

# Construction

Amundsen Davis is the construction industry's premier comprehensive legal services provider. We know the industry in a way that no other law firm does. Many of our attorneys having worked in the industry and regularly provide the following legal services to the following industry partners:

## CORPORATE/CONSTRUCTION

- Outside general counsel services, offering legal and business advice on issues as encountered
- Analyzing, drafting, and negotiating construction contracts
- Providing emergency response services during OSHA investigations and other catastrophic events
- Managing OSHA inspections
- Evaluating existing and necessary insurance coverage, including commercial general liability, professional liability, builders' risk, contractor-controlled, and owner-controlled (wrap-up) policies
- Evaluating and developing alternatives to traditional coverage schemes

## LITIGATION/CONSTRUCTION

- Defending catastrophic personal injury, property damage, environmental and toxic exposure claims arising in the construction setting
- Litigating commercial and contract claims
- Perfecting and litigating mechanics lien and bond claims
- Defending complex construction defect claims
- Contesting and litigating OSHA citations
- Identifying, evaluating, tendering, and enforcing coverage on behalf of design professionals, owners, and contractors

## LABOR & EMPLOYMENT /CONSTRUCTION

- **Human Resources** – Counsel as to all aspects of hiring, discipline and termination process, develop workplace policies, conduct investigations, guide through complexities of the ADA and FMLA, VESSA and workers' compensation leave, assess employee classification, and manage wage and hour matters.
- **Union Relations** – Develop union avoidance strategy, negotiate and administer collective bargaining agreements, steer through NLRB election/

## PROFESSIONALS

Dennis J. Cotter  
Partner

Matthew Horn  
Partner

Beverly P. Alfon  
Partner

Mark P. Broderick  
Partner

Conor Cannon  
Associate

Michael F. Cocciemiglio  
Associate

Lisa Conforti  
Senior Counsel

Margaret Firnstein Gebhardt  
Partner

Constantine Gavrilos  
Associate

Brad Goss  
Partner

Laura Grebe  
Partner

Kimberly A. Herring  
Partner

Michael F. Hughes  
Partner

Christopher J. Jaekels  
Partner

David A. Johnson  
Partner

Lisa A. Johnson  
Partner

Julie A. Line  
Partner

Patrick J. Lubenow  
Partner

deauthorization/decertification process, and plan for strike/picket activity

- **Government Regulation, Audit and Compliance (USDOL, OFCCP, EEOC, NLRB, OSHA and state equivalent agencies, including prevailing wage)** – Develop compliance strategies, education and compliance training, representation in government agency audit and investigations, assessment and conciliation.
- **Employee Benefits & Compensation** – Navigate ERISA and ACA requirements, union fringe benefit fund audits, and withdrawal liability issues
- **Staffing Agency, Independent Contractor & Contingent Workforce** – Develop strategy for avoidance of employer liability
- **Workers' Compensation** – Analyze risk, coverage and loss prevention, and evaluate safety policies.
- **Litigation** – Defend against the full spectrum of employment-related claims including matters pending before federal and state government agencies (EEOC, NLRB, USDOL, IDOL, IDHR), federal and state court and labor arbitration.

## REPRESENTATIVE CONSTRUCTION INDUSTRY CLIENTS

- General and specialty contractors
- General contractors
- Design-build contractors
- Construction managers
- Home builders
- Material and equipment suppliers
  - Material suppliers
  - Material manufacturers and processors
  - Equipment manufacturers
  - Equipment sales and rental companies
- Owners and developers
  - Commercial and residential
  - Condominium associations
- Design Professionals
  - Architects
  - Engineers
  - Surveyors
- Insurers
  - Builders' risk

## Construction

Elizabeth H. Lum  
Partner

Thomas J. Lyman, III  
Partner

James R. Mata  
Senior Counsel

Matthew R. McClean  
Partner

Keith D. Mundrick  
Partner

W. Jeffrey Muskopf  
Partner

Suzanne S. Newcomb  
Partner

Ken Perry  
Partner

Daniel S. Peters  
Partner

Ryan M. Prisock  
Associate

Patrick J. Richel  
Associate

Jeffrey A. Risch  
Partner

Gerald T. Rohrer, Jr.  
Partner

Jack T. Sanker  
Partner

Michael Schlechtweg  
Partner

Andrew C. Seiber  
Partner

David Sethi  
Partner

Joe Trevino  
Partner

Henry P. Twomey  
Associate

Jeff Young

- Commercial general liability
- Excess insurers
- OCIPs and CCIPs (“wrap-ups”)
- Professional liability
- Railroad protective liability

