

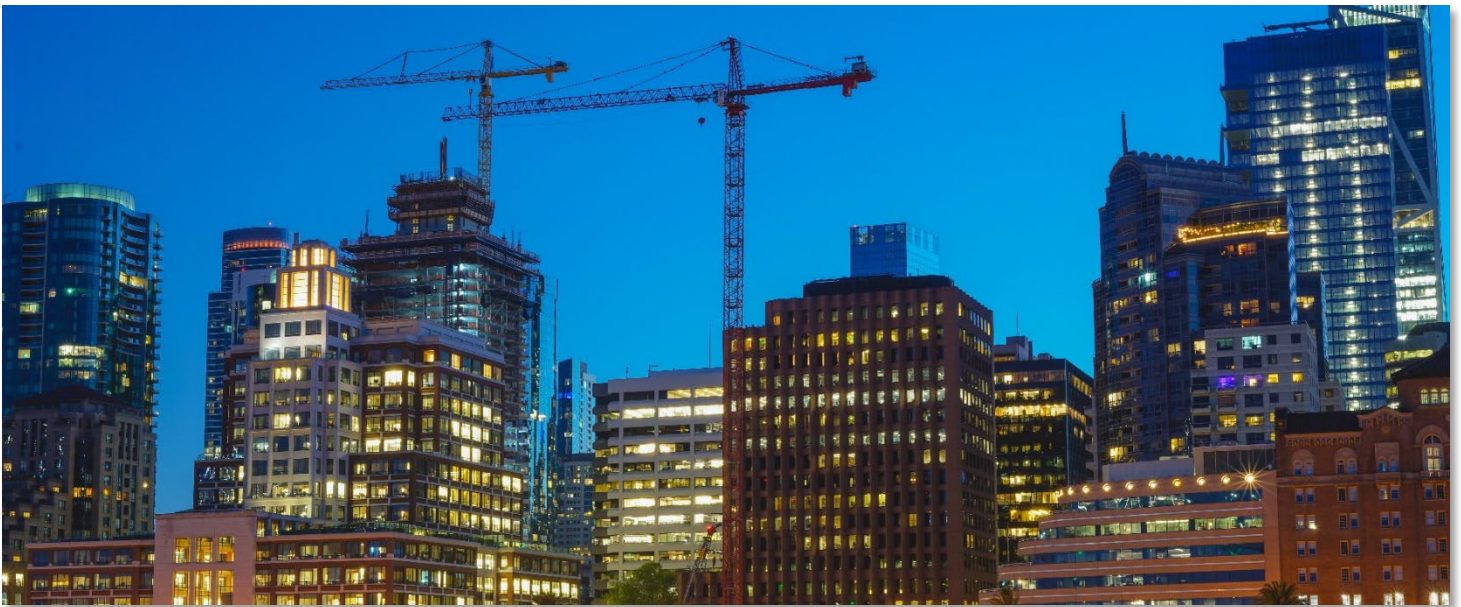
# Deloitte.



## Construction Litigation Services and Expert Testimony

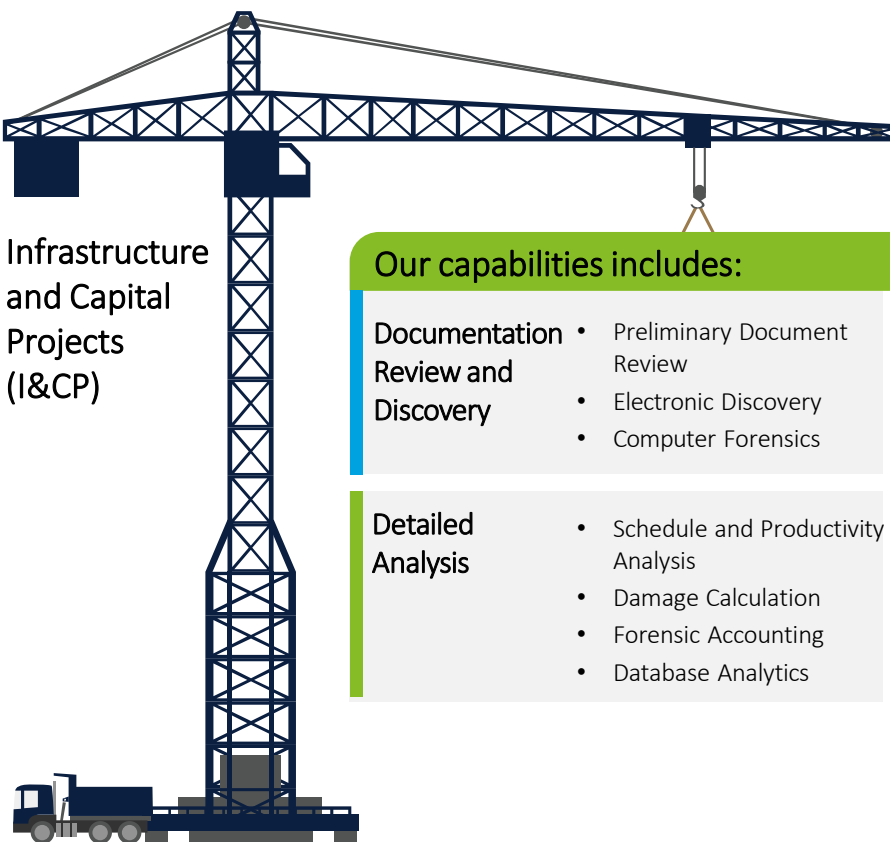
Assisting with global demand for claims management,  
dispute resolution, and expert witness testimony





Today's construction landscape has grown **increasingly complex** due to challenging contract structures, joint venture execution strategies, and ever-changing project financing mechanisms. Supply chain limitations, labor force uncertainty, and force majeure events such as the pandemic have served to add **additional pressure**. Contractors, owners, design professionals, and their counsel often engage an experienced team to help them respond to these challenging circumstances in support of **construction disputes**.

