

NEUTRAL SERVICES

TY D. LAURIE

Partner

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Ty Laurie is an American Arbitration Association and International Mediation Institute certified neutral. A sampling of his mediation and arbitration experience is listed below.

Ty has mediated numerous construction disputes to successful conclusions throughout his 15+ years experience as a certified mediator. His success rate is well over 95 percent, and most of the cases he hasn't settled as a mediator ultimately resulted in settlements due to the significant progress made during the mediations he conducted. Several attorneys, contractors, owners, design professionals, insurers and sureties can attest to Ty's effectiveness, fairness and persuasiveness as a mediator. He is listed as a top lawyer neutral in Leading Lawyers Network.

While a list of references is available upon request, below is a sampling of some of Ty's successfully concluded mediations:

- \$55 million dispute involving the construction of a cavern storage facility for certain flammable gas products. The contractor claimed over \$15 million in work performed and the owner claimed over \$40 million in various types of damages. The case arose out of a default termination by owner that contractor disputed. The dispute focused on numerous technical issues involving the work and any damage to the cavern. Each side had four experts with expertise in various different disciplines.
- \$33 million dispute between engineering firm and energy producer involving construction and design of ethanol plant. Dispute centered around design errors and failure to design plant that would meet air emissions standards and could operate using lignite coal.
- \$30+ million dispute between casino owner and general contractor regarding scope of work, cost of the work, delays, constructive acceleration and change order disputes. Successfully settled during 2-day mediation.
- \$28 million dispute between a municipality, project engineer, and contractor for the construction of a highway. Dispute centered around delays that caused failure to meet the completion date and "total cost" method of proving related damages. Contractor sought damages from city and engineer for fraud, breach of contract, negligence and unjust enrichment arising out of changes in means and methods, delay, interference, lack of access and wrongful withholding of liquidated damages. City claimed that contractor's damages were self-inflicted and that using the total cost method of proving delay damages was unacceptable.
- \$22.5 million dispute between an architect and a County Board of Commissioners for construction of a ballpark facility. Architect sought unpaid additional service requests and

unpaid retainage fees. County claimed that architect's design errors or omissions caused County to incur additional project costs and delays, resulting in various overruns. County also claimed repair costs for various design defects. Also settled related action between contractor and county for unpaid work related in part to the claimed design errors.

- \$19 million dispute between a municipality, engineering firm and contractor for removal and replacement of a bridge in a metropolitan area. City and steel contractor claim that errors, omissions and flawed designs provided by the engineering firm resulted in long delays in beginning the bridgework and concrete removal due to constant modifications of the designs and failure of engineering firm to adequately estimate the timeframe of the bridge outage.
- \$18 million dispute between a general contractor and a subcontractor involving construction of a hospital. Subcontractor supplied lime kiln dust and equipment for soil stabilization. Contractor claimed subcontractor supplied defective lime kiln dust, was negligent in not properly spreading the lime kiln dust; and failed to properly advise Contractor on the proper use of the lime kiln dust. Contractor sought damages it incurred conducting repairs and settling with the hospital. Subcontractor claimed it merely supplied the lime kiln dust and equipment, and that Contractor was negligent in improperly spreading the lime kiln dust, causing the foundation and flooring to heave. Subcontractor sought rescission or reformation of the contract because the subcontract was based upon mutual or unilateral mistake
- \$10 million dispute between developer and construction manager involving construction of a senior living facility. Developer claimed construction manager failed to complete the project on time and sought damages. Construction manager claimed delay was caused by architect's inadequate plans, specifications and design flaws and sought payment for balance of contract.
- \$10 million construction delay dispute between architect, contractor and sub-contractors involving airport terminal improvement project. Enhanced and updated security equipment to be installed at the airport necessitated changes to the baggage handling system and expansion of the baggage rooms at the airport.
- \$9 million dispute between a governmental regulatory agency and a contractor involving the design, site development and construction of a training facility. Dispute centered around an outdoor firing range that was designed, but never built because of disagreements on the interpretation of contract requirements for sound baffling and a roof. Contractor sought damages it claimed were caused by government agency misadministration, design demands and acts and omissions. Government claimed the contractor was solely responsible for failing to build the firing range and seeks credit for work deleted from the contract.
- \$7.6 million dispute between a developer and university involving construction of dormitories. Developer claimed university failed to recognize valid change orders for costs incurred due to delays, unsuitable soils, unforeseen site conditions, and changes in scope. Developer sought the unpaid contract balance. University claimed developer deviated from owner-approved design and never submitted any change order requests during construction. University sought reimbursement for expenses incurred in finding alternate housing for students.