## Experience

Successfully Established a New Business Plan for a General Contractor to Utilize Both Union and Non-Union Subcontractors

Secured a Restraining Order and Injunction against a School District for Unfairly Trying to Sway Construction Work Away From a Non-Union Contractor

Defended a Large Engineering Firm in a 7-Figure Claim

Represented the General Contractor in a Transaction for the Construction Contracts for the Completion of a Portion of the Obama Presidential Center

Defended a Sewage District in Claims Alleging that the Deep Tunnel System Created Dewatering and Damage to a Local Business

Defended Allegations of Negligence, Breach of Contract and Fraud in a Case Involving a Serious Construction Accident

Negotiated a Resolution for a Construction Company in a Multi-Million Dollar Dispute with a Municipality

Won a Defense Verdict for a Mechanical Contractor Against Allegations of Civil Theft, Conversion and Unjust Enrichment

Represented a Concrete Subcontractor After a Partial Façade Collapsed at a Parking Garage

Negotiated a Settlement for a General Contractor After Terra Cotta Fell From a Newly Renovated Building

Successfully Represented a Subcontractor on its Lien Claim When Financing for a Multimillion Dollar Project Ran Out and the Project Stalled

Recovered More than \$1.5 Million in Damages and Litigation Fees and Defeated a Multi-million Dollar Change Order Demand for a Village

Won a Motion to Dismiss on a Construction Contract Case Involving Enforceability of a Forum Selection Clause and Public Policy

Successfully Represented a Homeowner Who Discovered Substantial Errors in the Survey of His Property

# Construction

Partner

## Construction

Prepared and Negotiated the Construction Contracts for a 137 Acre, Multi-Phase, Mixed-Income Development

Represented a Church Following a Construction Accident

Obtained Summary Judgment in a Construction Negligence Action Wherein an Iron Worker Sustained Extensive and Permanent Injuries

Obtained Dismissal by Way of Dispositive Motion

Obtained Dismissal of Consumer Fraud & Deceptive Business Practices Act Claims

Obtained Summary Judgment for Sub-Contractor

Obtained a Dismissal in a Construction Negligence Action Arguing that the Appropriate Statute of Limitations to Sue a Governmental Entity for a Construction Accident is One Year

Obtained Summary Judgment on Behalf of Owner of Construction Project

Represented a Contractor in an Ownership Dispute over Equipment the Client Purchased

Successfully Tried Matter to Recover Reimbursement from Sub-Contractor

Negotiated a Favorable Settlement on Behalf of a School District in a Multi-Part Wrongful Death Matter

Defended Custom Home Builder in Case for Alleged Defects

Successfully Defended Distributor Facing Potential Punitive Damages

Successful Defense of an Excavation Company in Multi-Party \$50 Million CERCLA Environmental Claims

Obtained a Favorable Settlement on Behalf of a Property Owner in a Multi-Party Premises Liability Matter

Represented General Contractor in a Case for Alleged Damages

Defended Wholesaler and Distributor Before US Court of Appeals

Defended Majority Business Owner Against Claims in Excess of \$2 Million

Secured a Summary Judgment in Wrongful Death Matters on Behalf of a Government Agency After Two Employees of a Subcontractor Died of Oxygen Deficiency

Represented Developer in Case Against Contractor

Obtained Summary Judgment in Favor of Commuter Rail

## Construction

Represented a Purchaser in an Acquisition and Development of a Construction Entity

Obtained Summary Judgment on Behalf of a Governmental Entity and Obtained a Favorable Settlement for the Co-Defendant in a Serious Injury Case

Defended Underground Contractor in OSHA Case

Defended a Prominent Road Construction General Contractor in a Personal Injury Case

