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**RONALD J. (R.J.) CHLEBOSKI, JR.****AREAS OF PRACTICE**

Mr. Chleboski's practice is concentrated in the area of complex commercial litigation with an emphasis on construction industry dispute resolution. He has represented owners, contractors, subcontractors and suppliers in numerous federal and state court lawsuits, arbitrations and mediations concerning all manner of commercial and construction disputes, including: defect, warranty and performance guarantee claims; delay, disruption and acceleration claims; design professional error and omission claims; insurance coverage disputes; and mechanics lien and surety claims. Mr. Chleboski has also negotiated and drafted numerous engineering, procurement, construction and/or maintenance contracts for various types of facilities and projects. His practice experience spans numerous industries, including oil & gas, power, renewable energy, chemical/industrial, mineral processing, pulp & paper, transportation, and commercial construction. [See Representative Engagements listed at pages 3-5].

**PROFESSIONAL BACKGROUND**

- Partner, Dingess, Foster, Luciana Davidson & Chleboski LLP, March 2010 – Present
- Partner, K&L Gates, 2003 – February 2010
- Associate, K&L Gates, 1997 – 2003
- Associate, Berman, Gaufin, Tomsic & Savage (Salt Lake City, Utah), 1992 – 1997
  - Practice focused on high-stakes, commercial litigation: securities fraud; director and officer liability; insurance coverage; accountant malpractice; and business litigation.
- Gilbane Building Company (Houston, Texas), June 1986 – August 1989
  - Project Engineer for a \$75 million airport terminal construction project
  - Closeout engineer and office engineer for a \$160 million convention center project
- U.S. Army Corps of Engineers (Pittsburgh, Pennsylvania), Summers 1983 – 1985 and Fall 1984

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## **PUBLICATIONS AND PRESENTATIONS**

- Author and speaker, “Overview of Investment Treaty Claims and ICSID Arbitration,” presented at the Construction SuperConference, San Francisco, CA (December 7, 2006)
- Co-author and speaker, “Insurance Coverage for Loss and Claims on Construction Projects,” presented at the International Construction SuperConference, London, England (May 19, 2005)
- Co-presenter, “Avoiding Legal Pitfalls – Issues Arising for Design Professionals During Construction,” presented at a seminar for design professionals in New York City (November 17, 2004)
- Co-presenter, “Pennsylvania Bond and Lien Law,” presented at continuing legal education programs in Harrisburg and Pittsburgh, PA in 1999 and 2000
- Author, “The Project Design Professional’s Authority to Resolve Disputes Between the Owner and Contractor,” CONSTRUCTION LAW & BUSINESS (September/October 2001)
- Author, “Limitation of Liability,” CONSTRUCTION LAW & BUSINESS (March/April 2001)
- Author, “Contract Clause Checklist for Design Professionals,” CONSTRUCTION LAW & BUSINESS (Summer 2000)
- Author, “Expedited Dispute Resolution,” CONSTRUCTION LAW & BUSINESS (Summer 2000)
- Author, “Chronological Checklist of Requirements under Construction Contracts,” CONSTRUCTION LAW & BUSINESS (Spring 2000)
- Author, “‘Pay-When-Paid’ or ‘Pay-if-Paid’,” CONSTRUCTION LAW & BUSINESS (Spring 2000)

## **COURT ADMISSIONS**

- Supreme Court of Pennsylvania
- United States District Court for the Western District of Pennsylvania
- United States Court of Appeals for the Tenth Circuit
- *Pro Hac Vice* admissions to various federal and state courts throughout the United States

## **BAR MEMBERSHIP**

Pennsylvania

## **EDUCATION**

J.D., 1992, University of Utah College of Law, 1992 (Order of the Coif; Member, UTAH LAW REVIEW)

B.S. (Architectural Engineering), University of Texas at Austin, 1986 (Chi Epsilon - National Civil Engineering Honor Society)