- \$7.5 million dispute between owner, developer/contractor, tenant, and subcontractors for construction of a warehouse/distribution center. Dispute centers around pavement and slope failures on the site. Owner sought damages from developer and contractor pursuant to an indemnity agreement for repair/remediation work. Developer/contractor countersued claiming owner purchased building “as is;” countersued subcontractors pursuant to an indemnity agreement; and countersued tenant for unjust enrichment. Subcontractors countersued contractor claiming they are owed money for extra work on the project.
- \$5.3 million dispute between contractor and municipality for construction of a wastewater equalization basin. Contractor claimed extra work, design revisions, and unreasonable delays caused by municipality and its designer prevented early completion of the project and sought payment for contract balance and loss of early completion bonus it would have earned. Municipality claimed contractor failed to use continuous rebar in concrete slabs, the repair and remediation of which caused the delayed completion. Municipality sought damages for contractor’s failure to complete the work in a timely manner.
- \$4 million dispute between a general contractor, mechanical subcontractor and developer of mixed use retail/residential condominium development. Developer claimed delays due to change orders, inadequacy of as-built drawings, lack of approval on design-build drawings contributed to the late completion of condominium units in a deteriorating real estate market. Contractor claimed indecision by developer caused delays in approvals for drawings and progress on work to be done by contractor and subcontractor.
- \$4 million dispute between hospital and terminated developer over fees and costs owed by hospital due developer for planned medical office building that was ultimately never built. The parties raised several contractual interpretation and damage calculation issues that impeded settlement prior to mediation.
- \$2.8 million dispute between a contractor and steel suppliers for construction of a sports arena. Suppliers sought payment for costs incurred by contractor’s change orders, overtime incurred because of delayed delivery of precast, equitable adjustment and construction acceleration costs. Contractor claimed suppliers inaccurately estimated their labor costs, labor was inefficient, and failed to perform the work properly, thereby necessitating substantial amounts of rework.
- \$2.2 million dispute between a municipality and contractors for construction of a water treatment plant. Municipality claimed contractors failed to complete project according to revised completion dates and sued for breach of contract and negligence. Contractors claimed that municipality waived liquidated damages during the project and sought payment for unpaid contract balances.
- \$1.7 million dispute between a contractor and subcontractor for new construction and renovation of a food processing facility. Contractor claimed subcontractor performed defective workmanship and sought reimbursement for expense incurred to complete punchlist items and for corrective work. Subcontractor claimed contractor provided

inaccurate and incomplete drawings, untimely drawings, revisions and scope changes and sought payment for unpaid contract balance.

- \$500,000 dispute between a contractor, precast subcontractor, and municipality for construction of a green-designed public works facility. Dispute involved repair and replacement of failing cast-in-place pilaster and wall systems that failed under dead load and minimal live load. Contractor sought reimbursement for replacement and repair costs. Municipality claimed that damage is result of supplier's design and work related to the precast. Supplier denied its precast design and work was faulty and seeks payment for subcontract balance.

In addition to Ty's mediation experience, Ty is a construction law arbitrator. He has arbitrated numerous cases as an arbitration panel chair, an arbitration panel member, and as a single arbitrator. All of his arbitrations have been in construction-related matters. In addition to his arbitrator experience, Mr. Laurie is a practicing construction lawyer with over 24 years experience, who has advocated in arbitrations throughout his career.

