen apartment buildings damaged by water intrusion due to inadequate waterproofing and roof design issues on behalf of the roofing contractor, its insurer and its counsel.
- As Owner's expert, lead the independent engineering analysis and cost to complete estimate of design errors and construction defects at a Design-Build Beef Processing plant in Florida. Advise the Owner in negotiations with Design-Builder. Participate in direct negotiation meetings with Design-Builder.
- As consultant to a high tech telecommunications company, evaluated contractor's change order requests on the modernization of the new headquarters building in Colorado.

- Prepare delay and damages claim on behalf of large international contractor at a high end retirement community in Florida.
- Expert witness and consulting services in a New York County Supreme Court jury trial assessing responsibility among the parties for reconstruction costs due to fire damage on the 27th, 28th and 29th floors of a high rise building in Manhattan.
- Expert witness and consulting services for an ENR Top 5 general contractor regarding construction delays and disruptions caused by the developer of a luxury high rise condominium.
- Expert witness and consultant for owner/defendant in evaluation of ENR Top 25 contractor's delay claim for extended overhead and general conditions on a 46-story high rise condominium project.
- Expert on behalf of a major County School District, lead forensic engineering investigations of design errors and defective construction on fifteen school projects. Analyzed contractor delay claims on several schools.
- Expert preparing delay and disputed change order claims for a Mechanical Contractor on several public projects, including high school renovations, deep municipal water wells and large pumping stations.
- Investigated and testified in jury trial in a matter regarding a contractor's damages claim against the Engineer-of-Record due to alleged ADA design compliance issues.
- Forensic investigation on behalf of the developer of an apartment complex in Alabama where two people were critically injured due to alleged balcony design errors.
- Expert in damage analysis on behalf of the Atlanta Committee on the Olympic Games in defense of a claim for additional services by the design team on the Olympic Stadium.
- On behalf of one of the world's largest insurers, lead the internal investigation of the second largest U.S. electrical contractor to determine the root cause of approximately \$50 million in unexpected losses in a large project portfolio, including installation of smart technology on existing bridges. Conducted numerous on-site project performance evaluations and job cost audits to assess the reasonableness of recent bids, the accuracy of forecasted cost-to-complete estimates based on observed labor productivity, and to pinpoint the corporate cultural factors which influenced project management decision-making driving the concealment of losses.
- On behalf of a major county public works department, investigated the root causes of the audited historical cost overruns and delays in its project portfolio, including roads, bridges, port improvements, and water supply and wastewater treatment facilities, among others. Based on findings, developed transformational processes to build organizational capabilities to avoid or mitigate such results. In prototyping the new processes, served as Owner's Representative for a \$90 million mechanical upgrade and expansion of a wastewater treatment facility expansion project. Project finished on time and under budget, with potential disputes resolved contemporaneously with construction progress, demonstrating the effectiveness of the enhanced processes.
- Forensic engineering investigation of alleged construction defects including incorrectly installed and failed curtain walls, windows, sliding balcony doors, off-spec waterproofing, paint and caulking and

defective roof and flashing installation, among other things, on behalf of the general contractor, its bonding company and its counsel for two high rise condominiums impacted by Hurricane Ivan.

