



Michael E. Wilson

Partner

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Having represented virtually every segment of the construction industry in transactions and disputes, Mike Wilson's experience encompasses an array of matters including:

- Contract advice and negotiation and preparation of contract documents
- Insurance, indemnity and risk management advice
- Claim avoidance, mitigation or resolution
- Claim evaluation, claim advice, and claim negotiation
- Formal alternative dispute resolution (mediation and arbitration)
- Construction litigation

Through the years, Mike has served as an arbitrator in several cases. He also believes mediation is a sound and usually prudent method for effectively resolving claims and disputes and has represented multiple construction industry clients in mediation. Mike is well qualified to serve as a mediator, having completed 32 hours of mediation training conducted by the University of Missouri School of Law. With more than 45 years handling design and construction matters, he is well positioned to address, evaluate, and resolve claims and disputes.

Sound advice regarding dispute resolution is a priority of Mike's practice, but when necessary, he has prosecuted and defended claims for delay and disruption damages, mechanic's liens, payment and performance bonds, construction or design defects, contract termination, insurance coverage, indemnity, and contract sum and change order recovery. He has represented clients in federal and state courts, federal boards of contract appeals, mediations and arbitration proceedings across the United States, as well as handled design or construction matters for projects outside the United States.

Mike has presented at seminars and written articles on construction law topics including construction industry contracts, mechanic's liens, insurance, indemnity, surety bonds, and claims.

Education

Practices & Industries

- Construction
- Litigation & Dispute Resolution
- Construction Litigation
- Construction Industry

- Washington University (B.A., *cum laude*, 1973)
- Washington University School of Law (J.D., 1977)
 - Order of the Coif

Bar Admissions

- Missouri
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Central District of Illinois
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Federal Circuit

Professional Affiliations

- American Bar Association (*Public Law Section and Forum Committee on the Construction Industry*)
- The Missouri Bar
- Bar Association of Metropolitan St. Louis
- American Arbitration Association

Awards & Honors

- Named to *The Best Lawyers in America*®, Construction Law (2005-2027); Litigation - Construction (2011-2027)
- Named *Best Lawyers*® Construction Law "Lawyer of the Year" in the St. Louis area (2017)
- Named to the Missouri & Kansas Super Lawyers list, Construction/Surety (2005-2021)

Experience

- Represented a hospital design/builder in defending multiple claims. On one project, a favorable arbitration award was received. Other claims were litigated, mediated, or negotiated.*
- Defended the general contractor in multiple wrongful death and personal injury lawsuits arising from the partial collapse of a warehouse.*
- Prosecuted and defended claims for a nationwide general contractor in an Arkansas state case. A three-week jury trial resulted in a successful verdict and judgment against the owner.*
- Prosecuted a "pass through" delay and disruption claim against the owner in a Missouri state case. A two-week jury trial resulted in a successful verdict and judgment against the owner. The client received full satisfaction of the judgment.
- Prosecuted claims for, and defended claims against, a foundation subcontractor in a federal court case in Kentucky.*
- Defended claims against an architectural firm in a federal court case in Oklahoma.*
- Prosecuted claims for, and defended claims against, a nationwide general contractor in

federal court in Texas. The client received favorable summary judgment orders.*

- Defended a payment bond claim brought against a nationwide general contractor in federal court in Texas. A motion for judgment on the pleadings filed on the client's behalf was granted.
- Prosecuted an insurance coverage case for a general contractor in a federal court in Missouri. The client received a favorable summary judgment, and the judgment was satisfied.
- Prosecuted claims on behalf of, and defending claims against, a large North American cement producer in relation to the design and construction of a new approximate \$100 million cement plant in the Kansas City area.
- Defended a large nationwide surety company in a federal court case in the Eastern District of Arkansas and on appeal. The plaintiff was a nationwide road contractor. Judgment was entered for the client and affirmed on appeal.
- Defended claims against and presented claims in favor of a nationwide contractor in a steel collapse case in a New Jersey state court. All claims against the client were dismissed.
- Represented an international cement company in a significant dispute with a Belgium company over the design and rehabilitation of a "moth-balled" lime plant.*
- Successfully prosecuted mechanic's lien claims for several contractors on a project in the St. Louis area where the owner filed for bankruptcy.
- Defended an architectural firm in a personal injury case from a casino improvement project in St. Charles, Missouri. The case was dismissed.
- Defended an architectural firm in a delay claim brought by a subcontractor on a project in Grand Rapids, Michigan. The case dismissed.
- Defended an architectural firm in a personal injury case arising out the above-referenced project in Michigan. The case was dismissed.
- Prosecuted claims on behalf of, and defended claims against, a steel fabrication client arising out of a prison project in Illinois.*
- Tried a multi-week case in the Illinois Court of Claims for a joint venture of two nationwide contractors. The claims included discrete damage claims and a delay claim. Received one of the highest awards at that time granted by the Illinois Court of Claims.
- Handled an arbitration representing the design-builder for a project in Hayward, California. The arbitration involved nearly 30 parties and the amount in controversy exceeded \$20 million. The arbitration concerned several arbitrations consolidated into one. The client received a favorable award against the owner.
- Defended a general contractor in an arbitration brought by the purchaser of the property. The project was a multi-unit four-story structure in Webster Groves, Missouri.*
- Prosecuted claims in favor of, and defended claims against, a design/build joint venture in a federal court case in the Central District of California. The project involved the design and construction of a coal-handling facility for a cogeneration plant. Among the claims were those relating to defective design, defective construction, changes, and delay.*
- Defended a client that designed and built the plumbing and mechanical systems for a hotel in Collinsville, Illinois.
- Defended a nationwide surety company in a federal lawsuit in St. Louis, Missouri. The project involved a new federal courthouse.*