Secured Settlement in Complex Case Involving Oil Refinery Processing and Financial and Consequential Damages Forensics

Represented General Contractor in Lawsuit Against Subcontractor

Obtained Dismissal on Behalf of Contractor

Represented a Trucking Company at Trial in a Multiple Fatality Case

Avoided Costly Litigation in an Allegedly Defective Design and Construction Case

Defended General Contractor From Multiple OSHA Citations

Successfully Defended Construction Company Resulting in Settlement

Won Counterclaim for Sign and Awning Contractor in Case Involving

Obtained a Not Guilty Verdict Before a Jury in a Construction Jobsite Injury Case

Successfully Defended a Masonry Contractor in a Construction Injury Case

Won Partial Summary Judgment on Complex Issues of Federal Preemption

Obtained Dismissal By Way of Dispositive Motion on Behalf of Millwork Contractor

Successfully Helped a Construction Company and its Employee Avoid the Risk of Paying Punitive Damages in a Wrongful Death Case

Successfully Defended an Owner and Operator of a Crane in a Personal Injury Case

Represented a General Contractor in a Multi-million Dollar Dispute Regarding Design and Construction of an Apartment Complex

Defended a Construction Company Against a Wrongful Death Claims Involving OSHA Citations

Represented a Subcontractor Hired as an Excavator on a Commercial Development but was Not Paid

## Construction

Defended a Commercial Building Owner on a Subrogation Claim by a Tenant's Insurance Company Seeking Over \$500,000 in Damages

Successfully Defended a Construction Contractor under the Illinois Prevailing Wage Act

Won a Substantial Verdict in Illinois State Court for a Developer Cut Out of Deal

Secured Summary Judgment on Behalf of a Property Developer Who Was Sued by a Bicyclist Hit by a Cab Adjacent to a Construction Project

Obtained Summary Judgment in Favor of Insurer

Represents Construction Clients in Defense of Petitions for Enforcement Administrative Subpoenas Under Prevailing Wage Act

Obtained Trial Verdict in Favor of Developer

Obtained Summary Judgment in a Wrongful Death Action Involving the Construction of Tunnels and Reservoirs

Successfully Filed Numerous Unfair Labor Practice Charges Against Unions Unlawful Picketing Activities at Construction Sites

Defended an Engineering Firm Against Alleged Negligent Design and Unjust Enrichment

Obtained Summary Judgment on Behalf of a Special Purpose Government Agency in a Construction Negligence and Products Liability Action

Served as Outside Counsel for a Large Construction and Civil Engineering Company

Defended a Construction Industry Client Against Claims by Union Benefit Funds that Claims the Client was the Purported Successor of a Prior Business Entity and Owed the Funds More than \$1 Million

Represented the General Contractor in the Transaction for a Sprawling, Multi-Use, Multi-Unit, Mixed-Income Development

Facilitated the Construction Contracts for the \$56 Million Development of a State-of-the-Art Cargo Facility at Chicago's O'Hare Airport

Represented the General Contractor in the Transaction for a Luxury, Mid-Rise Development

Secured Dismissal for Construction Contractor in a Contentious False Claims Act Claim

Prepared and Negotiated the Construction Contracts for the Completion of a \$43 Million Residential Development

### Firm News

Amundsen Davis Promotes Four Attorneys to Partner  
Firm News, February 21, 2023

Subscribe to Amundsen Davis's Litigation Nation Podcast for the latest legal updates!  
Firm News, February 10, 2023

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List  
Firm News, *Amundsen Davis*, January 23, 2023

Attorney Julie Line Joins Amundsen Davis's Chicago Office  
Firm News, January 3, 2023

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2023  
Firm News, November 3, 2022

Attorney Lisa Conforti Joins Construction Service Group in Chicago  
Firm News, August 22, 2022

45 SmithAmundsen Attorneys Recognized by *Best Lawyers in America*© 2023  
Firm News, August 18, 2022

SmithAmundsen Promotes Seven Attorneys to Partner  
Firm News, March 14, 2022

30 SmithAmundsen Attorneys Included on 2022 Illinois Super Lawyers and Rising Stars Lists  
January 28, 2022

SmithAmundsen Welcomes Henry P. Twomey to Tort Litigation Practice in Milwaukee  
January 17, 2022

