

## Deborah Cazan

### Partner

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Deborah Cazan is an experienced construction attorney and dedicated business counselor. One hundred percent of her practice over the past 20 years has focused on representing clients in litigation, arbitration, and mediation of construction, development, and real-estate-related disputes, including claims for delay, acceleration, interference, defective construction, defective design, scope changes, and other issues. She has prosecuted and defended high-profile and high-dollar claims all over the country for quality clients in a wide variety of industries, including energy, hospitality, health care, mixed-use, multifamily, industrial, manufacturing, retail, and education.

On the transactional side, Deborah has extensive experience drafting and negotiating general contractor and construction management agreements, EPC, design-build, program management, project management, and architectural and engineering agreements. She has also helped numerous clients with mid-project change orders and amendments necessary to resolve disputes and prevent future litigation.

Deborah is ranked in *Chambers USA* for Georgia – Construction and has been included since 2016. As published in *Chambers*, one client said, “She is knowledgeable, thorough and really good at helping me figure out what the critical parts are.” Deborah was also named to *The Best Lawyers in America*® 2018–2022 in the area of Litigation – Construction. In 2018, Deborah was named a Fellow in the Construction Lawyers Society of America.

### **Representative Experience**

#### **Litigation**

- Represented an international general contractor in a dispute against a city and its design team arising out of schedule delays, defective design, and other claims made by the general contractor during the construction of a world-class performing arts center.
- Represented one of the nation’s largest office REITs in a claim against one of the largest construction management companies in the U.S. arising from water intrusion and other defective work on 824,000 sq. ft. of newly constructed office space leased by a nuclear power company for its world headquarters.
- Represented an independent power producer in a dispute (pending in the Southern District of New York) with an engineering, procurement, and construction (EPC) contractor over cost issues pertaining to the installation of wet scrubbers in three coal-fired power plants. The contract price was more than \$1 billion, and our client argued that the EPC contractor overbilled for the work and ignored the terms of the parties’ contract regarding reimbursable costs. After several pre-trial rulings in our client’s favor, including the granting of partial summary judgment, the EPC contractor agreed to settle the matter days before a jury was selected. As a result, our client avoided more than \$60 million in costs assessed by the contractor.
- Counsel to a large global developer in the prosecution of a multimillion-dollar construction defect claim against a general contractor in which 10 mixed-use retail and residential buildings in Atlanta were damaged by water intrusion. Repairs to the damaged property exceeded \$16 million, and the client recovered more than \$12 million in the settlement.

- Assisted multiple owner clients in mid-project disputes on troubled projects. This work included analysis of disputes (or potential disputes) to offer innovative solutions aimed at avoiding litigation; ensuring the owner's adherence to the terms of construction/design contracts so as to best position the client in case of future litigation; managing termination of defaulting contractors; and drafting project "reset" agreements.
- Represented a national general contractor against a student-housing developer in a month-long arbitration. The client asserted claims for delay, acceleration, unpaid change orders, and contract balance, and defended against the developer's claims for defective work. The arbitration panel awarded the client \$8 million, and the developer received nothing for its claims.
- Represented a co-owner of the first nuclear power plant licensed and constructed in the U.S. in more than 30 years. The plant is a \$14 billion project, and litigation arose out of three years of delay and \$1.5 billion in alleged cost overruns.
- Represented the fifth-largest public hospital in the country in obtaining a judgment against a general contractor for claims arising out of schedule delays and defective work.
- Represented a general contractor in obtaining a dismissal of claims filed by a hospital owner that alleged that the general contractor performed defective work and failed to comply with warranty obligations.

