

DEFENSE VERDICT IN NINE-MONTH CONSTRUCTION ARBITRATION

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PRACTICE AREAS

Construction Litigation

HIGH CONCRETE GROUP, LLC V. TUTOR PERINI CORPORATION; TUTOR PERINI CORPORATION V. STANTEC CONSULTING SERVICES, INC.

Party represented: Stantec Consulting Services, Inc.

Venue: American Arbitration Association

State: New York

Length of trial: 9 months

Type of case

Construction

Verdict/award

Defense Verdict

This case arose out of the redecking of the Tappan Zee Bridge in New York. The contractor, Tutor Perini Corporation, sued the firm's client, Stantec, a multi-national engineering firm. TPC's direct claims, pass-through indemnity claims, and interest totaled approximately \$19 million.

Stantec performed a unique survey in support of the deck replacement project. In addition to establishing project control through conventional surveying techniques, the contract called for the use of a 3D laser scan to define the dimensions and elevations necessary to fabricate the precast replacement panels. It is believed that this is the first such project employing 3D laser scanning in support of fabricating replacement decking.

TPC alleged that it encountered difficulties in installing the precast deck panels as a result of faulty survey data provided by Stantec. Specifically, TPC raised four discrete claims of surveying negligence together with a significant delay claim.

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The firm was retained one week before the close of discovery, taking over from Stantec's prior counsel.

The case was arbitrated in New York under the authority of the American Arbitration Association before a panel of three arbitrators. Evidentiary hearings were held on 47 non-consecutive days over a nine month period. Following the hearings, the parties engaged in extensive briefing totaling in excess of 400 pages exclusive of exhibits.

On March 9, 2018, the three arbitrator panel issued its unanimous reasoned opinion. The panel concluded that TPC was not entitled to recover any amounts on any of its claims against Stantec. Thus, the panel concluded that Stantec was not at fault.