A few of Mr. Laurie's more notable arbitrations include:

- a three-week proceeding involving approximately twenty witnesses and eight experts to resolve \$55 million in claims and counterclaims involving design and construction problems of a power plant;
- a three-week proceeding involving ten to fifteen witnesses and four experts to resolve \$10 million in claims involving construction delays to the erection of radio towers in Middle East; and,
- a two-week proceeding involving several witnesses and two experts to resolve \$4 million in claims involving roofs of multi-family development.

Professional Memberships and Affiliations

- American Arbitration Association, certified arbitrator and mediator
- International Mediation Institute, certified mediator
- American Bar Association Forum on the Construction Industry
 - Immediate Past Chair, 2007-2008
 - Chair, 2006-2007
 - Incoming Chair, 2005-2006
 - Publications Chair, 2004-2005
 - Governing Committee, 2001- 2005
 - Chair, Design Division, 1996-1999
- American Bar Association Construction Litigation Committee
 - Co-Chair, Technology Subcommittee, 1997-1999
- American Bar Association Dispute Resolution Committee
- American Bar Foundation, Fellow
- American College of Construction Lawyers, Fellow
- Society of Illinois Construction Lawyers

Civic

- Chair, Zoning Board of Appeals, Village of Glenview, 1997 – 2002



Ty D. Laurie

Partner

LAURIE & BRENNAN LLP



Laurie&Brennan LLP

EDUCATION

University of Michigan Law
School (1986) J.D.
Northwestern University (1983)
B.A. *cum laude*

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ADMISSIONS

Illinois

SUMMARY PROFILE

Ty Laurie, founding partner of Laurie & Brennan, LLP, practices construction law nationwide. He is a fellow of the American College of Construction Lawyers and the 2006-07 chair of the American Bar Association Forum on the Construction Industry. His representative matters include high-profile sports facility disputes, such as Soldier Field in Chicago, Lincoln Financial Field in Philadelphia, and Prudential Center in Newark; capital improvement and replacement projects for hospitals and medical facilities; and construction of skyscrapers such as New York City's Freedom Tower and Chicago's Spire. Mr. Laurie has served as construction counsel or provided construction law advice for several Fortune 500 companies, such as Sears Roebuck & Co. He counsels on project delivery methods, negotiates contracts, assists in the procurement of insurance and provides critical dispute avoidance services. Mr. Laurie has been a certified mediator and arbitrator for over 15 years, providing neutral services around the country on all types of construction disputes between \$3 million and \$55 million. His mediations have involved as many as 18 parties.

Mr. Laurie is consistently ranked among the top lawyers in construction law. *Best Lawyers* named him the 2013 "Lawyer of the Year" in Chicago Construction Law. *Chambers USA: America's Leading Lawyers for Business* gave him a "tier 1" rating for Illinois construction lawyers, its highest individual rating. *Expert Guides* named him as one of the top 30 most pre-eminent lawyers in construction law in the USA in Best of the Best 2012. Leading Lawyer Network ranks him among the Top 10 Construction Lawyers in Illinois, a top lawyer in the Lawyer Neutrals category, the Top 100 Leading Business Lawyers in Illinois, and the Top 100 Leading Lawyers in Illinois. He is consistently included in *Best Lawyers in*

America, Illinois Super Lawyers, *PLC Which Lawyer?*, *The International Who's Who of Construction Lawyers*, *The International Who's Who of Commercial Mediation*, and *Who's Who Legal: Illinois*. Martindale Hubbell rates him "AV," the highest rating available, reflecting pre-eminent legal ability and the highest professional and ethical standards. The *PLC Which Lawyer? Yearbook 2009* lists him as "highly recommended," commenting that "he is well regarded in the market for advising on project delivery methods, contract negotiations and dispute avoidance." Mr. Laurie and his team were recognized in 1999 by Sears, Roebuck & Co. with the first Sears Construction World Class Partner Award.

Mr. Laurie has a national reputation for his practice of construction law. His representative matters include: the multi-billion-dollar multi-building development in downtown Manhattan at Ground Zero to replace the World Trade Center; The Chicago Spire development, projected to become the tallest building in the Western hemisphere as well as the tallest all-residential building in the world; Lincoln Financial Field, the home of the Philadelphia Eagles; and the historic \$600 million reconstruction of Soldier Field. Projects also include Arlington Park International Racetrack, Rush-Presbyterian-St. Luke's Medical Center; Northwestern Memorial Hospital, and Sears retail outlets nationwide.