- Led the project audit of the \$1 billion Construction and Development division of one of the largest hospitality service providers in support of the annual audit.
- Managing consultant and expert for the US Department of Justice and the Federal Bureau of Prisons in the contractor's appeal before the Department of Transportation Board of Contract Appeals of the contracting officer's final decision to default terminate the general contractor on a high rise federal prison project.
- Forensic engineering investigation of roof collapses after the "Storm of the Century" snowstorm in Washington, DC.
- Expert engineer investigating the cause and origin of dozens of property damage claims, including fire losses, flood damage, hurricane damage, tornado damage, ice damage, termite damage, and similar loss causes.
- Standard of care expert on behalf of marina facility to rebut the victim's estate claim that negligence and improper maintenance resulted in a fatal accident at a marina in Georgia.
- Expert on behalf national department store to analyze and rebut claims that the restrooms design was not ADA compliant.
- On behalf of plaintiff, prepared video reconstruction of accident involving a heavy truck to be used in mediation presentation.
- Consulting expert for window manufacturer/installer to analyze delays to the window and curtain wall installation at a new high school project.
- Forensic investigation of alleged defective construction for the developer of a series of condominiums. Alleged defects included leaking roofs, leaking windows, defective concrete work, Analyzed plaintiff's \$30 million claim, performed site inspections and investigations to validate claim issues, prepared an expert report rebutting plaintiff's expert's report, participated in meetings of the experts with all parties present and provided other litigation support services.
- Forensic investigation of alleged construction defects at condominiums on behalf of the developer. Alleged defects include leaking roofs, leaking windows, off-spec stucco, accelerated deterioration of asphalt driveways and concrete, missing or omitted drainage structures, electrical and plumbing code violations and other defects. Led field investigation, oversaw inspections by subcontractors, prepared expert reports, presented findings to all involved parties and assisted counsel throughout the FS 558 Construction Claim process.
- Expert witness and consultant in assessment of owner's liability for contractor's claim arising from incomplete post tensioning design on a high rise concrete condominium project.
- Managing consulting expert for analysis of a total cost claim by an ENR Top 100 International contractor against a community college on a theater/library project.

- Forensic consultant/expert in evaluating contractor's claim and preparing Homeowner Association's claim against the design professionals for major scoping errors on a balcony restoration project at a high rise condominium.
- Engineer consultant to private equity firm owner of a large high rise condo to develop Chinese Drywall remediation protocols.
- Forensic investigation of causes of wall, window and roof leaks in new condominium construction on behalf of the Homeowner Associations.
- Forensic investigation to determine the cause of and responsibility of damage at a warehouse damaged by fire.
- Forensic investigation of design and construction defects that resulted in water intrusion at a high rise condominium and oversight of corrective repairs on behalf of HOA and its counsel.
- Expert evaluating extent of building structure fire damage in order to establish the required repairs under the existing building code.
- Safety inspections of several condominiums seeking wind insurance policies on behalf of insurer.
- Lender's inspector on several time share complexes, retail malls and apartments.
- Forensic engineering investigation of alleged defective installation and repair of damaged roof trusses.
- Forensic engineering investigations of construction defects in custom homes.
- Expert on behalf of General Motors leading the analysis of the financial impact of seven automobile manufacturing facility assembly line conversion projects on a system contractor's bankruptcy.
- Construction industry subject matter expert on a multi-phase Business Risk Management Framework consulting engagement for a \$4 billion international engineering, procurement and construction firm.
- Construction industry subject matter expert on consulting team advising private equity firm in due diligence of potential acquisitions of large construction equipment leasing companies, large utility locator company, and a large crawler crane leasing company.
- Developed and executed a project recovery and completion plan for a Real Estate Investment Trust on retail development experiencing unusually high cost overruns early in the project.
- Expert opinion as to reasonableness of Construction Manager's damages methodology in evaluation of the Mechanical Contractor's claims at one of the largest Convention Center projects.
- On behalf of State Attorney General, lead the internal investigation of a City's building permit fee structure due to allegations of fraudulent inspection practices.
- For a public university system, lead the internal investigation of whistleblower allegations of systematic violation of state procurement regulations in the procurement of architectural and construction management contracts. Findings included specific internal audit processes to detect such practices.

- Construction industry subject matter expert on international consulting team advising bank in sale of equity interest in a US\$ billion Dubai-based general contractor to a larger international contractor. Analyses and opinions included assessing the impact on profitability of several factors, including potential variances in basic building material costs, potential gaps in performance capabilities, issues related to transparency and reporting of historical cost accounting in the UAE region, and similar matters.
- Consulting expert services for a major British defense contractor in their wrongful termination claim on a container crane design, fabrication and erection contract with an Argentinian conglomerate.
- Quality control oversight of the project risk management training of senior project managers for a major international engineering and construction management client.
- Performed risk assessments of a major Real Estate Investment Trust's project portfolio to identify and prioritize critical time and cost issues that caused surprise cost overruns within that portfolio.
- Conducted a comprehensive project risk assessment of a \$500 million multi-use development project to support the audit of a public real estate investment trust. Observations and recommendations were provided to the Board of Directors.
- Due diligence analysis of target Mechanical Contractor company's profitability representations of its project portfolio and provided observations and recommendations in support of the client's offered price.
- Developed a project risk management process for one of the world's largest publicly traded EPC companies. Work involved defining the standard for managing contract risk and implementing a functional global business process.
- Analyzed the construction and fabrication schedule, reasonableness of budgets and assessment of construction team capabilities for a major underwriter placing private financing on a river boat casino development.
- Advisor to Owner of a custom yacht under construction when the yacht builder ceased operations. Assisted in resolution of claims, prepared a market assessment to identify potential buyers and assisted counsel in discovery.
- Internal and external audit support on ENR Top 10 international marine contractor, mapping the estimate-to-complete processes of five operating companies.
- Served as Owner's Representative for the design and installation of retrofitted life safety upgrades in condominiums, including fire pumps, stand pipes, sprinklers and fire detection and alarm systems.
- Perform due diligence and property inspections for large private equity firms acquiring troubled condominiums from failed developers.

