

PRACTICE CONTACTS

- Nick A. Dolejsi

Zelle has been involved in more than 1,000 construction-related disputes including an exhaustive array of origins and legal issues, such as roof failure, fire, manufacturing plant explosions, building collapse, turbine and compressor failures, claims of construction defect, cost overruns, breach of contract, engineer negligence, bid-rigging, government contracts, etc. Zelle has handled construction disputes in federal and state jurisdictions throughout the U.S. and abroad. Zelle also assists construction clients on an ongoing basis concerning contract, risk management and other business issues.

REPRESENTATIVE MATTERS

9/11 World Trade Center.

Lead counsel for all 9/11 claims for one of the world's largest insurance companies. Myriad of construction issues in determination of multi-billion dollar replacement costs.

9/11 Deutsche Bank.

Total loss versus repair; time line for repairs; environmental remediation issues (involving asbestos and other contaminants, and concerning acceptable cleanup levels, risk analysis, etc.); issues pertaining to the integrity of existing building foundations.

American National Power.

Construction defect case involving highly flammable cooling pads for use in a filter house that protected a gas turbine.

Adco Group et al. v. Travelers et al.

Complex action involving the coordination of multiple lawsuits with over 25 parties, claims of \$250 million in construction defects and damage at a luxury resort in Southern California, and involving issues regarding the extent of construction defects, their cause, damage allegedly resulting from the defects and its manifestation, as well as the calculation of the reasonable cost of repairing the property.

USF&G and AHAC v. Braspetro Oil Services Company and Petroleo Brasileiro S.A. - Petrobras, et al.

Multi-national, multi-hundred million dollar performance bond, construction, and indemnity dispute involving construction of offshore deep-water oil

platforms.

Columbus Municipal Airport Authority.

Multi-party latent construction defects dispute.

Nicholson v. Turner/Cargile, 107 Ohio App. 3d 797, 669 N.E.2d 529.

Alleged negligence of consulting engineer resulting in deaths of construction workers.

J. Mahan Construction Co. v. JMG Maintenance, Inc. and Kokosing Construction Co., Case No. 93CVC04-2925.

Breach of contract and fraud dispute arising from construction of vegetable oil processing plant.

Nelson v. Frana Companies, Inc. et al.

Represented general contractor in defense of ERISA claims alleging under-payment of fringe benefits.

Bridgestone Firestone.

Dispute over cost to construct latex, hard rubber, and shipping container facilities in Liberia.

City of Hamilton, Ohio.

Disputes relating to the construction and renovation of city hydroelectric facility and wastewater treatment plant.

Ethanol Plant Explosion.

Dispute between plant owner and design-build contractor concerning propriety of new ethanol manufacturing technology and its connection to a major explosion leading to substantial property damage and loss of life. Required detailed cause and origin engineering analysis and testing.

Ethanol Plant Explosion (another).

Explosion of boiler in new ethanol distillation line under construction. Required engineering analysis, detailed understanding of the contractual rights and obligations of the parties, as well as the scope of available remedies for losses occurring during construction.

Dallas Mansion Fire.

Dispute over alleged construction defects leading to destruction of \$45 million mansion.

Roof Failure at Target Store.

Dispute over failure of membrane roof during thunderstorm allegedly due to construction defects.

Cement Unloader Collapse at Dock Terminal.

Dispute over cause of structural collapse of a trolley mounted cement unloader.

Warehouse Roof Collapse.

Dispute over roof collapse failure in high winds allegedly due to construction

Occidental Chemicals Turbine Failure.

Dispute over failure of large steam turbine in chemical plant allegedly due to exposure to high concentrations of caustic introduced by steam supplier.

Equistar Compressor Failures.

Dispute over repeated failures of open faced compressor impellers allegedly due to acoustic resonance and defective welding.

Atofina Plant Fire.

Dispute over failure of fire suppression system at chemical plant allegedly due to installation of defective components, improper testing procedures, and improper testing and inspection.

Flooding of Guardian Manufacturing Facility.

Dispute over flooding of plant building allegedly due to improper repair techniques used by general contractor and roofing contractor.

Investigations of power plant outages in Texas and Oklahoma.

Oversaw cause and origin studies for equipment failures and fires in generation facilities in Texas and Oklahoma.

Bear Dredging.

Dispute over bid changes on Mobile Bay dredging project.

TRW.

Protest over award of government construction project to Bechtel for nuclear

waste repository.

Trade secret theft, trade disparagement action (Ill. Cir. Ct., Cook Cty., N.D.Ill., 7th Cir., C.D.Cal.).

Zelle attorneys represented one of the top financial printers in various litigation involving competitors in the same business category. The disputes concerned allegations of stealing trade secrets and employees, as well as trade disparagement and other violations. Settlements were reached in all cases.