- Defended a nationwide contractor in a federal court case in the Eastern District of Kentucky involving the construction of an automobile plant expansion project near Lexington, Kentucky.*
- Prosecuted claims on behalf of, and defended claims against, a large grocery chain owner in an arbitration. Among the claims were claims for defective construction, changes and delay damages.*
- Prosecuted claims for a general contractor on a historic rehabilitation project involving multiple sites in St. Louis. The claims against the owner, including a delay claim, were arbitrated. The contractor received an award.
- Prosecuted a mechanic's lien claim for a subcontractor on an oil refinery improvement project in Wood River, Illinois. The owner filed for bankruptcy in the Bankruptcy Court in St. Louis.*
- Prosecuted claims on behalf of a general contractor against, among others, the U.S. Department of Housing and Urban Development in federal court litigation.*
- Defense of \$70 million in claims against hospital design and build firms in a case in Texas.*
- Defense of a \$3 million-plus HVAC claim in Kansas City.*
- Defense of a \$3 million-plus claim against a roof consulting firm in a federal court case in Nashville, Tennessee.*
- Represented a nationwide surety client in a federal case in the Eastern District of Missouri. Received judgment in the surety's favor; all claims by the other party exceeding \$10 million were dismissed.

*All claims were successfully resolved.

Reported Cases

- *Penzel Const. Co., Inc. v. Jackson R-2 School Dist.*, 655 S.W.3d 434 (Mo. App. 2022).
- *Penzel Const. Co., Inc. v. Jackson R-2 School Dist.*, 635 S.W.3d 109 (Mo. App. 2021).
- *CNC Foundations, Inc. v. Turnbull-Wahlert Const., Inc.*, 2021 WL 2187346 (E.D. Ky. 2021).
- *Tulsa Zoo Management, Inc. v. Peckham Guyton Albers & Viets, Inc.*, 2019 WL 1029544 (N.D. Okla. 2019).
- *Penzel Const. Co., Inc. v. Jackson R-2 School Dist.*, 544 S.W.3d 214 (Mo. App. 2017).
- *Korte Const. Co. v. AMEC Earth & Environmental, Inc.*, 2015 WL 12586084 (W.D. Tex. 2015).
- *Elliott Electric Supply, Inc. v. Korte Const. Co.*, 2013 WL 12183037 (W.D. Tex. 2013).
- *R.G. Brinkmann Co. v. Amerisure Ins. Co.*, 2012 WL 5993803 (E.D. Mo. 2012).
- *Lakeside Roofing Co. v. Nixon*, 2012 WL 709276 (E.D. Mo. 2012).
- *Gannon Joint Venture Ltd. Partnership v. Masonite Corp.* 2008 WL 2074107, 2074108 and 2074110 (E.D. Mo 2008).
- *Trinity Products, Inc. v. Burgess Steel LLC*, 486 F.3d 325 (8th Cir. 2007).
- *Travelers Cas. and Surety of America v. Southwest Contracting, Inc.*, 2007 WL 1485983 (E.D. Mo. 2007).

- *Travelers Cas. and Surety of America v. Southwest Contracting, Inc.*, 2006 WL 680955 and 276942 (E.D. Mo. 2006).
- *Angelo Iafrate Construction, LLC v. Potaschnick Construction, Inc.*, 370 F.3d 715 (8th Cir. 2004).
- *Shively v. Belleville Township High School Dist. No. 201*, et al., 329 Ill.App.3d 1156 (5th Dist. 2002).
- *Caldera v. J.S. Alberici Construction Co.*, 153 F.3d 1381 (Fed. Cir. 1998).
- *In re Marrs-Winn Company, Inc.*, 103 F.3d 584 (7th Cir. 1996).
- *Hill's Pet Nutrition, Inc. v. Fru-Con Construction Corp.*, 101 F.3d 63 (7th Cir. 1996).
- *Korte Construction Co. v. Deaconess Manor Association*, 927 S.W.2d 395 (Mo. App. E.D. 1996).

News & Media

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Best Lawyers 2022 Edition Lists 60 Greensfelder Attorneys, Including Three St. Louis ‘Lawyers Of The Year’