

Construction Law & Litigation

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Overview

The Construction Law and Litigation team at Lung Rose Voss Wagnild offers comprehensive legal services to developers, contractors, design professionals, and other construction industry stakeholders.

Our attorneys are experienced in handling disputes, contract formation, and risk management in construction projects of all sizes.

What We Do:

- Negotiating and drafting project contracts
- Construction financing, subordination agreements
- Claims prevention and analysis
- Performance failure litigation
- Construction defect litigation
- General contractor defense litigation
- Design professional defense litigation liability
- Insurance coverage litigation

- Bonds and suretyship litigation
- Mechanics' liens litigation
- Procurement — State, County, and Federal
- Bid challenge litigation
- Delay and scheduling claim litigation
- Project management claim litigation
- Litigation risk analysis
- Davis-Bacon compliance

Experience

Select Results

- Represented prominent Hawaii developer Gentry Homes, Ltd. in defense of a class action litigation alleging construction defects and statutory non-

disclosures in the design and sale of residential subdivision units. After obtaining summary judgment on half of the claims asserted by the class, a highly favorable settlement was reached involving payment of only nominal damages and the implementation of an extended warranty program.

- Represented general contractor Albert C. Kobayashi, Inc. in obtaining a mechanics' lien in excess of \$20 million against General Growth Properties and Victoria Ward, Limited for the Ward Village Shops project. This matter was subsequently settled with the full amount of the lien being satisfied.
- Represented Wimberly Allison Tong & Goo in the defense of claims for damages in excess of \$65 million arising out of mold infestation at Kalia Tower, Hilton Hawaiian Village. Successfully negotiated a settlement pursuant to which client paid less than 3% of the claimed damages.
- We have also been involved in the formation and negotiation of contract documents for projects including the following:
 - Hokua Condominium Project, Honolulu, Hawaii
 - Capitol Place Condominium Project, Honolulu, Hawaii
 - Trump International Hotel & Tower At Waikiki Beachwalk, Honolulu, Hawaii
 - Ke Kailani, Maunalani, Hawaii
 - Maryknoll School Community Center, Honolulu, Hawaii
 - Kapolei Commons Shopping Center, Kapolei, Hawaii
 - Kawaiaha'o Church Multi-Purpose Center, Honolulu, Hawaii
 - Hale Ali'i Condominium Project, Honolulu, Hawaii
 - Cole Academy, Kapolei, Hawaii
 - University of Hawaii, West Oahu Campus, Kapolei Hawaii
 - Kuhio Park Terrace renovation, Honolulu, Hawaii
- Lenders: Assisted in construction financing and project management disputes.
- Design Professionals: Defended architects and engineers in negligence claims under professional liability policies.
- General Contractors: Advocated for clients in:
 - Mechanic's lien disputes, including a substantial lien for the Ward Village Shops project.
 - Defense of claims for construction defects and scheduling delays.
- Subcontractors and Suppliers: Represented subcontractors in disputes with general contractors regarding performance, payment, and project delays.
- Sureties and Insurers: Provided litigation services in bond and suretyship disputes and insurance coverage claims.

Representative Clients

- Albert C. Kobayashi Inc.
- Alpha Electric Supply
- Armstrong Builders, LLC
- Beachside Roofing LLC
- Beall & Associates Inc.
- Brett Hill Construction Inc.
- Bruce Olson-Hawaii Inc.
- CDS International
- Constructors Hawaii Inc.
- ELCCO Inc.
- Ferraro Choi & Associates Ltd.
- Graham Builder Inc.
- Group 70 International
- Haseko Construction Management Group
- Hidano Construction
- Homeworks Construction
- Honsador Lumber LLC
- Kazu Yato, AIA and Associates Inc.
- Kolona Painting and General Construction
- Maryl Group Construction Inc.
- Metzler Contracting Co. LLC
- Moss & Associates
- Pacific Aquascapes LLC
- PBR Hawaii & Associates Inc.
- Rainbow Roof Maintenance Company
- M. Towill Corporation
- Safeway Steel Products Inc.
- Sealtech, Inc. dba Seal Masters
- Shook Kelley
- Swinerton Builders – Hawaii
- Vertical Construction
- Watts Constructors LLC
- Wimberly Allison Tong & Goo (WATG)

- World Carpets Inc.