PUBLICATIONS

- Co-author, "The Changing Face of Arbitration in the Middle East," *JAMS Global Construction Newsletter* (August 2009)
- Executive Editor, *THE Construction Contracts Book*, published by American Bar Association Forum on Construction Industry (2005)
- Co-author, "Responsible Use of Computer Technology by Engineers," *Journal of Professional Issues in Engineering Education and Practice* (April 2004)
- Co-author, "Contractual Protections Against Mechanics' Liens and the Importance of Lien Waivers," *Commercial Leasing Law and Strategy* (November/December 2001)
- Co-author, "Five Steps an Owner Should Take to Terminate a Construction Contract Properly," *Shopping Center Update* (Spring Issue 2001)
- Co-author, "Construction Industry Expert Testimony in the Aftermath of *Kumho Tire Co., Ltd. v. Carmichael* and Under Amended Rule 702 of the Federal Rules of Evidence," a presentation at the Annual Meeting of the ABA Forum on the Construction Industry, New Orleans, Louisiana (April 2001)
- Contributing author, *lienlaw-online.com* (Spring 2001)
- Co-author, "Practical Tips on Achieving a Successful Project Through Prudent Contracting," *Commercial Leasing Law and Strategy* (December 2000/January 2001)

- Co-author, "Illinois Tort Reform: Issues for Architects," *Architalk*, the newsletter of the American Institute of Architects, Northeast Illinois Chapter (July 1996)
- Co-author, "Survey of the Economic Loss Doctrine in Construction Claims," *American Bar Association, Section of Litigation* (1996)
- Co-author, "Illinois Tort Reform: Issues for Architects," *Architalk*, the newsletter of the American Institute of Architects, Northeast Illinois Chapter (September 1995)
- Co-author, "ADA: Is It Really as Bad as You Think?" *Consulting Specifying Engineer* (March 1995)
- Author and Illinois Case Note Editor, *Construct!*, published by the Committee on Construction Litigation Subcommittee, American Bar Association, Section of Litigation (1994 to present)
- Co-author, "Collecting Your Receivables," *Consulting Specifying Engineer* (January 1994)
- Co-author, "Design-Build Agreement with General Conditions; Ownership Transition," *Consulting Specifying Engineer* (December 1993)
- Co-author, "Contractor's Substitution in 'Original' Spec," *Consulting Specifying Engineer* (August 1993)
- Co-author, "Betterment Follow-Up: Proper Amount of Liability Insurance," *Consulting Specifying Engineer* (March 1993)
- Co-author, "Software Error: Contracting with Subconsultants," *Consulting Specifying Engineer* (January 1993)
- Co-author, "E&O Insurance - Claim Reporting and What Is a Claim; File Retention; Betterment from Spec Omission; 3rd Party Beneficiary/Privity of Contract Role - Engineer Can't Make Claim Against Contractor," *Consulting Specifying Engineer* (September 1992)
- Author, "What the Americans with Disabilities Act Means to Manufacturers," *Manufacturing Risk Management and Insurance Newsletter*, International Risk Management Institute, Inc. (August 1992)
- Author, "Libraries' Duties to Accommodate Their Patrons Under the ADA," *The American Library Association* (July 1992)
- Author, "Title III of the ADA Potential Liability or Opportunity," *Consulting Specifying Engineer* (June 1992)
- Author, "Contract Provisions for the Americans with Disabilities Act," *Consulting Specifying Engineer* (March 1992)
- Co-author, "Liability for Defective Specs Pay When Paid Clauses ADA," *Consulting Specifying Engineer* (February 1992)

- Co-author, “Winning and Preventing Fee Disputes with Strong Contracts,” *Consulting Specifying Engineer* (January 1992)
- Columnist, “Ask the Lawyer,” *Consulting Specifying Engineer*, column published quarterly (1992 to 1997)
- Speaker and co-author of course manual, “Practical Illinois Construction Law,” published and presented semi-annually by Federal Publications Inc., Chicago, Illinois (1989 to 2000)

