KILPATRICK TOWNSEND

Brian G. Corgan

PARTNER

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Services

Litigation; Construction Litigation; Construction & Infrastructure

Industries

Construction & Infrastructure; Oil & Gas-Petrochemicals; Water & Wastewater; Energy, Utilities & Power Systems

Brian Corgan is head of the firm's Construction & Infrastructure Projects team and concentrates his practice in construction contracts, litigation, and alternative disputes resolution. Mr. Corgan has handled construction disputes involving nuclear and coal-fired power plants, cement plants, international airport runway construction, prisons and correctional facilities, cogeneration (power, cement and lime) plants, off-shore oil production, storage and offloading facilities, wastewater treatment plants, environmental remediation and closure projects, mining facilities, meat processing facilities, steel mills, oil refineries, hospitals, convention centers, and a variety of other commercial and industrial construction projects.

Since 1979, Mr. Corgan's practice has focused on the representation of owners, construction managers and contractors on large industrial and commercial projects. His clients range from owners to engineering and materials testing firms, construction managers, general contractors, subcontractors, suppliers, sureties, and design professionals. He has been involved in arbitrations, mediations, and state and federal court trials, and international adjudications.

Mr. Corgan's practice has focused on the representation of owners, construction managers and contractors on large projects such as:

- A massive copper mining and electrowinning facility;
- A $2.4 billion off-shore oil production, storage, and off loading facility in the South China Sea;
- The design and construction of a large cement/power/lime cogeneration facility;
- The design and construction of large cement plants;
- The design and construction of numerous nuclear and coal-fired power plants;
- Construction of large multi-use convention centers;
- Construction of chemical and petrochemical facilities;
- Construction of oil refineries and related expansions;
- The design and construction of large, complex aquariums; and
- Numerous design-build and EPC projects including beef processing facilities, cogeneration and power plants, prisons and correctional facilities, convention centers, research facilities, and environmental remediation and closure projects.

Mr. Corgan was recognized in 2009, 2011 and 2012 by the prestigious *Legal 500 US* in the area of Construction Law, *The International Who's Who of Business Lawyers* for 2009, *The International Who's Who of Construction Lawyers* for 2010 and 2011, and Corporate Counsel's Top Lawyers for 2011. He was recognized in *The Best Lawyers in America*® for Construction Law in 2013 and each of the five years immediately preceding. He is also listed in the 2009 and 2010 editions of *Chambers USA: America's Leading Lawyers for Business* for Construction Law and he is listed as #1 in the 2011 and 2012 editions. Mr. Corgan has been recognized as a Top 100 Georgia "Super Lawyer" and was named a Georgia "Super Lawyer" in the area of Construction/Surety and in 2013 and the six years immediately preceding by *SuperLawyers* magazine. He is AV® rated by Martindale-Hubbell.*

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Experience Highlights

Design, construction, and commissioning of an off-shore oil production facility in Malaysia for worldwide oil and gas organization
Represent a worldwide oil and gas organization with respect to disputes against various EPC contractors retained to perform the design, construction, and commissioning of an off-shore oil production, storage and off loading facility located in the South China Sea, off the coast of Malaysia. The project cost is in excess of $2 billion. We have been involved in formal disputes resolution processes in Malaysia and have negotiated other claims with various EPC contractors throughout Europe. In addition, we have asserted claims by our client against various of its EPC contractors, most contracts which include limitation of liability provisions tied to a specified percentage of the EPC contract price.

Construction litigation for pipeline contractor
Represents a pipeline contractor in Texas state court against one of the largest pipeline owners in the United States arising out of a 135-mile pipeline crossing Louisiana. The pipeline owner is claiming damages against our client in excess of $45 million, plus attorneys' fees, costs, and interest. Our client is asserting a counterclaim against the pipeline owner in excess of $51 million, plus attorneys' fees, costs, and interest. The parties are engaged in extensive discovery.

Arbitration with EPC contractor on grass roots coal-fired power plant
Recovered $9.8 million on claims of $10.3 million, plus attorneys' fees, interest, costs and expenses after 36-hearing day arbitration. Also defeated counterclaims totaling $55 million in their entirety. Award was issued on August 6, 2009, and confirmed by the United States District Court for the Southern District of Iowa on November 23, 2009. The case involved the production of over three million electronic documents, and required their review, organization and utilization for depositions and the arbitration hearings.

Claims with EPC contractor on California cement plant
Obtained a jury verdict for $7 million, plus attorneys' fees, and defeated a $10 million counterclaim in its entirety after a seven week federal court jury trial in San Francisco.

Condominium tower and parking garage collapse
Defended contractor against owner's $40+ million claim for parking garage collapse and owner's subsequent abandonment of condominium project. Recovered more than $12 million plus interest and attorneys' fees for contractor, established lien against owner's property, and defeated in its entirety, owner's claim after 26-hearing day arbitration.

Remediation project — Oak Ridge, Tennessee
Represented remediation contractor terminated by EPC contractor on solid waste storage area cleanup project. After three-week federal court trial, recovered $9.8 million in damages, plus interest and attorneys' fees. Defeated EPC contractor's claim in its entirety.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

Construction Disputes: Practice Guide with Forms (two-volume book) (book cited by United States Court of Appeals for the Third Circuit in Sloan & Company v. Liberty Mutual Ins. Co., 653 F.3d 175, 183 (3d Cir. 2011)
Wiley Publications, January 01, 1994

Do We Need Special ADR Rules for Complex Construction Cases?
The Construction Lawyer, August 01, 1991

Taking Steps to Avoid Litigation
Builder and Contractor, April 01, 1989

Building Constructor
Deposition Strategy, January 01, 1985

Professional & Community Activities

Tulane Law Review, Former Notes Editor

Director, Board of Directors: Chris Kids, 2002 — 2006

Director, Chris Kids Properties Board, 2007 — 2012

Committee Member, Blessed Trinity High School Advisory Committee, 2007 — 2008

Committee Member, Blessed Trinity High School Facilities Committee, 2007 — 2008

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Post-Katrina Legal Assistance Program (Atlanta), October 2005

Good of the Gulf Legal Program (New Orleans), December 2007

Education

Tulane University Law School, J.D. (1979)
summa cum laude, Order of the Coif

Tulane University, B.A. (1976)

Bar Admissions

Louisiana (1980)

Georgia (1979)

Admissions

United States Supreme Court (1986)

Second Circuit Court of Appeals (2010)

Third Circuit Court of Appeals (1985)

Sixth Circuit Court of Appeals (2003)

Eighth Circuit Court of Appeals (2011)

Ninth Circuit Court of Appeals (1992)

Eleventh Circuit Court of Appeals (1981)

Northern District of Georgia (1980)

Middle District of Georgia (1991)

Middle District of Louisiana (1980)

Supreme Court of Louisiana (1980)

Supreme Court of Georgia (1980)

Georgia Court of Appeals (1980)

Superior Court of Georgia (1979)

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