SmithAmundsen Welcomes Constantine Gavrilos to Construction Practice Group  
December 13, 2021

SmithAmundsen Attorneys Included in the 2021 Missouri Super Lawyers List  
*SmithAmundsen*, November 18, 2021

SmithAmundsen Attorneys Included in the 2021 Wisconsin Super Lawyers and Rising Stars List  
*SmithAmundsen*, November 18, 2021

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Senior Counsel, James R. Mata, Joins SmithAmundsen's Construction Practice  
November 16, 2021

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2022  
November 4, 2021

38 SmithAmundsen Attorneys Recognized by *Best Lawyers in America*© 2022  
August 19, 2021

SmithAmundsen Welcomes Construction Attorney Jeff Young to Chicago Office  
Firm News, July 19, 2021

Attorney Gerald T. Rohrer, Jr. Joins SmithAmundsen as a Partner in Chicago  
July 12, 2021

Attorney Conor Cannon Joins SmithAmundsen's Construction Practice  
April 26, 2021

27 SmithAmundsen Attorneys Included on 2021 Illinois Super Lawyers and Rising  
Stars Lists  
January 29, 2021

Attorney Patrick J. Richel Joins SmithAmundsen's Construction Practice Group in  
Chicago  
January 4, 2021

Attorney David Sethi Joins SmithAmundsen's Transportation Practice Group in  
Chicago  
November 30, 2020

SmithAmundsen Attorneys Included on the 2020 Wisconsin Super Lawyers and  
Rising Stars Lists  
*SmithAmundsen*, November 17, 2020

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2021  
November 5, 2020

24 SmithAmundsen Attorneys Included on 2020 Illinois Super Lawyers and Rising  
Stars Lists  
January 29, 2020

29 SmithAmundsen Attorneys Included on 2019 Illinois Super Lawyers and Rising  
Stars Lists  
January 24, 2019

SmithAmundsen Ranks on Crain's Chicago Business' 2018 Largest Law Firms List  
*Crain's Chicago Business*, October 25, 2018

SmithAmundsen Promotes Attorneys to Partner  
March 15, 2018



6 SmithAmundsen Attorneys Included on 2018 Indiana Super Lawyers and Rising Stars Lists

*SmithAmundsen*, February 20, 2018

John Tanselle Honored as Distinguished Fellow by the Indianapolis Bar Foundation

November 21, 2017

SmithAmundsen Ranks on Crain's Chicago Business' Largest Law Firms List

*Crain's Chicago Business*, September 15, 2017

27 SmithAmundsen Attorneys Included on 2017 Illinois Super Lawyers and Rising Stars Lists

*SmithAmundsen*, January 13, 2017

SmithAmundsen ranks on Crain's Chicago Business' Chicago Largest Law Firms List

*Crain's Chicago Business*, September 10, 2016

### In the Media

USLAW Releases Updated Construction Compendium of Law  
Media Mention, *USLAW*, May 2021

USLAW Releases Updated Construction Compendium of Law  
Media Mention, *USLAW*, May 2018

USLAW Releases Updated Construction Compendium of Law  
Media Mention, *USLAW*, May 2017

USLAW Releases Updated Construction Compendium of Law  
Media Mention, *USLAW*, April 2016

### Alerts

California Court Opens the Litigation Floodgate Re: COVID-19 Exposure in the Workplace

*SmithAmundsen Construction Alert*, April 21, 2022

New Pending Illinois Legislation Could Impact Potential COVID-19 Exposure Claims

*SmithAmundsen Construction Alert*, March 4, 2021

OSHA's Latest COVID-19 Guidance

*SmithAmundsen OSHA Alert*, February 10, 2021

COVID-19 Updates Impacting Employers

*SmithAmundsen Alert*, April 24, 2020

Wisconsin's New Safer At Home Order Alters Restrictions on Businesses  
Article, April 16, 2020

Illinois Department of Labor Launches Prevailing Wage Electronic Database –  
April 1, 2020  
*SmithAmundsen Labor & Employment Alert*, April 13, 2020

