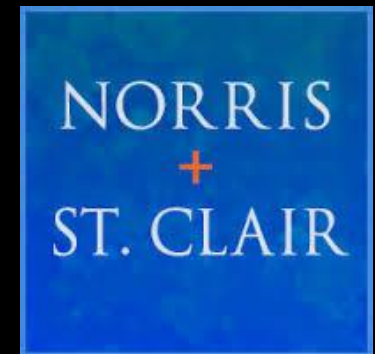




# *Direct and Cross Examination of the Expert*



John Norris  
NORRIS + ST. CLAIR

Dennis Allen  
Hill International

Lauren McLaughlin  
BRIGLIAMcLAUGHLIN, PLLC

# ***THE CASE***

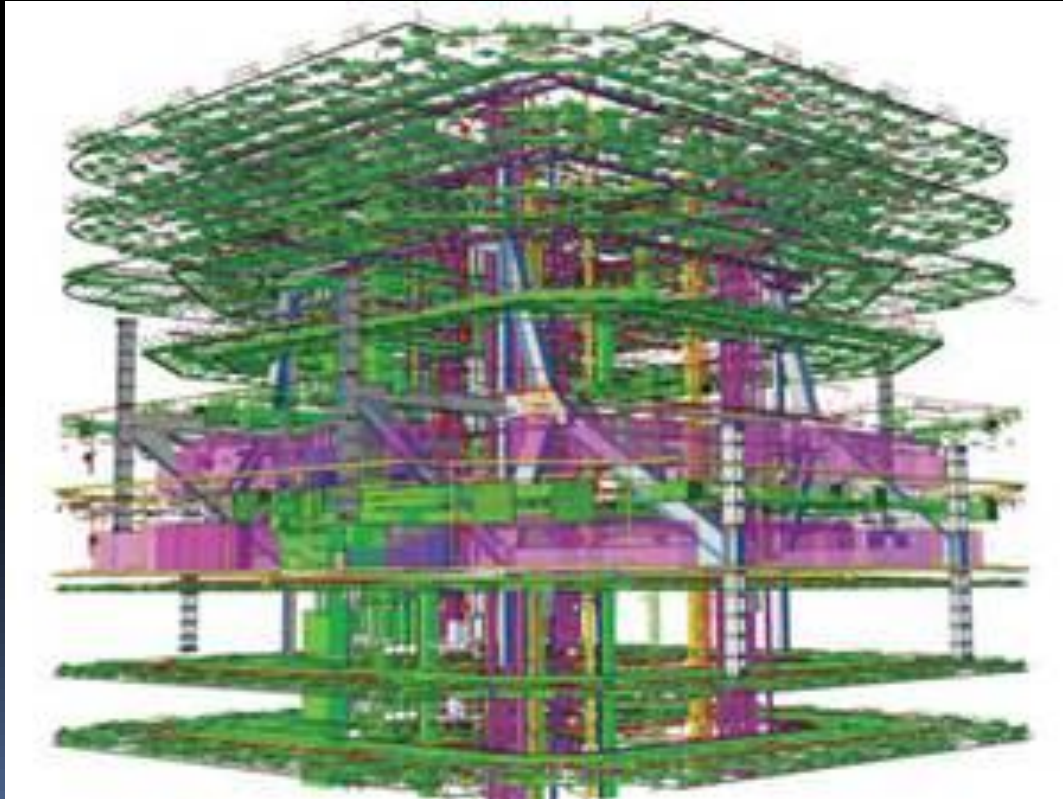
**Loss of Productivity – Expert Analysis**

***ACE Mechanical Contractors***

***v.***

***Richmond Hospital Center***

# *THE CASE*



# *THE CASE*

- AE drew design based on as-builts, but did not do laser survey
- Phased project, 24 month duration
- Hospital to stay open
- GC awarded contract for \$24 million

# *THE CASE*

- Mechanical sub (ACE) encountered differing site conditions
- Hundreds of RFIs on how to re-route mechanical plumbing, piping, sheet metal
- Constructive Acceleration – Huge losses for mechanical sub

# *Loss of Productivity Expert Analysis*

- ACE's Expert, Mr. John Smith, Ph.D
- Construction scheduling, labor productivity, and forensic claims analysis
- Consultant to project owners, designers, and construction firms on measuring and improving productivity

## *Expert Opinion*

*“It is my expert opinion that owing to project owner caused disruptions and delays during the construction of the Richmond Hospital Facility, that ACE Mechanical incurred a minimum loss of 24,350 craft hours”*

# Demonstrating Bias



# Attacking Reliability on First Prong of MTC

*“No Other Way to Calculate  
Damages”*

# Attacking Reliability on Second Prong of MTC

*“Reasonableness of Bid”*

# Attacking Reliability on Third Prong of MTC

*“Reasonableness of Costs”*

# Attacking Reliability on Fourth Prong of MTC

*“Lack of Responsibility  
for Added Costs”*

# Expert Witness Phases

- The Engagement and Selection Process
- Managing the Expert
- Preparing the Expert
  - Reviewing testimony
  - Demonstrative exhibits
  - Framing questions
- Exhibit Selection



**F HD**

BRIGLIA McLAUGHLIN

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***THE END***

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36th Annual Construction and  
Public Contracts Law

November 6, 2015