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CONSTRUCTION

Goldberg Segalla offers clients extensive experience in a wide variety of construction disciplines. We represent contractors, construction managers, building owners, insurance companies, architects, engineers and suppliers in all types of public and private construction and development.

Our attorneys help clients identify issues, solve problems, and resolve disputes during contract formation and the performance period. In addition, we regularly counsel clients on litigation avoidance, working closely with them to address and resolve issues in the field. This proactive approach helps clients avoid delay and uncertainty and minimize risks in the event of litigation.

We represent clients in state and federal courts and alternative dispute resolution forums on claims arising from the construction process, including:

- Acceleration and compression claims
- Bid protests
- Breach-of-contract claims
- Change orders
- Collection remedies
- Construction insurance and bad-faith issues
- Contract performance
- Damage analysis
- Delay and extra work claims
- Design and construction defect and negligence claims
- EPC, EPCI, and EPCM contracting and disputes
- Government contracts and bid protests
- Mechanic's liens
- OSHA compliance
- Payment/performance bond disputes
- Prompt payment and retention issues
- Real estate and development contracts
- Scheduling delays and impacts
- Surety bond claims
- Termination issues
- Warranty issues and remedies

CONSTRUCTION SITE LITIGATION

Our experience in all areas of construction law is just one reason we have been chosen to represent some of the industry's most well-known owners, developers, insurance companies, general contractors, subcontractors, construction managers, design professionals, suppliers and others involved in construction litigation.

At Goldberg Segalla, our attorneys represent clients before state and federal courts, as well as in administrative proceedings and in arbitration or mediation. We work with clients to develop a litigation strategy early in the case to minimize business disruptions and limit liability exposure. In addition, our attorneys frequently consult with our related construction law practice groups, ensuring that our clients receive comprehensive advice and representation.

We advise clients in all areas of construction site litigation, including:

- Agency disputes
- Changed conditions and change order claims
- Contract and quasi-contract disputes
- Default and termination claims
- Delay and inefficiency claims
- Environmental issues
- Insurance coverage issues
- Labor and employment
- OSHA investigations and claims
- Professional liability
- Property damage claims
- Scope of work disputes
- Toxic molds and other substances
- Warranty claims

DESIGN AND CONSTRUCTION DEFECT CLAIMS

We represent construction industry clients on all legal issues arising from design and construction defect claims. By following our “Best Practices” model and offering proactive advice, our goal is to help our clients avoid litigation, save money and minimize business interruption issues.

Our attorneys lend their experience on a wide range of issues relating to design and defect claims, such as:

- Faulty or defective materials
- Guaranty bonds
- Improper installation
- Indemnification and contribution issues
- Insurance coverage
- Professional liability
- Warranties or guarantees
- Working with experts on forensic investigations
- Wrongful termination claims

GOVERNMENT CONTRACTS AND BID PROTESTS

We routinely counsel private businesses on all issues relating to government construction contracting. Our clients include a wide range of companies, from those that primarily serve the government, to those looking to expand their business into government projects.

At Goldberg Segalla, we recognize that competing for government contracts, winning them and resolving disputes that arise from them all present unique legal and business challenges. Our attorneys advise clients on how to avoid litigation and identify potential risks when entering into government contracts. When necessary, however, our experienced trial attorneys are prepared to pursue bid protests or represent clients in litigation in front of state and federal courts and agencies – including the Court of Federal Claims, the Board of Contract Appeals and the Government Accountability Office.

We advise clients on a variety of issues arising from government contracts and business disputes, including:

- Claims
- Cooperative Research and Development Agreements (CRADAs)
- Contract certifications
- False Claims Act
- Government competition requirements
- Overcharges and pricing issues
- Pre- and post-award bid protests
- Request for proposals (RFPs)
- Service Contract Act (SCA) compliance
- State procurement laws
- Suspension or disbarment

MECHANICS' LIENS

We are experienced in all issues relating to filing, enforcing and defeating mechanics' liens, including related legal issues such as trusts established under New York's lien law.

