

Hermes, Netburn, O'Connor & Spearing, P.C. Provides Contractor with Solutions to Alleged Construction Defect Problem in Major Metropolitan Office Tower

KEY SERVICES

Litigation

- Construction

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Peter G. Hermes

June 30, 2014

Hermes, Netburn, O'Connor & Spearing, P.C. represented a major general contractor/construction manager in a case involving delamination of paint on the crown of a major metropolitan office tower. The firm assisted the client in negotiating with the owner to make arrangements to perform the removal of the paint from the exterior of the structure and to repaint the crown without interfering either with the occupancy of the tower or the surrounding neighborhood.

At the same time, Hermes Netburn retained experts to study the cause of the delamination of the paint and, after those studies, brought a civil action against the steel supplier whose failure to cure the painted steel properly resulted in the delamination. The subcontractor's surety was also a party in the case. After defeating Motions for Summary Judgment by the subcontractor and the surety, we obtained a settlement in the case that, with other reimbursements available to its client, resulted in recovery of substantially all of the expenditures by the client. Additionally, the client retained the good will of the developer of the project and subsequently was awarded substantial contracts for the construction of other projects.