



James S. Malloy

partner

Jim focuses his practice on complex commercial litigation, particularly construction claims and insurance coverage disputes. Drawing on more than 20 years of experience, Jim represents clients across virtually every sector of the construction industry.

His construction litigation experience encompasses a wide range of complex projects, including offshore oil and gas facilities, power plants and cogeneration facilities, LNG and ethanol projects, wind farms, manufacturing and highway facilities, tunnels and high-speed rail projects, HEMP shielding, pipelines, and residential construction. He also advises and represents clients in matters involving surety indemnity, payment and performance bond claims, and mechanics' liens claims.

Jim also has extensive experience addressing insurance coverage issues arising from construction and commercial disputes. His work includes claims under commercial general liability, builders' risk, construction all-risk, ocean marine cargo, subcontractor default insurance, and professional liability policies. He represents clients in state and federal litigation, arbitration, lien proceedings, and mediation, guiding matters from initial claim investigation and strategic assessment through discovery, settlement, trial, and arbitration.

REPRESENTATIVE MATTERS

- Trial counsel for contractor in successful multi-million dollar claims against owner on high-speed rail project.
- Lead trial counsel for HEMP shield subcontractor in successful AAA arbitration resulting in over a million-dollar award on payment and delay claims against national contractor.
- Trial counsel in successful AAA arbitration for national sewer rehabilitation contractor resulting in over a million-dollar award on payment and delay claims against municipality owner.
- Lead trial counsel in a successful multi-million-dollar insurance coverage action relating to product liability claims against commercial roofing manufacturer.
- Trial counsel in federal court jury trial for international coal broker in insurance coverage action against ocean marine cargo insurer

CONTACT

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EDUCATION

Duquesne University School of Law, J.D., *magna cum laude*, 2002

- *Duquesne University Law Review*, Editor-in-Chief

Allegheny College, B.S., *cum laude*, 1999

SERVICES

Litigation

- Commercial litigation
- Insurance litigation

Construction

- Surety bond claims

regarding multi-million dollar claim for lost coal, which ultimately resolved in favor of the policyholder through settlement before closing arguments.

- Lead counsel for EPC Contractor of ethanol plant in prosecuting mechanics lien claims and defending against bond, subcontractor payment, and attorneys' lien claims. All construction claims were eventually successfully resolved through settlement. Bench trial defending attorney lien claims resulted in successful judgment in favor of client dismissing attorney liens.
- Trial counsel for international joint venture relating to multi-million-dollar construction claims for tunnel boring machine project against owner, builders' risk insurer and other related parties.
- Lead counsel in defending owner of hot rolling processing facility against multi-million-dollar request for equitable adjustment and lien claims.
- Lead counsel in several mechanics' lien claims in Pennsylvania related to pipeline construction, wind farm construction, and residential and commercial building construction claims.
- Lead counsel in successful insurance claim on behalf of equestrian farm related to hail and windstorm property damage.
- Lead counsel to international construction company in defense of claims from equipment supplier related to coal-fired boilers at cogeneration plant.
- Lead counsel for international provider of energy products and services in successful insurance coverage and broker liability recovery actions related to product liability claim.
- Lead counsel for residential and commercial home builders in construction claims.
- Trial counsel for contractors in several successful multi-million dollar claims for subcontractor default insurance coverage.
- Counsel to international construction company in dispute with insurers on construction all-risk policy over hurricane damage claims.
- Counsel to international company related to insurance coverage for historical asbestos-related liabilities, which resolved through successful settlements or coverage-in-place agreements.
- Counsel to a leading global provider of engineering and construction services in construction-related insurance claims for steel plant and coal-fired power plant.
- Counsel to one of the world's largest multinational engineering and construction companies in dispute centered on one of the world's largest offshore oil and gas projects with the national oil company of Brazil and an initial contract price of over \$2.5 billion.
- Defense counsel for numerous corporations in website accessibility cases under the Americans with Disability Act.

BAR ADMISSIONS

- Pennsylvania
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Central District of Pennsylvania
- U.S. District Court for the Eastern District of Pennsylvania

PRESENTATIONS

- "Perspectives on Insurance Coverage for Construction Projects: Lessons Learned from Real Coverage Disputes," Construction Superconference, December 2016

PROFESSIONAL ASSOCIATIONS

- Pennsylvania Bar, Member
- American Bar Association, Construction Law Section, Member

- Allegheny County Bar Association, Construction Law Section, Member
- AAA Construction Panel of Arbitrators, Member

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