## EDUCATION

MS, Engineering Management, University of Missouri  
BS, Civil Engineering, United States Military Academy

**REGISTRATIONS AND PROFESSIONAL AFFILIATIONS**

Professional Engineer, Florida, Alabama, Virginia  
 Class “A” General Contractor, Virginia  
 Planning and Scheduling Professional, AACEI  
 Primavera 6.0 Advanced Training  
 Project Management Institute: Troubled Projects SIG, Risk SIG  
 American Bar Association, Forum on the Construction Industry  
 Association for the Advancement of Cost Engineers International

**ACADEMIA**

Member, Board of Advisors, Department of Systems Engineering, United States Military Academy, West Point, New York.

**LITIGATION, ARBITRATION, MEDIATION AND DEPOSITION EXPERT TESTIMONY**

CASE	DATE	LOCATION
Consolidated Construction Company of Alabama v. Rainbow Cinemas, LLC	2017	AAA, Atlanta, GA
Brown Builders, Inc. v. Mason Estates, LLC and Gruber & Associates, Architects, LLC	2017	9th Judicial Circuit Court for the Parish of Rapides, State of Louisiana
City of Ormond Beach v. Westfield Insurance Company	2017	7 <sup>th</sup> Judicial Circuit Court, Volusia County, Florida
HNTB Corporation v. Flatiron West, Inc.; and Kiewit Infrastructure West Co.	2017	AAA, San Francisco, CA
Architectural Ingenieria Siglo XXI, LLC, Sun Land & RGITC LLC f/k/a Sun Land & RGITC, CO. v. Dominican Republic, and Instituto Nacional De Recursos Hidraulicos	2017	United States District Court for the Southern District of Florida
Technology and Supply Management, LLC v. Johnson Controls Building Automated Systems, LLC, Johnson Controls, Inc., and Johnson Controls Federal Systems, Inc.	2017	United States District Court for the Eastern District of Virginia
Granite Construction Company v. RS&H Architects Engineers Planners, Inc.	2016	AAA, Raleigh, NC
Technology and Supply Management, LLC v. Johnson Controls Building Automated Systems, LLC, Johnson Controls, Inc., and Johnson Controls Federal Systems, Inc.	2016	United States District Court for the Eastern District of Virginia
City of Palm Bay, Florida, v. Ranger Construction Industries, Inc.	2016	18 <sup>th</sup> Judicial Circuit Court, Brevard County, Florida