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## REPRESENTATIVE DISPUTE RESOLUTION ENGAGEMENTS

- Lead counsel for supplier of a super-critical steam generator for a coal-fired electric generation facility with a value of approximately \$2 billion. Represent supplier in dispute with EPC contractor with respect to alleged delays, liquidated damage claims, guaranteed quantity overruns, changes, and back-charges.
- Currently representing contractor/EPC consortium partner in connection with disputes related to a project for construction of a \$1+ billion supercritical, coal-fired power plant.
- Represented owner of ammonia production facility located in a Caribbean nation in connection with a lawsuit seeking coverage under property insurance policies for \$40+ million worth of property damage and business interruption losses stemming from a failure of plant equipment.
- Counsel for owner of a combined cycle power plant in a lawsuit against the engineering firm that designed the plant, prosecuting owner's \$10 million claim for various errors and omissions in the design. After substantial discovery and exchange of expert reports, the parties engaged in mediation. Through mediation, the case was settled with the engineering firm (and its professional liability insurance carrier) agreeing to pay a multi-million dollar settlement.
- Represented Allegheny Energy and its affiliates in disputes concerning contracts with MobotecUSA valued at \$27 million for the turnkey supply of air pollution control systems for three coal-fired power generation facilities. Mobotec asserted claims against Allegheny Energy for breach of contract, defamation and lost business, seeking \$20+ million in damages. Allegheny Energy disputed the claims and asserted counterclaims for defects in the systems. After Mr. Chleboski prevailed on key dispositive motions, the case was settled on terms very favorable to Allegheny Energy. [*Consolidated lawsuits styled MobotecUSA, Inc. v. Allegheny Energy Supply Company, LLC, et al., No. A.D. 606-2004, Allegheny Energy Supply Company, LLC, et al. v. MobotecUSA, Inc., et al., No. A.D. 925 of 2005, Court of Common Pleas, Greene County, PA*] Counsel for the owner of a 415 ton per day mixed office waste de-inking mill located in Northampton, Pennsylvania with a project value of approximately \$190 million. The owner asserted claims in excess of \$50 million against Parsons Main, Inc., the EPC contractor, and its parent, The Parsons Corporation, for defective design and construction. Parsons Main asserted a \$20 million counterclaim for the unpaid contract balance. Second-chaired the 30 days of evidentiary hearings held in the arbitration proceedings against Parsons Main. On the day the arbitration panel was scheduled to issue its award, the parties settled the dispute. Our client received a settlement package valued at \$61 million – \$41 million cash payment and waiver of the unpaid contract balance of \$20 million. [*Ponderosa Fibres of Pennsylvania, Inc., et al. v. Parsons Main, Inc., No. 13-110-*

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*00694-97, American Arbitration Association; and Ponderosa Fibres of Pennsylvania, Inc., et al. v. Parsons Main, Inc. et al., No. 97-C-4861, Court of Common Pleas of Northampton County, Pennsylvania].*

