



AAA Mediation.org™

**FN-2759823 MN-2759823 LN-2759823,
Esq.**

Troy, Michigan

Current Employer-Title Frasco Caponigro Wineman Scheible Hauser & Luttmann, PLLC - Partner

Profession Attorney, Arbitrator, Licensed Residential Builder

Work History Partner/Attorney, Frasco Caponigro Wineman Scheible Hauser & Luttmann, PLLC, 2006-present;
Partner/Attorney, Federlein & Keranen, PC, 1996-2006; Law Clerk, Fitzgerald & Dakmak, PC,
1995-1996.

Experience Over 25 years of litigation and transaction experience specializing in construction law. Extensive experience in breach of contract claims, surety bond claims, building failures, delay claims, construction lien claims, design professional liability and warranty claims for defective work.

Represents a wide variety of clients in the construction area in the private and public sector, including owners, general contractors, demolition contractors, underground and site work contractors, electrical contractors, heating and mechanical contractors, material suppliers, specialized trade contractors, environmental abatement contractors, trucking and hauling companies, landfill operators, custom home builders, home owners, design professionals and sureties. Regularly handles construction projects throughout the United States and Canada.

Obtained a \$2.1 million verdict in favor of plaintiff in a federal lawsuit brought by a major demolition contractor arising out of delay damages and additional work in connection with a university project in Atlanta, Georgia.

Received a 'No Cause of Action' verdict on behalf of plastic extrusion manufacturer after a five-day trial where the plaintiff sought \$4.6 million in damages.

Successfully arbitrated a \$550,000 breach of contract claim on behalf of a contractor against a local casino who refused to acknowledge substantial extra work done on a time and material basis.

Defended and significantly reduced a substantial claim against a contractor brought by a trucking company for work arising out of a demolition project in Indianapolis, Indiana.

Negotiated a million-dollar settlement on behalf of a client, a global mechanical contractor, arising out of renovation work performed at a major building in Detroit, Michigan.

Participated in nearly 14-month long mediation against a major electric automobile manufacturer resulting in settlement in favor of client in excess of \$5,500,000.

Regularly present seminars and lectures to organizations on topics concerning the construction industry, as well as a scheduled speaker on Construction Law to the graduate students at the University of Michigan - Taubman College of Architecture.

Mediator Experience Attorney with litigation and transaction experience specializing in the area of construction law. Has

extensive experience in breach of contract claims, surety bond claims, building failures, delay claims, construction lien claims, design professional liability and warranty claims for defective work. Represents a wide variety of clients in the construction area in the private and public sector, including owners, general contractors, subcontractors, suppliers, design professionals and sureties.

Have mediated numerous construction related cases, ranging from two-party disputes to lien foreclosure matters involving multiple parties. Proficient in all aspects of complex construction law issues as well as small, private residential projects. As a licensed builder in the state of Michigan, understands fully the various building code requirements and terminology used in the industry.

Representative Issues Handled as a Mediator

The primary issues involved in matters mediated focus on disputes arising on a construction project. For example:

Was able to resolve a dispute involving a claim against a contractor brought by a trucking company for work arising out of a demolition project in Indianapolis, Indiana.

Negotiated a million dollar resolution between a global mechanical contractor and a property management company involving a major building in Detroit, Michigan.

Resolved a dispute between a property owner and a design professional on a large commercial project in Detroit, Michigan.

Successfully negotiated disputes between contractors and owners relating to large, complicated development and commercial projects.

Resolved a lawsuit between an electrical contractor who brought a claim against the Michigan Department of Transportation arising out of renovations and upgrades performed on the Mackinac Bridge.

Mediator Style & Process Preferences

I believe that mediation, if used timely and appropriately, can be a beneficial resource for litigants. While I understand not every case is going to be resolved through mediation, it presents an opportunity for the parties to speak candidly and bring to the forefront the issues that form the basis of the dispute. With a skilled mediator who is able to gauge the temperament of the parties, along with a thorough understanding of the relevant law and facts, mediation can bring the parties closer together and narrow the issues. I am a firm believer in the mediation process and advocate its use on nearly all of my cases.

That said, I also appreciate that each case presents its own particular issues and mediation is not a "one size fits all" process. For example, my approach when dealing with a residential construction dispute is significantly different than how I would handle a multi-million dollar commercial project. The most important task for the mediator is to be able to immediately identify the main issues of contention and to understand the universe of the claims / defenses. If the mediator doesn't understand the nature of the dispute, it is very unlikely that mediator will be effective in resolving the case.

Education

University of Detroit School of Law (JD-1997); Aquinas College (BSBA-1994).

Professional Licenses

Admitted to the Bar: Michigan, 1998.
Residential Builder: Michigan, 2004.

Professional Associations

Michigan Bar Association (Business Law Section); American Bar Association (Construction Industry Forum); Rochester Bar Association; Construction Association of Michigan; Associated General Contractors of Michigan; City of Rochester, Planning Commission (Vice-Chair); City of Rochester, Brownfield Redevelopment Authority (Chairperson)

Recent Publications & Speaking Engagements

Lecturer, Basic Tenets of Construction Law, University of Michigan Taubman School of Architecture (2017-2023)
Presenter, Arbitrating Commercial Disputes (MDTC Winter Conference - 2019)
Lecturer, Construction Contract Workshop, (HalfMoon Enterprises - 2019)
Lecturer, AIA Contract Document Workshop, (HalfMoon Seminars - 2019)
Lecturer, Eastern Michigan University, Construction Law Seminar (2012)
Lecturer, Legal Concerns for the Building Enclosure (AIA Detroit - 2011)

Lecturer, Changes to the 2007 AIA Contract (AIA Detroit- 2010)
Lecturer, "Resolving the Construction Legal Dispute" (Lorman Educational Services - 2007)
Lecturer, Eastern Michigan University, Construction Law Seminar (2006)
Claim Prevention for Design Professionals, Resolving the Professional Malpractice Claim (Lorman Education Services - 2001)
Author, Understanding MISS DIG (American Fence Association - 2001)

Mediation Rate	\$2,250 Per Day
Languages	English
Citizenship	United States of America
Locale	Troy, MI

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.