



## Construction Litigation

Lippes Mathias' Construction Litigation Team has extensive experience representing developers, general contractors, bonding companies, owners, architects, suppliers, subcontractors, etc. in all facets of construction litigation, from project inception to completion.

Our experience includes:

### **Mechanic/Construction Liens**

Preparing and recording liens on behalf of contractors, subcontractors, and material suppliers, including one lien that we filed against one of the largest mall owners in New York State. We have also assisted many clients in making sure that they regularly provide the preliminary notices required to preserve their lien rights on construction projects.

### **Lien Foreclosures**

We have handled many construction lien foreclosure cases, from both the Plaintiff and the Defendant side. We have also represented bonding companies in connection with construction related litigation. We have litigated to force the sale of property so that our clients can get paid, including a large power plant in Niagara Falls.

### **Bond Claims**

Representing contractors, subcontractors, owners, and sureties in prosecuting and defending claims against payment and performance bonds. We have experience in all aspects of construction-related litigation that involves bonding companies.

### **Bonding Issues**

Our Team has experience in all issues related to construction bonds, including drafting the bonds, providing assistance in obtaining bonding and representing bonding companies in litigation.

### **Lien Law Trust Funds**

Litigating against contractors and owners who received funding for a project but spent the money elsewhere leaving little in the company for payment to our clients. We have forced the individual owners of those companies

### **TEAM LEADER**



**THOMAS J. GAFFNEY**  
Chief Operating Officer | Partner |  
General Counsel | Team Leader -  
Construction Litigation

to go out of pocket to pay our clients, including on behalf of a large grocery store.

### **Payment Disputes**

Representing owners who are claiming payment is not warranted and contractors seeking payment. We successfully represented a large subcontractor on a multimillion-dollar municipal park project in NYC.

### **Personal Injury Actions**

Litigating matters for injured workers and defending owners when sued by an injured worker. We successfully defended a large developer when an employee of a subcontractor suffered neck and back injuries while demolishing a building.

### **Breach of Contract**

Our Construction Litigation Team has experience dealing with disputes concerning numerous aspects of construction contracts, including in AIA contracts. For example, we have handled claims related to alleged faulty workmanship, failure to make payment, and construction delays.

### **Arbitration**

We have handled many arbitration proceedings related to construction disputes from start to finish including litigation to confirm arbitration awards and defending litigation to confirm arbitration awards.

### **Bid Protests**

Our Team has successfully overturned awards of contracts that were improper based on the bid specifications.

### **Drafting Construction Contracts**

Drafting all types of construction contracts, including prime contracts, subcontracts, joint venture agreements, contracts with architects and other types of contracts used in construction.

### **Employment**

Handling all types of employment related issues, including Department of Labor overtime claims, worker's compensation issues, addressing employee claims against employer, and all other employment related disputes that may arise.

### **Zoning and Land Use**

Assisting developers and contractors in addressing all zoning and land use issues that may arise in connection with their construction projects.

### **Indemnity**

In construction, it is common to see indemnity clauses that have the potential of exposing clients to tremendous liability in the event of a claim. We regularly review indemnity clauses in construction contracts and recommend changes to protect our client from exposure to claims not covered by insurance.

### **Licensing**

Our Florida attorneys are well-versed in Florida's licensing laws for construction professionals. We have successfully represented construction professionals in defense of licensure complaints and have worked with property owners to bring actions against construction professionals' licenses and for unlicensed activity.

### **Project Finance**

Our representation has also covered advising owners, general contractors, and subcontractors about negotiating contracts before a given project, how to proceed on aspects of the project relating to contractual obligations

during the project, and completing and obtaining appropriate releases following a project.

**New York:** Albany, Buffalo, Clarence, Long Island, New York City, Rochester, Saratoga Springs // **Florida:** Jacksonville // **Illinois:** Chicago  
**Ohio:** Cleveland // **Oklahoma:** Oklahoma City // **Ontario:** Greater Toronto Area // **Texas:** San Antonio // **Washington, D.C.**

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