- Counsel for a multinational engineering and construction company with respect to a \$2 billion LNG project in Indonesia. Furnished advice and counsel concerning claims and alternative dispute resolution mechanisms under the EPC contract, which included "expert determination" and arbitration under the ICC rules.
- Counsel for a multinational engineering and construction company in disputes concerning a \$2.5 billion contract for the engineering, procurement and construction of offshore oil and gas production facilities. The matter involved disputes with a national oil company of a South American country and various major subcontractors located in Singapore and South America. The claims at issue included delay, disruption and acceleration claims, cardinal change claims, liquidated damages for delay, claims concerning international letters of credit, and force majeure claims. Acted as the primary lawyer with respect to disputes totaling \$200+ million between the EPC contractor and two of its shipyard subcontractors that were performing work to convert two VLCCs into floating production storage and offload facilities. Served as the lead lawyer on one of three primary claim groups relative to the disputes with the owner. Although the disputes were subject to international arbitration, they were resolved through a series of settlements without commencement of formal arbitration proceedings.
- Represented a utility in various disputes with turbine manufacturer regarding failures of gas and steam turbines installed at the client's power generation facilities.
- Represented the prime contractor (Mosites) that constructed a parking garage facility at the Greater Pittsburgh International Airport in a sixteen-party lawsuit with the owner, design professionals, the construction manager, the traffic topping system prime contractor, various subcontractors and the garage operator. Owner asserted a \$20 million claim against our contractor client and the traffic topping contractor, alleging defective design and construction. After substantial discovery, the parties engaged in a 5-day, global mediation, which included non-party insurers. Through mediation, owner's claims were settled for \$7.5 million, only \$30,000 of which was paid by our contractor client. *[The County of Allegheny v. Mosites Construction Company and Martin Products East, Inc., et al., No. GD97-12828, Court of Common Pleas of Allegheny County, Pennsylvania].*
- Represented primary construction subcontractor in disputes with EPC contractor concerning the design and construction of a 550 STPD Nitric Acid Plant. Our client asserted a \$1.3 million disruption and productivity impact claim against the EPC contractor. After completion of discovery in the arbitration (and after other proceedings in lawsuits in Mississippi and Pennsylvania), our client reached a final settlement pursuant to which it received a total of approximately \$950,000 on its \$1.3 million claim.

- Counsel for a developer, owner and operator of assisted living facilities in lawsuits filed in Ohio state court and in Virginia federal court concerning projects for the construction of three assisted living facilities. Represented the owner in disputes with the contractor that defaulted and failed to complete the projects and its surety. The parties asserted claims totaling in excess of \$2.5 million, concerning delay and disruption, delay liquidated damages, default by the surety under "takeover" and "completion" agreements, and other surety issues. After discovery and motion practice in court, the parties engaged in mediation, wherein favorable settlements were achieved for our client.

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## REPRESENTATIVE CONTRACT CONSULTING ENGAGEMENTS

- Counsel for contractor in drafting and negotiating EPC contract and related agreements for the design and construction of an LNG facility in Nigeria in excess of \$6 billion.
- Counsel for contractor in drafting pre-development agreement for public-private partnership for design, construction, operation and maintenance of a toll road.
- Represented solar farm developer/solar panel manufacturer in drafting/negotiating a multi-million dollar solar panel sales agreement for a solar farm development project in Europe.
- Counsel for owner of wood-residue power generation facility in connection with negotiating and drafting major plant overhaul and maintenance contract with turbine-generator OEM.
- Counsel for contractor in drafting EPC contract and related agreements for the design and construction of an LNG facility in Nigeria valued in excess of \$6 billion.
- Counsel for contractor in drafting EPC contract and related agreements for the design and construction of an LNG facility in Angola valued in excess of \$3 billion.
- Represented owner in negotiating and drafting a design-build contract for a \$40 million high-rise condominium project.
- Represented sports and exhibition authority in negotiating and drafting various contracts related to construction of convention center and projects ancillary to new stadium. Agreements included owner/architect, owner/construction manager, and owner/prime contractor contracts.
- Counsel for national retailer in negotiating and drafting contract for turnkey supply of new automated distribution systems for national distribution facility.
- Counsel for national wholesale distributor of office and business products in negotiating and drafting design-build contract for construction of a distribution facility.
- Counsel for bank client in drafting and negotiating contract for expansion of main office.
- Represented global fund management firm in negotiating and drafting various agreements related to build-out of its headquarters, including agreements with architect, specialty design consultants, construction manager, system suppliers, and trade contractors.

- Counsel for industrial valve manufacturer in drafting and negotiating a multi-year, multi-million dollar valve supply contract with an EPC contractor for an energy industry facility and related contracts with client's sub-vendors.
- Counsel for national distributor of electrical equipment and supplies in connection with negotiating and drafting equipment supply contracts and purchase orders.