Contractors Considered Essential Workers during Shelter-in-Place Orders  
*SmithAmundsen Construction Alert*, April 8, 2020

COVID-19's Impact on Construction in Illinois  
*SmithAmundsen Construction Alert*, March 23, 2020

Proceed, Pause or Be Damned? Immediate Construction Contract Considerations  
for Owners and Contractors  
Article, March 20, 2020

New Illinois Law Impacts Retainage for Contractors  
*SmithAmundsen Construction Alert*, September 5, 2019

OSHA Issues Final Rule on Crane Operator Certification Employer Evaluation  
*SmithAmundsen OSHA Alert*, November 8, 2018

New Bill May Impact Your Retainage  
*SmithAmundsen Construction Alert*, July 20, 2018

Additional Changes to A201 | 2017 AIA Document Series – Revisions to the Core  
Contract Documents (Part 6)  
Article, October 10, 2017

B101 Owner/Architect Agreement | 2017 AIA Document Series – Revisions to the  
Core Contract Documents (Part 5)  
Article, October 9, 2017

Insurance and Bonding Provisions | 2017 AIA Document Series – Revisions to the  
Core Contract Documents (Part 4)  
Article, October 8, 2017

Owner/Contractor Relationship Revisions to A201 | 2017 AIA Document Series |  
Revisions to the Core Contract Documents (Part 3)  
Article, August 25, 2017

Notice Requirements Under the Revised A201 | 2017 AIA Document Series |  
Revisions to the Core Contract Documents (Part 2)  
Article, August 15, 2017

Dispute Resolution Under the Revised A201 | 2017 AIA Document Series |  
Revisions to the Core Contract Documents (Part 1)  
Article, July 30, 2017

OSHA Postpones New Construction Silica Standard  
*SmithAmundsen OSHA Alert*, April 7, 2017

## Events

Eighth Annual Construction Industry Seminar  
Event, Amundsen Davis; Virtual Livestream, February 2, 2023

NEW U.S. DOL Davis-Bacon Rule – What the Construction Industry Needs to Know!  
Event, SmithAmundsen; Webcast, May 12, 2022

The ABCIL Training Trust: A No Brainer for Participation  
Webcast, March 24, 2022

Complying with OSHA Standards in 2022  
Webcast, March 10, 2022

Seventh Annual Complimentary Construction Industry Legal Power Seminar  
SmithAmundsen; Webcast, January 20, 2022

Cyber Threat Actors Have their Eyes on the Construction Industry  
SmithAmundsen; Webcast, November 16, 2021

Racine & Kenosha Counties – The Bridge to Wisconsin's Future  
Speaking Engagement, BizTimes Media, Webcast, April 22, 2021

Changes to Medical Leave in the COVID Age  
Speaking Engagement, 35th Annual DBE Workshop and Secretary's Golden Shovel Awards, Webcast, February 25, 2021

2021 Artificial Intelligence in Construction Virtual Seminar  
DRI and Illinois Defense Counsel, Webcast, February 16, 2021

The Illinois Construction Industry Legal Power Seminar – Sixth Annual  
A Live Streamed Seminar  
SmithAmundsen; Webcast, January 21, 2021

Election 2020 and the Merit Shop: How Should Merit Shop Contractors Prepare for Upcoming DOL Policy and Regulatory Actions?  
Associated Builders and Contractors' Legal and Policy Forecast Conference;  
Webcast, December 3, 2020

USLAW Network Virtual Worldwide Retreat: 2021 and Beyond  
USLAW Network, Webcast, September 30, 2020 - October 9, 2020

Industry Experts Fireside Chat: Construction Law  
USLAW, October 7, 2020

Construction

Building Business: Getting Work and Legal Issues During a Pandemic  
Speaking Engagement, The Daily Reporter's Building Business, Webcast, May 21,  
2020

COVID-19: What Illinois Contractors Must KNOW and DO NOW  
SmithAmundsen, Webcast, April 9, 2020

Milwaukee Business Journal – Downtown CEO Roundtable  
Event, Milwaukee Business Journal's Downtown CEO Roundtable, Seminar;  
Milwaukee, WI, January 28, 2020