CASE	DATE	LOCATION
City of Miami Gardens and Skanska USA Building, Inc. v. URS Corporation Southern, URS Corporation, and Mark W. Zimpelman	2016	United States District Court for the Southern District of Florida
City of Palm Bay, Florida v. Ranger Construction Industries, Inc.	2015	18 <sup>th</sup> Judicial Circuit Court, Brevard County, Florida
D.R. Horton, Inc. v. Blueline Mechanical, LLC, et. al	2015	AAA, Tampa, FL
Grayco LUI Museum Investment 2006 L.P., Grayco Builders, LLC, and Grayco Partners, LLC v. Haynes Whaley Associates, Inc.	2015	295 <sup>th</sup> Judicial Circuit Harris County, Texas
KRG New Hill Place, LLC and Kite Realty New Hill Place, LLC, v. Springs Investors, LLC, B. Kyle Ward, Michael L. Hunter, and Stephen C. Ward	2015	In The General Court of Justice Superior Court Division Wake County, North Carolina
Scott Bridge Company, Inc., v. Gresham Smith and Partners	2015	United States District Court for the Middle District of Alabama Northern Division
Barry University, Inc., v. Harper Beauchamp Design Build Co. f/k/a Harper Beauchamp Design/Build Co. Inc., et. al	2014	11 <sup>th</sup> Judicial Circuit Court, Miami-Dade County, Florida
Artisan Club Condominium Association, Inc., v. The St. Joe Company, A Florida Corporation; Artisan Park, L.L.C., and Core Construction Services, Southeast, Inc. D/B/A Core Construction	2014	9 <sup>th</sup> Judicial Circuit Court, Osceola County, Florida
D.R. Horton, Inc. v. Capri Engineering, LLC n/k/a Nova Engineering & Environmental, LLC et.al	2014	1 <sup>st</sup> Judicial Circuit Court, Escambia County, Florida
National Steel City, LLC v. Outokumpu Stainless USA, LLC, Formerly Known As ThyssenKrupp Stainless USA, LLC	2014	United States District Court for the Southern District of Alabama Southern Division
Artisan Club Condominium Association, Inc., v. The St. Joe Company, A Florida Corporation; Artisan Park, L.L.C., and Core Construction Services, Southeast, Inc. D/B/A Core Construction	2013	9 <sup>th</sup> Judicial Circuit Court, Osceola County, Florida
Harbor Bay Community Development District v. Woodruff & Sons, Inc., Custom Docks by Seamaster, Dansco Engineering, P.A., Sam Greenberg, P.E., Reuben Clarson Consulting, Inc., Reuben Clarson, P.E., and St. Paul Fire and Marine Insurance Company	2013	13 <sup>th</sup> Judicial Circuit Court, Hillsborough County, Florida
SJB Group, LLC and Catlin Insurance Company, Inc. v. TBE Group, Inc.	2013	United States District Middle District of Louisiana
Artisan Club Condominium Association, Inc., v. The St. Joe Company, A Florida Corporation; Artisan Park, L.L.C., and Core Construction Services, Southeast, Inc. D/B/A Core Construction	2013	9 <sup>th</sup> Judicial Circuit Court, Osceola County, Florida

CASE	DATE	LOCATION
Pavarini Construction Company, (SE) Inc. v. CHM Structural Engineers, LLC	2013	11 <sup>th</sup> Judicial Circuit Court, Miami-Dade County, Florida
ThyssenKrupp Stainless USA, LLC, and ThyssenKrupp Steel and Stainless USA, LLC v. Giffels, LLC	2013	United States District Court for the Southern District of Alabama
Delshah Group L.L.C. v. Atit Javeri, Asher Roshn Zamir, Zamir Manager 40 L.L.C., and Zamir Equities L.L.C.	2013	United States District Court for the Southern District of New York
Pavarini Construction Company, (SE) Inc. v. CHM Structural Engineers, LLC	2012	11 <sup>th</sup> Judicial Circuit Court, Miami-Dade County, Florida
Elkins Constructors, Inc. v. KBJ Architects, Inc., Thomas Kent Rensing, and Church Development Fund, Inc.	2012	4 <sup>th</sup> Judicial Circuit Court, Duval County, Florida
Confidential	2012	9 <sup>th</sup> Judicial Circuit Court, Orange County, Florida
Delshah Group L.L.C. v. Atit Javeri, Asher Roshn Zamir, Zamir Manager 40 L.L.C., and Zamir Equities L.L.C.	2012	United States District Court for the Southern District of New York
Panama City-Bay County Airport and Industrial District, v. Post, Buckley, Schuh & Jernigan, Inc., N/K/A Atkins North America, Inc., and Darin Larson, Christopher L. Thompson, Kellogg Brown & Root Services, Inc., and Roy Willett	2012	14 <sup>th</sup> Judicial Circuit Court, Bay County, Florida
Harbor Bay Community Development District v. Woodruff & Sons, Inc., Custom Docks by Seamaster, Dansco Engineering, P.A., Sam Greenberg, P.E., Reuben Clarson Consulting, Inc., Reuben Clarson, P.E., and St. Paul Fire and Marine Insurance Company	2012	13 <sup>th</sup> Judicial Circuit Court, Hillsborough County, Florida
Harbor Bay Community Development District v. Woodruff & Sons, Inc., Custom Docks by Seamaster, Dansco Engineering, P.A., Sam Greenberg, P.E., Reuben Clarson Consulting, Inc., Reuben Clarson, P.E., and St. Paul Fire and Marine Insurance Company	2011	13 <sup>th</sup> Judicial Circuit Court, Hillsborough County, Florida
Elkins Constructors, Inc. v. Community Christian Church of Ft. Lauderdale, Inc.	2011	AAA, Miami
United States of America, for the use and benefit of L&W Supply Corp., et al., v. Dick Corporation, et al.	2011	United States District Court for the Northern District of Florida, Pensacola Division
Hunt Construction Group, Inc., The Clark Construction Group, Inc. and Construct Two Construction Managers, Inc. v. Harper Mechanical, LLC et. al	2011	9 <sup>th</sup> Judicial Circuit Court, Orange County, Florida
GDC View, LLC v. Sommai J. Breazeale	2010	1 <sup>st</sup> Judicial Circuit Court, Walton County, Florida
GDC View, LLC v. Sommai J. Breazeale	2009	1 <sup>st</sup> Judicial Circuit Court, Walton County, Florida

