



Frost Brown Todd Successfully Represents Turner Construction in Construction Arbitration

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Scott Gurney and Chris Dutton of Frost Brown Todd's Construction Law Group successfully represented Turner Construction Company in a nine-day arbitration hearing in Nashville, Tennessee. The arbitration was filed by a subcontractor who claimed it was entitled to \$3.5 million in additional compensation on a large federal construction project in Kentucky.

Turner agreed that some additional compensation was owed to the subcontractor but believed the claim was greatly inflated. Prior to retaining FBT, Turner offered a substantial amount to settle the claim in mediation which the subcontractor rejected, still demanding several million dollars. The parties then agreed to resolve the dispute through binding arbitration administered by the American Arbitration Association.

Shortly before the arbitration hearing, Turner increased its settlement offer to the subcontractor, which the subcontractor again rejected, continuing to demand almost

\$2 million. During the hearing, the subcontractor's expert witness testified that the subcontractor was owed \$3.5 million, while Turner's expert witness testified that the subcontractor was owed less than one-sixth of that amount. After a nine day arbitration hearing, the three-person arbitration panel awarded to the subcontractor the amount suggested by Turner's expert witness – several hundred thousand dollars less than the amount previously rejected by the subcontractor and less than one-sixth of the amount demanded.

FBT handled this case on an alternative fee arrangement with Turner. Additional steps were taken to minimize costs, including eliminating all depositions and using an attorney and paralegal with undergraduate degrees in Construction Management and construction field experience to assist in the case. Turner was

pleased with the arbitration results and cost-control measures.

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