

HODGSON RUSS ATTORNEYS MICHAEL D. ZAHLER AND CHRISTIAN J. SOLLER OBTAIN SUMMARY JUDGMENT IN FAVOR OF CONSTRUCTION CLIENT

Client Type: Privately held

Michael D. Zahler and Christian J. Soller won summary judgment in favor of a construction client. In 2019, a school district retained the client to perform the electrical contracting work for an addition to an elementary school. Soon after work began, a dispute arose between the client and the general contractor concerning responsibility for excavation and trenching work and the placement of bedding material for electrical underground utilities. The client notified the school district that the work was outside the scope of its contract and that it would seek additional compensation if compelled to perform the work. Pursuant to the terms of the governing contracts, the school district deferred to the architect who agreed with the general contractor that the work was included in the client's contract. The school district in turn directed the client to perform the work without additional compensation. The school district refused to engage in settlement discussions until the Court decided its motion for summary judgment. On April 11, 2022, the Supreme Court denied the school district's motion for summary judgment and granted the client's cross-motion for summary judgment, holding that, contrary to the architect's determination, the disputed work is outside of the client's responsibility under its contract and that the client is entitled to recover the full amount sought for performing the additional work.

Attorneys

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Construction