CASE	DATE	LOCATION
HKD Properties, Inc. and Hill-Kelly Dodge, Inc. v. H. Miller Caldwell, Jr., and Caldwell Associates Architects, Inc.	2009	1 <sup>st</sup> Judicial Circuit Court, Escambia County, Florida
Aries-JM, LLC, Craigsides, LLC & Craigsides Leasing v. GDC View, LLC	2009	1 <sup>st</sup> Judicial Circuit Court, Walton County, Florida
Mullen v. Mesa, Kimley-Horn and Associates, et al.	2009	13 <sup>th</sup> Judicial Circuit Court, Hillsborough County, Florida
Laxmi Augusta National Hotel II, Ltd.; Laxmi Augusta National Hotel III, Ltd.; Spanish Springs, Ltd. v. ConArt, Inc.	2008	AAA, Orlando
Confidential	2008	United States District Court for the Southern District of Florida
Advance Construction Services, Inc. v. Escambia County and SCS Engineers	2007	1 <sup>st</sup> Judicial Circuit Court, Escambia County, Florida
Design Build Concepts, Inc. v. Jenkins Brick and Continental Cast Stone Manufacturing, Inc.	2007	United States District Court for the Northern District of Florida, Pensacola Division
Commercial Industrial Corp. v. Jonathan D. Thigpen, P.E. and Kimley-Horn and Associates, Inc.	2007	5 <sup>th</sup> Judicial Circuit Court, Marion County, Florida
The Marseilles, LC v. Trustmark South, Inc. and Travelers Casualty & Surety Company of America	2006	AAA, Atlanta
Atlantic Civil, Inc. v. Miami Beach Redevelopment Agency, and National Fire Insurance Company of Hartford, and Kimley-Horn and Associates, Inc.	2006	11 <sup>th</sup> Judicial Circuit Court, Miami-Dade County, Florida
Fluor Daniel Caribbean, Inc. v. EBR Holding Limited	2006	AAA, Atlanta
Whitesell Green Construction v. Escambia County School District	2005	1 <sup>st</sup> Judicial Circuit Court, Escambia County, Florida
Gulf Bay Development v. Centex-Rooney Construction Company	1997	20 <sup>th</sup> Judicial Circuit Court, Collier County, Florida
Airport West Development v. Thomas Concrete	1997	11 <sup>th</sup> Judicial Circuit Court, Dade County, Florida
Methods Machine Tools, Inc. et. al. v. Morgan Keller, Inc. et. al.	1997	Circuit Court for Montgomery County
Atlanta Stadium Design Team, a joint venture among Ellerbe-Becket, Inc., Heery International, Inc., Rosser Fabrap International, Inc. and Williams-Russell and Johnson, Inc. v. Atlanta Committee for the Olympic Games	1997	The Superior Court of Fulton County, State of Georgia
Bankruptcy of The Dutra Group; Dutra Construction Co., Inc.; Dutra Dredging Company; San Rafael Rock Quarry, Inc.	1997	Bankruptcy Court for the Northern District of California

