

## 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 17 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*® from 2018-2020 in the area of Litigation – Construction. In 2018, Deborah was named a Fellow in the Construction Lawyers Society of America.

### **Representative Experience**

- 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 an international general contractor in a dispute against a city and its design team arising out of schedule delays and other claims made by the general contractor during the construction of a world-class performing arts center.
- Represented an independent power producer in a dispute 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 pending in the Southern District of New York, 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 settlement.
- 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.
- Drafted and negotiated agreements on behalf of a hospitality group for the design and construction of a new prototype hotel.
- 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.
- Assisted clients in managing termination of defaulting contractors, and other related issues, on troubled projects.
- Assisted large national companies in creating form contract documents for standardization of document management programs.
- Counsel to a large international contractor responding to a DOJ subpoena and related investigation into the procurement of construction contracts.
- 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 design and construction of the same.
- 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 connection with the construction and maintenance of the world's largest aquarium.
- Represented an insurance industry owner in drafting form agreements to be used on a nationwide basis 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, Georgia.
- 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***

- "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.
- Construction Cite by Alston & Bird – Trends and Developments in Construction Law, May 2014
- “When Not to Press ‘Delete,’” *Construction Today*, September/October 2013.

### ***Presentations***

- “Broken Sticks and Bricks: An Overview of Common Causes of Design Flaws and Construction Defect Claims,” ABA Forum on Construction Law Annual Meeting, Nashville, Tennessee, April 28-30, 2016.

### ***Professional & Community Engagement***

- Construction Law Section of the Atlanta Bar Association
- Commercial Real Estate Women (CREW) (Leadership Program)
- Women's Energy Network (WEN)
- 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 | Energy | Government Contracts | Hospitality | University, College & School Construction | International Arbitration & Dispute Resolution | Real Estate Litigation | A/E/C Industry Investigations and Enforcement Team