Mechanic's liens often arise because of non-payment due to disputes over construction services performed. We work hard to resolve disputes before resorting to time-consuming litigation. However, when litigation does become necessary, we have extensive experience in litigating the underlying issues that give rise to mechanic's lien claims.

Our attorneys advise clients on a range of issues relating to mechanics' liens, including:

- Filing liens
- Enforcing liens
- Lien removal
- Undertaking and bonding
- Lien dismissal
- Priority issues
- Trusts
- Foreclosure actions
- Willful exaggeration of lien amounts

SURETY LAW

Goldberg Segalla represents sureties in the full spectrum of bond claims and a wide range of related matters. Our work frequently involves contract surety bonds, including performance and payment bond claims on both public and private projects, and includes the negotiation of surety agreements, analyzing and managing surety risks, and representing clients in all phases of surety law disputes.

Highlights of our experience include:

- Representing surety clients on contract surety bond claims asserted by public owners, private owners, and general contractors on subcontractor performance bonds
- Negotiating with owners, completing contractors, subcontractors, and defaulting principals
- Handling performance bond claims after construction defaults, including assisting surety claims professionals investigating defaults and negotiating completion arrangements such

as tender agreements and takeover agreements

- Resolving surety law disputes in litigation and alternative dispute resolution forums on matters arising from bid bonds, performance bonds, payment bonds, fiduciary bonds, discharge of mechanic's liens bonds and other surety bonds
- Assisting surety clients with the enforcement of indemnity agreements
- Advising on co-surety obligations and reinsurance cut-through obligations
- Representing clients with respect to guardianship bonds, probate bonds, appeal bonds, motor vehicle dealers bonds, and other miscellaneous bonds
- Representing sureties in subrogation, salvage, and third-party recovery claims involving issues such as accountant negligence, breach of fiduciary duty, negligence of agents, and business torts
- Preparation and enforcement of takeover and completion agreements
- Handling bankruptcy claims and workout agreements on behalf of sureties
- Handling fidelity bond claims investigation, coverage evaluation, and litigation
- Advising on construction insurance and bad-faith issues
- Performing damage analysis

As leaders in construction and surety law, we are a team of accomplished professionals who understand the nature of these intertwined industries and the forces that shape them. This deep industry knowledge helps us understand what is important to our clients — and therefore tailor our legal services to protect their interests and better serve their unique needs.

WORKSITE INJURY LITIGATION

At Goldberg Segalla, we represent parties facing potential liability for construction worksite injuries. Our clients include owners, developers, insurance companies, general contractors, subcontractors, construction managers, design professionals and others.

Our attorneys have litigated worksite injury cases in state and federal courts throughout the country. We are experienced in a wide range of claims arising from worksite injuries, such as:

- Common-law negligence claims
- Insurance coverage and indemnity disputes
- Labor Law / scaffolding law claims
- OSHA investigations and claims
- Workers' compensation issues

By providing aggressive and creative defense, we have successfully helped clients avoid or limit exposure in litigation. We have also had many successes in resolving worksite injury cases both through filing dispositive motions and by going to trial. Our keen understanding of the ever-evolving law enables us to develop an effective strategy early in the process. In addition, we provide in-house seminars to clients on the present status of substantive issues, as well as significant legal issues such as additional insureds, anti-subrogation rules and liability for failure to procure insurance.

NEW YORK STATE LABOR LAW

Our attorneys are well recognized for their experience in New York State's Labor Law, which frequently presents owners and contractors with significant liability exposure for construction site accidents. In fact, our attorneys have litigated many of the leading cases in the state. Two of our attorneys – [Thomas F. Segalla](#) and [Brian Stapleton](#) – also serve as the editors-in-chief

of the premier legal treatise on the subject, *Construction Site Personal Injury Litigation*.