CASE	DATE	LOCATION
Durocher Dock & Dredge, Inc. v. City of Deerfield Beach, Florida	1996	U.S. District Court for the Southern District of Florida
Groden/Stamp Construction, Inc. v. Stuart and Karyn Dorafield	1996	AAA, Miami
Cogefar-Impresit, Inc. v. Broward County Community College	1996	17 <sup>th</sup> Judicial Circuit Court, Broward County, Florida
Cogefar-Impresit, Inc. v. U.S. Federal Bureau of Prisons	1995	U.S. Department of Transportation Board of Contract Appeals
Rode Construction Corporation v. Thomas and Patricia Farris	1995	11 <sup>th</sup> Judicial Circuit Court, Dade County, Florida
Sommers, et. al. v. 810 Seventh Avenue, et. al.	1993	Supreme Court, New York County of the State of New York

## LECTURES, TRAINING AND PUBLICATIONS

- “Design-Build Risks”, Broward County Construction Law Seminar, Fort Lauderdale, FL, July 2017
- “4D for P3 Infrastructure Projects”, Florida Council for Public Private Partnerships, Webinar, June 2017
- “Design-Build Risks”, 18<sup>th</sup> Annual Reed Smith Construction Law Seminar, McLean, VA, June 2017
- “Design-Build Risks”, Orange County Construction Bar Monthly Meeting, Orlando, FL, June 2017
- “Public Private Partnerships – Investor Considerations”, Panelist, Florida Council for Public Private Partnerships, Tampa, FL, May 2017
- “What Lies Beneath? Latent Defects in Pipe Construction: a 6-Year Story of Construction Litigation Told from the Trenches”, The Florida Bar City, County, and Local Government Law Section, 40<sup>th</sup> Annual Local Government Law in Florida, Orlando, FL, May 2017
- “Defending Stucco Claims”, Greater Orlando Builders Association, Orlando, FL, January 2017
- “New Technologies to Control Project and Dispute Resolution Costs”, Associated General Contractors of America Alabama Chapter, 3<sup>rd</sup> Annual Alabama Construction Law Summit, Birmingham, AL, December 2016
- “Trends in Construction Industry and Handling of Construction Claims”, Inaugural Construction Defect, Claims & Litigation Strategies, ExecuSummit, Uncasville, CT, December 2016
- “4D Scheduling in Construction Project Management and Claims”, American Bar Association, Fundamentals of Construction Law, San Francisco, CA, November 2016
- “Selecting the Right P3 Advisors”, Florida Council for Public Private Partnerships Fall Conference, Fort Lauderdale, FL, September 2016

- “Litigating a Delay Claim”, Defense Research Institute, Construction Industry Conference, New Orleans, LA, June 2016
- “Avoiding Defects, Delays & Damages with BIM and 4D Scheduling”, Construction CPM Conference, New Orleans, LA, February 2016
- “4D from the Office to the Site, London Conference 2015”, September 2015
- “Appointing an Expert with Final and Binding Decision Authority.” Web blog post. *The Dispute Resolver*. Division 1 of the American Bar Association Forum on Construction Law – Litigation and Dispute Resolution, April 2015
- “Owner’s Representative’s Potential Liability for Defects, Delays, and Damages”, Construction Litigation, American Bar Association Section of Litigation, Winter 2015, Vol. 24, No. 1, February 2015
- “Issues with BIM in Construction Litigation”, The Florida Bar Real Property, Probate & Trust Law Section, Florida Construction Law Institute, Orlando, FL, March 2014
- “4D as Demonstrative Evidence”, American Bar Association, Forum on the Construction Industry, Atlantis, Bahamas, January 2014
- “4D as Demonstrative Evidence”, Construction CPM Conference, Orlando, FL, January 2014
- “4D Schedules: Complying With Today’s Specifications”, Association for Advancement of Cost Engineering International (AACEI) North Florida Section, Orlando, FL, December 2013
- “Construction Fraud: Detecting Contracting Integrity”, Northwest Florida chapters of the Association of Certified Fraud Examiners and Institute of Internal Auditors, Pensacola, FL, September 2013
- Participated as Expert in the inaugural and second ABA Forum on the Construction Industry Trial Academy, United States District Court, Washington, DC, June 2012 and June 2013
- “Engineer’s Recommendations for Preparing Condominiums for Hurricane Season”, Community Associations Institute, North Gulf Coast Chapter, Perdido Key, FL, May 2013
- “Visualization of Changes and Delays”, Broward County Bar Association, Construction Law Practice Section, March 2013
- “Presenting the Schedule Analysis to the Finder of Fact”, The Florida Bar Real Property Probate & Trust Law Section, Florida Construction Law Institute, Reunion, FL, March 2012
- “Tips on Presenting a Schedule Delay Analysis”, American Bar Association, Fidelity and Surety Law Committee-Young Professionals Subcommittee, Midwinter Meeting, New York, NY, January 2012
- “Construction Fraud”, Association of Certified Fraud Examiners and Institute of Internal Auditors, Northwest Florida Chapters Seminar, Pensacola, FL, May 2011
- “Getting the Most Bang for Your Consulting Bucks”, American Bar Association, Fidelity and Surety Law Committee-Young Professionals Subcommittee, Midwinter Meeting, New York, NY, January 2011