Our team provides **deep construction experience** and is equipped with advanced toolsets, capabilities, and analytics, coupling these techniques with **demonstrated** claims management and dispute resolution **experience**. Our construction litigation team is part of the Deloitte professional services network, a leading provider of litigation support services with the **ability to leverage multi-disciplinary teams** to support many aspects of the dispute.



**Infrastructure and Capital Projects (I&CP)**

**Our capabilities includes:**

**Documentation Review and Discovery**

- Preliminary Document Review
- Electronic Discovery
- Computer Forensics

**Preliminary Analysis**

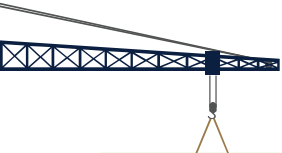
- Document Database Development
- Preliminary Documentation Analysis

**Detailed Analysis**

- Schedule and Productivity Analysis
- Damage Calculation
- Forensic Accounting
- Database Analytics

**Dispute Support**

- Provide services to counsel such as preparation of expert reports and expert testimony



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## 1. Discovery and Documentation Review

Our professionals **pride themselves** in studying and **absorbing the detailed facts, circumstances, and contemporaneous record** of the dispute in question and we adapt our methodology as appropriate.

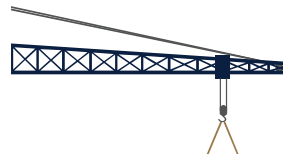
Depending on the circumstances, we may help counsel read and analyze contracts, correspondence, job cost reports, change orders, submittals, subcontractor documentation, schedule data, invoice records, payment applications, and other required elements of the project's dispute.

This substantial degree of documentation can be overwhelming; our discovery professionals assist clients with **complex electronic discovery challenges** using our state-of-the-art facilities and technology. We can collaborate with our clients to assist them with the preservation, collection, processing, hosting, review and production of data subject to discovery.

### Information management

Using advanced e-discovery tools and analytics, we can analyze contemporaneous project data, documents and information efficiently:

- Collection. Effectively identifying and collecting data and documents to meet discovery demands utilizing advanced, sound forensic techniques.
- Visualization. Advanced search capability with concept-based clustering and visualization of data; advanced analytics (e.g., timeline analysis).



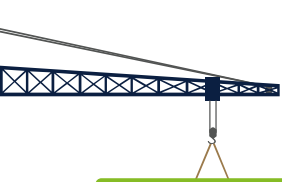
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## 2. Preliminary Analysis

We have experience assisting clients across many stages of the construction dispute lifecycle.

Our preliminary analysis can help counsel structure its wider dispute strategy. Our professionals have experience related to schedule delay and liquidated damage disputes, invoicing disputes and supporting documentation reviews, errors and omissions damage quantification, contractual compliance reviews for discrete entitlement issues, termination for convenience provisions, change order and claim notice disputes, and a wide range of other matters.

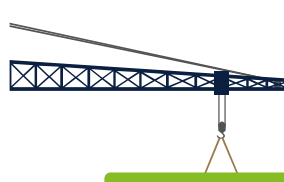




### 3. Detailed Analysis

After a preliminary analysis of documentation, technical, schedule, and cost issues, the testifying expert and professionals working under the expert's direction may perform detailed analyses that support the opinions to be expressed in the expert report. We can assist clients with their efforts in the following areas:

- **Schedule and delay analysis**, based on the facts, circumstances, and available documentary evidence, such as:
  - Window Analysis, As-Planned/As-Built, Time Impact Analysis
- **Total incurred costs analysis**, final close-out assistance, and cost recovery analyses
- **Damage claims quantification**, including indirect and impact costs:
  - Damages for disruption and inefficiency
  - Overhead and soft costs
  - Productivity analyses
  - Issue summaries
  - Errors and Omissions
- **Project performance assessment** per typical industry practice
- Review of estimates, bids, and procurement documentation
- Detailed review of change order scope, price, entitlement, and notice provisions
- Advise client with its preparation of **document discovery requests**
- **Contract termination**
  - Analyze damages associated with Terminations for Default
  - Assist client in analyzing project completion, including cost to complete, settlement with subcontractors, rebidding of project, and monitoring project through completion
  - Issue analysis, including evaluating causation and damages



### 4. Dispute Support

Our professionals have experience in the preparation of expert reports and have provided expert witness testimony in a number of different forums, including ICC arbitration and US Federal District Court. We also have experience working with other experts as directed by counsel

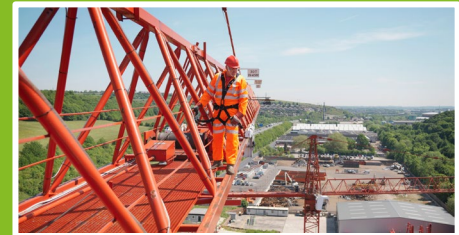
#### Our team

Our professionals, many of whom are engineers with practical industry experience and advanced degrees, apply highly specialized skills, a deep understanding of technical issues, and broad advisory capability. We advise organizations through critical and complex issues related to the capital asset lifecycle.

#### Our team includes:

- Professional engineers
- Certified cost engineers
- Project management professionals
- Planning and scheduling professionals

#### Industries served:



#### Contacts

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