

# Construction Claims

## Atlas Steel V. Herm Hughes

Atlas Steel, Inc. and the law firm of Callister Nebeker & McCullough retained Hampton IP & Economic Consultants, with regard to Case No. 98-0913228 in the Third Judicial District Court of Utah, to calculate lost profit damages arising from design and construction flaws of a multi-million dollar steel shredder.

- **We performed an analysis of the scrap steel industry and impacts caused by the failure of the shredding system.**
  - **Our analysis considered price and availability of scrap steel, throughput, and inventory levels.**
  - **Our consultants provided deposition testimony.**
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## Audit Of Renovation Costs

Bellevue School District retained Hampton IP & Economic Consultants to perform a cost audit of a \$3.5 million school renovation project. The project resulted in 160 change order requests.

- **Hampton IP & Economic Consultants negotiated directly with the contractors on behalf of the school district. Negotiations centered on labor burden and shop facility charges.**
  - **We eliminated duplication of shop overhead, small tools from the change orders, and briefed the School Board on the status of the claims.**
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## Coates Construction & Engineering, Inc. V. Hexcel Corporation

Coates Construction and the law firm of Young Hoffman Strassberg & Ensor retained Hampton IP & Economic Consultants, with regard to Case No. AAA 2:05-cv-00532, to provide an expert opinion of the defendant's liquidated damage calculation resulting from a construction delay.

- **We provided an expert report, deposition testimony, and testimony at arbitration.**

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## D. J. Investment Group, LLC V. SunCrest, LLC

SunCrest, LLC and the law firm of Bendinger, Crockett, Peterson & Casey, PC (now Howrey, LLP) retained our consultants, with regard to Case No. 050110184 in the Fourth Judicial District Court of Utah, to provide expert testimony regarding damages arising from an alleged breach of contract.

The alleged damages included road construction costs, finance charges, and lost profits on building lots.

- **We rebutted plaintiff's expert opinions and damage calculations arising from the alleged breach of contract.**
- **Our consultants provided an expert report rebutting the alleged damages and methodology. We provided deposition testimony.**

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## Review Of Accounting Procedures

High Country Estates and the law firm of Parry, Anderson & Gardiner retained our consultants to analyze accounting procedures of certain road maintenance costs by common interest realty associations.

- **We testified in Utah State Court regarding the capitalization of costs associated with repaving residential streets commonly owned by the association.**

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## Regulatory Taking Claim

Snohomish County Prosecutor's Office retained Hampton IP & Economic Consultants to analyze a regulatory taking claim brought by a real estate developer against the county.

Snohomish County Land Use Division denied the developer's plat application due to failure to meet certain conditions required by the county.

The developer contested the conditions and successfully sued the county to have the conditions removed.

After the subdivision's completion six years later, the landowner sued the county for temporarily taking its development rights.

- **We established that the developer mitigated its damages by pursuing other mutually exclusive projects. Moreover, damages claimed had duplicative elements. Scott Hampton assisted Snohomish County at mediation.**
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## Romney Lumber V. Salt Lake City Corp.

Romney Lumber Company and the law firm of Parry Anderson & Gardiner retained Hampton IP & Economic Consultants, with regard to Case No. 2:00-CV-00695 in the United States District Court for the District of Utah, to provide an accounting of damages arising from changes to city zoning restrictions.

The city passed zoning laws that allowed Romney to develop only a portion of the building lots it had anticipated developing.

- **We performed an economic analysis of lost profits from the city's alleged unjust taking of Romney's property development rights.**
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## Salt Lake City Airport Authority V. Contraves Construction

Salt Lake City Airport Authority and the law firm of Richards, Brandt, Miller & Neilson retained our consultants to evaluate construction cost claims related to the construction of a pyrotechnic airplane training station.

- **We reviewed claims brought by the general contractor and its subcontractors arising from allegedly flawed designs and differing site conditions.**
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## Terranet Investments V. Jensen Haslam, PC

Jensen Haslam, PC and the law firm of Richards Brandt Miller and Nelson retained our consultants to provide a rebuttal of damages allegedly sustained by Terranet Investments from a delayed construction project.

- **We provided an expert report with analysis of direct and consequential damages, including a betterment windfall analysis.**