- “How Contractors Price Change Orders and Delay and Acceleration Claims”, Lorman Seminar, Managing Construction Projects in Florida, Pensacola, FL, September 2008
- “How Contractors Price Change Orders and Delay and Acceleration Claims”, Broward County Bar Association, Construction Law Committee, Ft. Lauderdale, FL, August 2008
- “Project Specific Insurance for Owners”, American Bar Association, Forum on the Construction Industry, Division 12-Owners and Lenders Committee-January 2007, San Francisco, CA
- “Understanding a Contractor’s Business Risks”, St. Paul Traveler’s Surety Bond Underwriter’s Seminar, Orlando, FL, September 2006
- “Analyzing a Risk Adjusted Schedule in a Delay Claim Situation”, Project Management Institute College of Scheduling Conference, Orlando, FL, April 2006
- “The Implications of a Risk Adjusted Schedule in a Dispute Environment”, Association for the Advancement of Cost Engineering International Annual Conference, New Orleans, LA, June 2005
- “Some Key Project Risks Aren’t Really Project Risks After All”, Project Management Institute, Risk SIG Annual Conference, Washington, DC, May 2005
- “A New Project Risk Assessment Methodology”, Superconference Panel, San Francisco, CA, December 2004
- “Mitigating the Impact of the Global Insurance Crises on Major Infrastructure Projects”, Global Project Superconference, London, May 2003
- “Project Risk Management”, Author and Primary Lecturer for Federal Publications Seminars, including:
  - Federal Bureau of Prisons Construction Leadership Group, Two Day Session, Washington, DC, Fall 2000
  - Department of Veterans Affairs, Project Management Group, One Day Session, Washington, DC, Spring 2001
  - Railworks Leadership Group, One Day Session, Baltimore, MD, Fall 2000
  - New York Power Authority, Two 2-Day Sessions, White Plains, NY Spring 2001
  - Mississippi Department of Transportation, Three 2-Day Sessions to the Engineering Department, Jackson, MS, Spring 2004
- “Improving Project Risk Management” Invited Lecturer, including:
  - Arthur Andersen Real Estate Executive Briefing Series, Philadelphia, April 2000
  - Contractor Financial Management Association Annual Conference, Orlando, May 2000
  - Construction Management Association of America Annual Conference, New Orleans, February 2001
  - Design/Build Institute Annual Legal and Accounting Conference, Denver, June 2002
  - American Institute of Certified Public Accountants Annual Construction Conference, Las Vegas, December 2002

- “Current Approaches to Schedule Delay Analysis”, Atlanta Construction Bar, June 1998
- “Scheduling Tips and Techniques for Contractors”, Willis Seminar, Tampa, 1998
- “The Construction Schedule: Does it Really Mean Anything?”, Construction Owner’s Association of America Annual Meeting, Atlanta 1995
- “Claims Avoidance: A One Percent Solution”, Broward County Department of Public Works, 1995 and 1996
- “Resurrecting a Failed Contractor”, Superconference, New York, April 1994