PRESENTATIONS AND SEMINARS

- Co-presenter “Mediation of Construction Disputes: Controlling Your Own Destiny,” AAAU Webinar (October 2011)
- Organizer and Panel Moderator, “Managing the Challenges of Scarcity: The Critical Path for Global Construction,” American College of Construction Lawyers and Princeton University Joint Symposium, Princeton University (November 5-6, 2009)
- Organizer and speaker, “Mothballing A Construction Project: What Happens To Contracts, Financing and Improvements?” presented at DLA Piper, Chicago, Illinois (August 5, 2009)
- Speaker "Lessons Learned from Construction Mediation" (May 14, 2009)
- Co-presenter, "Pros and Cons of Cost-Plus vs. Fixed Price Contracts and the Impact of the Current Economy on Construction Projects," Lorman Seminars (March 20, 2009)
- Co-presenter "Controlling Your Own Destiny with Mediation," 2008 AAA Construction Conference, ADR Works (November 2008)
- Speaker, "Key Risk Factors in Construction Contracting," Mid-Atlantic Construction Seminar, Lorman Education Services, Baltimore, Maryland (May 2006)
- Speaker, "New AIA Design-Build Documents: An Owner's Perspective," Lorman Education Services, Hoffman Estates, Illinois (November 2005)
- Speaker, "Fundamentals of Construction Law," American Bar Association Forum on the Construction Industry, Chicago Illinois (November 2002)
- Program liaison, "Defective Work, Effective Litigation: Claims, Coverage and Trends," Forum on the Construction Industry, Minneapolis, Minnesota (October 2002)
- Program co-chair and speaker, "Covering the Design Waterfront: Insurance Projects with Fragmented Design Responsibility," ABA Forum on the Construction Industry/TIPS Joint Meeting (January 2000)

- Speaker, "ADA Title III, The Buck Stops Here," International Conference of Shopping Centers Annual Meeting, Scottsdale, Arizona (October 1999)
- Speaker, "Healthy Construction Projects: Achieving Goals of Time, Quality, and Budget," ASHE 36th Annual Conference & Technical Exhibition, Philadelphia, Pennsylvania (June 1999)
- Presenter, "A Simulated Arbitration," 1999 ASHRAE Winter Meeting, Chicago, Illinois (January 1999)
- Speaker, "Alternative Dispute Resolution Provisions in Construction Contracts," Construction, Contracts, Bidding and Liability Class, Oakton Community College, Skokie, Illinois (November 1998)
- Speaker, "ADA Update," a presentation to architects and planners, Chicago, Illinois (July 1998)
- Speaker, "ADA Update," a presentation to Sears, Roebuck and Co., Los Angeles, California (June 1998)
- Speaker, "Construction Contracts Update," a presentation to Sears, Roebuck and Co., Las Vegas, Nevada (May 1998)
- Co-chair and speaker, "AIA Contract Documents: Generation Next," a joint presentation by the ABA Forum on the Construction Industry and The American Institute of Architects, Atlanta, Georgia (October 1997) and San Diego, California (November 1997)
- Speaker, "Construction in the 21st Century," a presentation to Sears, Roebuck and Co., Hoffman Estates, Illinois (October 1997 and November 1997)
- Speaker, "Design Professional's Responsibilities on a Construction Project," ABA Forum on the Construction Industry, 1997 Annual Meeting, New Orleans, Louisiana (April 1997)
- Speaker, "Surviving Construction Projects With a Smile," a presentation to Newell Co., Houston, Texas (March 1997)
- Speaker, "Disputes Between Contractor and Owner," Everyday Risk Management, a presentation to Perkins & Will, Chicago, Illinois (March 1997)
- Speaker and co-author, "Americans with Disabilities Act of 1990: How Shopping Centers Can Avoid Claims and Accommodate Shoppers with Disabilities," International Council of Shopping Centers, Orlando, Florida (October 1996)
- Speaker, "Strategizing for Success: To Bundle or Not to Bundle, That Is the Question," 1996 Annual Meeting of the ABA Forum on the Construction Industry, Dallas, Texas (May 1996)

