

Law Office of James D. Prescott, III LLC

Representative Contractual Advice/Transactional Experience:

Participated in the review, revision, negotiation, and/or drafting and post-execution contractual advices related to:

EPC/EPCM Contract Formation, Negotiation and Advices

- Formation and negotiation of EPC/EPCM Contracts for the construction and/or modification of industrial, power generation plant equipment and turbines, and associated equipment and services

Master Service Agreements (MSAs), Construction Contracts, Subcontracts

- MSAs, contracts, and subcontracts for construction services for industrial plant owners and shipyards (including Inspections, Non-Destructive Testing, Ultrasonic Testing, Welding, Equipment, Electrical, Engineering, and other related services)
- MSAs for Contractual Labor Suppliers

Pipeline Construction Contract Negotiation and Advice

- Advised and negotiated on behalf of major domestic pipeline construction companies and affiliates on construction contracts, subcontracts, consulting agreements and master service agreements.

General Construction Contracts

- Provided Contractual and Lien Advices to General Contractor related to the construction of industrial facility.

Hull/Vessel Fabrication Contracts

- Prepared and negotiated contract for new first in class series of liftboats for offshore services company
- Provided Contractual Advices for the Fabrication of Civilian Government Vessels, including Fisheries Survey Vessels and NOAA SWATH vessel
- Provided Contractual Advices for the Fabrication and Modifications of Mobile Offshore Drilling Units (including jack-up rigs and semi-submersible drilling units)
- Drafted, Revised, and Provided Contractual Advices for the new fabrication of Articulated Tug Barges

Transportation and Installation Contracts

- Drafted and Revised Contracts for the Transportation of Floating Production Units
- Drafted and Revised Contracts for Mobile Offshore Drilling Units

Rig Repair and Drydocking Agreements

- Drafted, Revised, and Provided Contractual Advices for the drydocking and work on Mobile Offshore Drilling Units, Offshore Supply Vessels, Semi-Submersible Floating Production Platform

FPSO Operating Agreement

- Provided contractual advices for first Floating Production and Storage Unit in US Gulf of Mexico

Offshore Service Provider MSAs

- Drafted and Revised Contracts for Remotely Operated Vehicle Operators
- Drafted, Revised, and Provided Contractual Advices for Deepwater Mooring System Installer

Maritime Master Service Agreements

Various Fabrication and/or Procurement Agreements

Charter Party Agreements

Crewing Agreements

Significant Representative Litigation/Adversarial/Government Contract Dispute Matters, most recent first:

Contractor Request for Equitable Adjustment - California Refinery Construction

Representation of national industrial contractor in Request for Equitable Adjustment due to refinery owner changes and differing site conditions

North Dakota Natural Gas Plant Dispute Resolution

Representation of national industrial contractor in natural gas plant construction dispute over time and materials billing and contract claims

Civil Traffic Signalization Equipment Provider Breach of Contract

Representation of traffic signalization equipment provider in breach of contract case.

Shipyard Arbitration

Representation of shipyard in change order, disruption, delay and completion cost dispute with vessel owner of dredge vessel.

Requests for Equitable Adjustment

Preparation of Requests for Equitable Adjustment for additional structural analysis for oceanographic survey vessels.

Wrongful Termination Arbitration

Representation of shipyard in wrongful termination arbitration related to the design and fabrication of a first in class vessel.

Request for Equitable Adjustment

Preparation of a Request for Equitable Adjustment for the provision of late or inaccurate government furnished information related to Foreign Military Sales of patrol boats.

Fireman's Fund, et al v. Great American Insurance Company - Insurance Coverage Dispute

Representation of Signal International, LLC in insurance claim for property damage and business interruption and coverage against its excess property insurer resulting from sinking of historically large drydock. Admitted *Pro Hac Vice* in United States District Court for the Southern District of New York.

Tim Clark Construction v. Builders of Hope,

Representation of Non-profit in breach of contract, bonding, and lien claims by subcontractor and sub-subcontractor in Eastern District of Louisiana. Successful settlement.

G&C Construction v. Kiewit Louisiana Corp.

Representation of national contractor in bonding and breach of contract claim related to the building of US Army Corps. of Engineers Levees in Plaquemines Parish, Louisiana. Successful settlement.

\$17 Million Drilling Rig Refurbishment Arbitration - Singapore

Successfully represented domestic drilling rig owner in liquidated damages and improper work claim against Malaysian shipyard. Successful settlement agreement reached.

Synchropile v. Kiewit Massman Traylor Bros. Joint Venture, 2011 WL 3419630 (E.D. La.), aff'd, 470 Fed. App'x. 349 (5th Cir. 2012)

Represented construction joint venture in successful defense of patent and intellectual property dispute after appeal to United States Fifth Circuit Court of Appeal.

\$300 Million Offshore Platform Fabrication and Installation Arbitration - Houston, TX

Represented Contractor/Fabricator in \$300 million in claims and counterclaims against major US oil company for cost overruns, delays and acceleration in the design and build of a deep draft, semi-submersible oil production hull, topsides, and mooring system in the Gulf of Mexico, USA. Matter resolved after three-week arbitration and post hearing briefing.

United States Marine, Inc. v. United States of America v. VT Halter Marine, Inc., 1062012 WL 2052953 (5th Cir. 2012)

Represented shipyard in prosecution of Federal Tort Claims Act claim of misappropriation of a trade secret against United States and defense of third-party claims of United States related thereto. Received judgment of \$1.4 million in December 2010 after separate trials for liability and quantum. Judgment reversed by United States Fifth Circuit Court of Appeal on jurisdictional grounds; ultimately settled after concurrent litigation in Federal Court of Claims.

Shipyard Module Fabrication Arbitration

Successfully defended shipyard in arbitration wherein owner was claiming delays, liquidated damages, and breach of contract related to module fabrication contract for Articulated Tug Barges (ATBs). Successfully pursued and was awarded attorney's fees.

CamSoft Data Systems, Inc. v. Tropos Networks, Inc., 2010 WL 3199949, (M.D. La.)

Successfully enforced contractual choice of venue and choice of law clause in case alleging misappropriation of trade secrets and unfair business practices.

In re: Signal International, 579 F.3d 478 (5th Cir. 2009)

Participated in the successful limitation of liability action against Mississippi Department of Transportation and Development related to damage to the Interstate 10 bridge in Pascagoula, MS due to allision with vessel during Hurricane Katrina.

Rabalais v. Nash, 2006-0999 (La. 3/9/2007) 952 So.2d 653

Successful appeal to the Louisiana Supreme Court regarding applicability of Louisiana emergency vehicle statute, La. R.S 32:24.

Also represented contractors, subcontractors, and businesses in various contractual, False Claims Act, insurance coverage, personal injury, surety, bonding, and breach of contract lawsuits, including governmental contracting claims.