

Real Estate and Construction Litigation

Miller Canfield's construction litigators have decades of dispute resolution experience in state or federal courts. Our attorneys have handled complex disputes involving claims relating to scope changes and additions, differing conditions, design and construction defects, delays and impacts, acceleration, interference, trade stacking, and contract termination.

We represent clients in all aspects of the construction industry, including:

- Private owners
- General contractors
- Construction managers and trades
- Public entities, including universities
- Public utilities

We have represented national general contractors and construction managers in resolving claims a wide variety of projects, hospitals, power plants, high-rise office and hotel towers, and sports venues, including an MLB ballpark and indoor NFL stadium.

Our areas of expertise include payment and performance bonding, sureties and insurance coverage issues. We also have experience relating to construction loan defaults, receiverships, and construction lien enforcement and defense.

We effectively manage and work with the consultants often required in support of construction claims, including schedulers, construction costs accounts, engineers and architects. We understand the risks and rewards of various litigation strategies, allowing us to be the best counselors about when to fight (and when not to) and are experienced in the negotiation of settlements and effective use of mediation procedures to resolve claims.

Representative Matters

Represented a national top-ten general contractor in delay and defect litigation in Massachusetts arising from the rupture of large-diameter water lines in a new water purification facility. Successfully resolved both underlying lawsuits, including third-party claims against subcontractors and material suppliers, and insurance coverage lawsuit against builder's risk insurer

Prosecuted action by a general contractor against design-build engineer for underestimating construction quantities in connection with a winning bid to redesign and rebuild interstate highways in Indiana. After settling the underlying professional negligence case, prosecuted follow up actions against professional liability insurer for wrongful denial of coverage and insurance broker for failing to procure adequate project wrap insurance

Defended a general contractor from claims that design-build fire protection system in a Chicago high rise contained defective materials. Defense included prosecuting third-party claims against fire protection subcontractor and major industry suppliers for fraud.

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Secured a temporary restraining order on behalf of a church in suburban Cook County when a neighboring construction project threatened the structural integrity of the historic structure, leading to settlement of trespass claims, and complete repair of damaged property at no cost to the client

Represented a large refinery in construction-related claims arising from expansion of the facility

Defended a large publicly traded construction and project management company in various construction-related disputes in cases involving claims of negligence, misrepresentation, breach of contract, unjust enrichment, improper termination and scheduling issues.