The Illinois Construction Industry Legal Power Seminar – Fifth Annual  
Critical Legal Updates Impacting the Construction Industry: What You Need to  
Know for 2020  
SmithAmundsen; Oak Brook, IL, January 23, 2020

Construction Industry Conference  
Illinois CPA Society; Chicago, IL, October 30, 2019

There's a Buzz in the Air  
Drone Safety in Construction Seminar; Woodridge, IL 60517, September 26, 2019

How to Document and Terminate in YOUR Industry  
SmithAmundsen, Webinar, August 21, 2019

Recreational Marijuana and the Construction Industry  
Finishing Contractors Association of Illinois; Webinar, August 8, 2019

OSHA Violations and How to Keep Your Company's Name Out of the Paper  
Construction Expo & Safety Conference; Oakbrook, IL, March 19, 2019

Understanding and Negotiating Important Provisions in Construction Contracts  
Finishing Contractors Association of Illinois (FCAI), Webinar, March 6, 2019

There's a Buzz in the Air - Are You Ready? Drones in Construction: A Risk and  
Liability Checklist  
Construction Expo & Safety Conference; Oakbrook, IL, March 5, 2019

Critical Legal Updates Impacting the Construction Industry: *What You Need to  
Know for 2019*  
January 17, 2019

2018 ICSC/CARW Retail Conference  
Event, Potawatomi Hotel & Casino; Milwaukee, WI, April 18, 2018

CLE and Reception at Lodge Kohler  
Event, Lodge Kohler; Green Bay, WI, February 28, 2018

Critical Legal Updates Impacting the Construction Industry: What You Need to Know for 2018

The Illinois Construction Industry Legal Power Seminar – Third Annual SmithAmundsen Seminar; Lombard, IL, January 17, 2018

Construction Contracts: Recognizing and Understanding the Important Provisions

Illinois Chamber of Commerce; Webinar, November 14, 2017

No Coverage? Practical Implications of Recent Wisconsin Insurance Cases on Construction Matters

Speaking Engagement, Glacier Canyon Lodge at the Wilderness; Wisconsin Dells, WI, June 15, 2017

The Daily Reporter's 2017 Construction Summit

Speaking Engagement, May 4, 2017

Hot Topics in Construction: Strikes and Withdrawal Liability

Mid America Regional Bargaining Association, Seminar; Lombard, IL, February 7, 2017

Construction Law Power Seminar: Critical Legal Updates Impacting the Construction Industry: What You Need to Know for 2017

SmithAmundsen, Lombard, IL, January 24, 2017

The Construction Industry: Shortcuts to Disaster

Illinois State Bar Association, May 13, 2016

Prevailing Wage Law - Completing the Certified Transcript of Payroll

Illinois Chamber of Commerce, Webinar, April 28, 2016

Construction Law Power Seminar: Critical Legal Updates Impacting the Construction Industry in 2016

SmithAmundsen, Lombard, IL, February 11, 2016

### Published Works

The importance of client service and relationships

Publication, *The Indiana Lawyer*, June 8, 2022

COVID Conundrum

*The CLM Magazine*, May 21, 2020

Court Rules on Sufficient Control - To The Extent You Litigate Injury Construction Claims in Illinois

*The Construction Claims Magazine*, October 27, 2017

## Blog Posts

New Changes to Illinois' Wage Payment and Collection Law Seeks to Pressure General Contractors to Become Union Signatory

*Labor & Employment Law Update*, June 28, 2022

Construction Contractors Beware: Think Twice Before Paying Prevailing Wage Assessments!

*Labor & Employment Law Update*, April 2, 2021

Construction Picket Lines: What Union Workers Must Know

*Labor & Employment Law Update*, March 16, 2021

In Case it was Ever in Doubt, the Illinois Prevailing Wage Act Now Expressly Adopts UNION SCALE to Establish Prevailing Wage in the "Construction" Industry

*Labor & Employment Law Update*, June 18, 2019

Keep Calm and Be Cautiously Optimistic – Recent NLRB Developments

*Labor & Employment Law Update*, September 25, 2018

# Construction