

**RICHARD D. FULTINEER**  
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## **SUMMARY**

Richard Fultineer leads Berkeley Research Group's global construction practice and provides assistance to owners, contractors, designers, sureties, and their counsel with complex construction projects involved in litigation or distress. He has over 25 years of industry experience in providing testimony and consulting services in the areas of claims and damages analysis, forensic investigations, construction management, mechanical engineering design, and information management.

Mr. Fultineer has been involved in the evaluation of both industrial and commercial projects. On the industrial side, he has been involved with several oil, gas, refinery, and pipeline projects, spanning multiple locations including the United States, Canada, Chili, Egypt, Panama and Saudi Arabia. Other industrial projects include steel plants, power plants, wastewater treatment plants, manufacturing plants, and waste recovery plants. Mr. Fultineer's commercial projects have included hospitals, airports, jails, stadiums, arenas, several railway/ transportation projects, and a number of large multi-use commercial developments and environmental clean-up projects.

## **PROFESSIONAL EXPERIENCE**

Mr. Fultineer's responsibilities have consisted of detailed schedule delay analysis, productivity analysis, cost and financial investigation/analysis, estimation of cost to complete, review of project design and evaluation of property/business interruption damages. Additional activities have included preparation of claims, evaluation of project management control systems, implementation of claims management and avoidance programs and supervision of large information management systems.

Mr. Fultineer has been involved in the claims management process of a large international airport, several county jails, a large statehouse renovation and a number of industrial facilities. In these roles, he has been responsible for managing the schedule analysis, cost analysis and document support functions on a number of significant claims and coordinating various settlement related activities. In relation to these engagements, Mr. Fultineer has been involved on a number of negotiations and other dispute resolution activities, which led to claim settlements.

Mr. Fultineer has been involved in several cases dealing with utility generating plants. These include directing detailed schedule and cost analysis on fossil, nuclear, wind and bioenergy power plants.

Mr. Fultineer's experience in road and bridge construction includes evaluating contractor claims on major highway expansions, bridge overpasses and parking lots. Mr. Fultineer's

experience in the lost profits/business interruption area includes a matter involving a large oil refinery. He was responsible for conducting a schedule analysis of all downtime activities and evaluating the associated business interruption and property damages. Also, Mr. Fultineer has recently been involved in the evaluation of damages associated with the disruption of various manufacturing facilities.

Turner International, Inc. As a project engineer, Mr. Fultineer was responsible for monitoring overseas construction projects and coordinating the home office support. His duties included schedule and cost analysis functions, as well as the coordination of estimating, design, purchasing, shipping and expediting activities. Mr. Fultineer's projects included U.S. Embassy work in Pakistan and a number of facilities in the Middle East.

Mr. Fultineer also acted as a senior cost/scheduling engineer at Turner. In this role he performed scheduling and cost analysis functions on numerous overseas projects. He was responsible for issuing monthly and quarterly status reports to management as well as developing and updating construction schedules and budgets. The projects he was involved with included airports, hotels, embassies, hospitals and office buildings.

Mr. Fultineer has testified on construction schedule and damage issues in trial and arbitration proceedings and presented expert analyses at mediation.

**EDUCATION**

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|----------------------------|--------------------------|
| BS, Mechanical Engineering | Northeastern University  |
| MBA                        | University of Pittsburgh |

**TESTIMONY EXPERIENCE**

| <u>Case Name</u>   | <u>Legal Forum</u>   | <u>Area of Testimony</u>                     |
|--|--|--|
| 1. Allied Erecting and Dismantling Co., Inc. vs. United States Steel Corporation | US District Court for the Northern District of Ohio                    | Construction Delay, Damages and Technical    |
| 2. Cameron LNG Station   | Arbitration Proceedings  | Construction Delay, Damages and Technical    |
| 3. Fru-con / Austin Joint Venture v. Abengoa Bioenergy of Nebraska, LLC          | Arbitration Proceedings  | Construction Delay and Damages               |
| 4. R.F. Fisher Electric Company, LLC v. Lurgi Lentjes North America, Inc.        | Arbitration Proceedings  | Construction Delay and Damages Scope of Work |
| 5. CDI Engineering Solutions v. Lurgi Lentjes North America, Inc.                | Arbitration Proceedings  | Construction Delay and Damages Scope of Work |
| 6. Stone & Webster, Inc. v. Parsons Energy & Chemicals Group, Inc.               | District Court Hood County Texas (355 <sup>th</sup> Judicial District) | Construction Damages Scope of Work           |
| 7. SMS Demag, Inc. v. North  | Arbitration Proceedings  | Construction Delay and                       |

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| American Stainless, LP  |   | Damages Scope of Work<br>Insurance Recovery                                  |
| 8. M.W. Kellogg v. Valero                                       | Texas State Court (13 <sup>th</sup> Circuit Court of Appeals) |  |
| 9. Morse Diesel v. Cuyahoga Metropolitan Housing Authority      | US District Court Northern District of Ohio                   | Construction Delay and Damages   |
| 10. DeSalvo, Inc. v. Youngstown Metropolitan Housing Authority  | Arbitration Proceedings                                       | Construction Delay and Damages   |
| 11. Norris Brothers v. USX and USS/Kobe Steel Company           | Court of Common Pleas Cuyahoga County, Ohio                   | Construction Delay and Damages   |
| 12. M&K Electric v. Housing Authority of the City of Pittsburgh | Arbitration Proceedings                                       | Construction Delay and Damages. Also, Lost Profits due to Bonding Depletion. |
| 13. Fallon Electric v. Raven, Inc.                              | US District Court Western District of PA                      | Construction Delay   |
| 14. Mistick v. Housing Authority of the City of Pittsburgh      | Court of Common Pleas Allegheny County                        | Relevance of Financial Data  |
| 15. General Industries v. Thomas Jefferson School District      | American Arbitration Association                              | Construction Delay and Damages   |
| 16. General Industries v. Daily Juice                           | American Arbitration Association                              | Construction Delay and Damages   |
| 17. Songer Corporation v. Fru-Con Construction                  | US District Court - Northern District of West Virginia        | Construction Damages   |