## ***Transactional***

- Represented an institutional asset management business in the design and construction of a mixed-use development encompassing nearly a full city block in midtown Atlanta. The project consists of a 26-story, 606,000 square foot Class A office building; an 18-story, 355-unit modern residential tower atop eight levels of parking; a 12-story, 205-key boutique lifestyle hotel; 30,000 square feet of retail; and a 635,000 square foot parking deck providing 1,909 parking spaces.
- Drafted and negotiated agreements on behalf of an international hospitality group for the design and construction of a new prototype hotel.
- Represented a large national industrial developer in drafting a suite of form construction documents, including architect agreements, engineering agreements, design-build agreements, lump sum agreements, cost-plus agreements, and service agreements.
- Represented the leading global foodservice retailer, with more than 36,000 restaurants worldwide, in developing its master construction contract to be utilized in each new build and remodel nationwide.
- Drafted and negotiated construction management, architect, and project management agreements for arena renovations and a new training facility for a professional basketball team.
- Assisted large national REIT, multi-family, and mixed-use developers in creating form contract documents for standardization of document management programs.
- Assisted a Los Angeles based developer in drafting the construction, design, engineering, and consulting agreements for the redevelopment of 12-15 city blocks in downtown Atlanta being redeveloped into 12 million square feet across a mix of offices, retail, apartments and hotels that will rebuild the city center of Atlanta.
- Assisted the owner in drafting an RFP for conversion of an existing office building into a Tier III data center and negotiated a cost-plus GMP agreement with a design-builder for the design and construction.
- Represented a design architect in connection with claims arising out of the design of a replacement international terminal at Hartsfield-Jackson Atlanta International Airport.
- Represented the Georgia Aquarium in the construction and maintenance of the world's largest aquarium.

- Represented the largest hospital in the state of Georgia and the fifth largest public hospital in the U.S. in the design and construction of a new \$170 million surgical center as well as numerous other construction initiatives.
- Represented an insurance industry owner in drafting form agreements to be used nationwide for the construction of several types of facilities, including data centers.
- Represented an owner in the negotiation of a design-build agreement for the design and construction of a hospital in Macon, GA.
- Extensive experience drafting and negotiating contracts for developers of high-rise condominiums and hotels, hospitals, industrial real estate developers, colleges and universities, shopping center developers, construction managers, and general contractors.

## **Publications & Presentations**

### **Publications**

- “Planning Tips For Health Care Construction Projects,” *Law360*, October 29, 2021.
- “COVID-19 Will Have Lasting Impact on Construction Contracts,” *Law360*, July 9, 2020.
- “Construction Laws and Customs: Georgia,” *Thomson Reuters Practical Law*, April 2020.
- “Construction Laws and Customs: Georgia,” *Thomson Reuters Practical Law*, September 7, 2018.
- “Managing a Defective Building,” *Commercial Construction & Renovation*, May/June 2016.
- “Contract Termination for Material Breach,” *The Construction Specifier*, July 22, 2014.
- “When Not to Press ‘Delete,’” *Construction Today*, September/October 2013.

### **Presentations**

- “Top Must Have Construction Contract Provisions,” Construction Law for the General Practitioner, Atlanta, GA, October 15, 2021.
- “Force Majeure: What is it and Can it Help Your Clients?” Atlanta Bar Association Construction Law Section Breakfast Meeting, Atlanta, GA, September 22, 2021.
- “Top Must Have Construction Contract Provisions,” Construction Law for the General Practitioner, State Bar of Georgia, Atlanta, GA, January 31, 2020.
- “Claims Avoidance and Mitigation,” 8th Annual Construction Law & Government Contracting Conference, co-chair, Atlanta, GA, October 8-9, 2019.
- “Mediating & Arbitrating Claims,” 7th Annual Important Topics in Construction and Government Contracting Conference, chair, Atlanta, GA, October 9-10, 2018.

### **Professional & Community Engagement**

- Atlanta Bar Association, Construction Law Section
- Commercial Real Estate Women (CREW), Leadership Program
- Women’s Energy Network (WEN)
- National Association of Women Lawyers (NAWL)
- National Association for Industrial and Office Parks (NAIOP)
- American Bar Association

## *Education*

- Vanderbilt University (J.D., 2001)
- University of Illinois (B.A., 1998)

## *Admitted to Practice*

- Georgia

## *Related Services*

Litigation | Construction | Government Contracts | Hospitality | University, College & School Construction | International Arbitration & Dispute Resolution | Real Estate Litigation | A/E/C Industry Investigations and Enforcement Team | Commercial Construction