- Speaker, "Disputes Between Contractor and Owner," Everyday Risk Management, a presentation for Perkins & Will, Chicago, Illinois (March 1996)
- Speaker, "Proposed Changes to the 1987 AIA A201 General Conditions for the Contract for Construction," a presentation to the Chicago Bar Association, Real Property Section, Chicago, Illinois (January 1996)
- Speaker, "Shop Drawings," Proposed Changes to the 1987 AIA A201 General Conditions for the Contract for Construction, a presentation to invited guests of the construction community, Chicago, Illinois (January 1996)
- Speaker, "Alternative Dispute Resolution," Construction Specification Institute, Northern Illinois Chapter, Itasca, Illinois (November 1995)
- Speaker, "Contract Provisions and Negotiation Strategies," Maximizing Profits and Minimizing Risks, a presentation for Hansen Lind Meyer, Inc., Chicago, Illinois (June 1995)
- Speaker, "Enhancing Profits By Minimizing Risks," American Institute of Architects, Northeast Illinois Chapter Mini-Seminar, Lombard, Illinois (June 1995)
- Speaker, "Workletter Construction Issues," Construction Issues for Brokers, a presentation for The John Buck Company, Chicago, Illinois (February 1995)
- Speaker, "Alternative Dispute Resolutions," National US Arab Chamber of Commerce, Chicago, Illinois (October 1994)
- Speaker and author, "Alternative Dispute Resolution: Extent of Usage and Recommendation for Increased Acceptance," Edison Electric Institute, New Orleans, Louisiana (October 1994)
- Speaker, "Americans with Disabilities Act of 1990: Title I Employment; Title II State and Local Governments; and Title III Public Accommodations and Commercial Facilities," Illinois CPA Society 1994 Non-Profit Organizations Conference, Chicago, Illinois (September 1994)
- Speaker, "Americans with Disabilities Act of 1990: Title II State and Local Governments; Title III Public Accommodations and Commercial Facilities," Environ, Inc., Chicago, Illinois (May 1994)
- Speaker, "Illinois Tort Liability for Engineers and Construction Owners," Western Society of Engineers, Chicago, Illinois (April 1994)
- Speaker, "Americans With Disabilities Act of 1990: Title II State and Local Governments; Title III Public Accommodations and Commercial Facilities," Illinois Association of Plumbing and Cooling Contractors 1994 Convention, Chicago, Illinois (March 1994)

- Speaker, "Americans with Disabilities Act: Title III Public Accommodations and Commercial Facilities," National Safety Council Congress and Exposition, Chicago, Illinois (October 1993)
- Speaker, "Practical Pointers on the Americans with Disabilities Act," 1993 Midwest Accounting and Business Management Show, Rosemont, Illinois (August 1993)
- Speaker, "Americans with Disabilities Act: Title III Public Accommodations and Commercial Facilities," American Society of Plumbing Engineers, Technical Symposium, Atlanta, Georgia (May 1993)
- Speaker, "Americans with Disabilities Act: Title III Public Accommodations and Commercial Facilities," Illinois CPA Society, 1993 Midwest Accounting and Business Management Show, Chicago, Illinois (June 1993)
- Panelist, "Employment and Human Resources Issues," 1992 Americans with Disabilities Act Conference, Illinois CPA Society and Foundation Panel Discussion, Metropolitan Healthcare Conference Center, Chicago, Illinois (May 1992)

PROFESSIONAL MEMBERSHIPS

- American Bar Foundation
- American College of Construction Lawyers
- American Bar Association
 - Forum on the Construction Industry
 - Chair (2006-07)
 - Governing Committee (2001-04)
 - Chair, Design Division (1996-99)
 - Publications Chair (2004)
 - Section of Litigation, Construction Litigation Committee
 - Co-Chair, Technology Subcommittee (1997-99)
- Society of Illinois Construction Lawyers

CIVIC AND CHARITABLE ORGANIZATIONS

- Chair, Zoning Board of Appeals, Village of Glenview (1996 - 2002)
- Volunteer, Salvation Army and Chicago Cares