



DAVID E. SUCHAR

Partner
 Chair of Construction & Real Estate Litigation Group
 Co-Chair of Government & Internal Investigations Group

david.suchar@maslon.com

Phone: 612.672.8321 | Fax: 612.642.8321

OVERVIEW

David Suchar, a skilled trial attorney, regularly represents clients in construction and insurance coverage disputes, government and internal investigations, and a variety of commercial litigation. In the 2019 & 2020 *Who's Who Legal* worldwide rankings of construction law "Future Leaders," David was one of three ranked practitioners from the United States, described as "an impressive trial lawyer whose practice spans the spectrum of construction matters from insurance to payment claims." The 2020 *Chambers USA* rankings published client commentary describing David as "an excellent attorney who comes up with creative ways of resolving complicated disputes while getting things accomplished that other attorneys could not manage to do," and noting his "strengths are in mastery of insurance, understanding the construction industry, exceptional writing skills and aggressive negotiation." David has been ranked by a variety of other attorney rating organizations including *The Best Lawyers in America*® (2021) and *Super Lawyers*® (2020).

David has developed a niche national practice representing commercial policyholders in insurance coverage disputes, including on many of the largest construction projects and claims across the United States. Recent matters include the LaGuardia Airport Central Terminal Reconstruction Project (NYC); Las Vegas Raiders (Allegiant) Stadium Project; Second Avenue Subway Project (NYC); claims on Millennium Tower, Transbay Transit Center and Salesforce Tower (San Francisco); the Florida International University bridge collapse (Miami); and the NSA's Utah Data Center Project. He frequently presents at conferences across the country on construction and insurance coverage issues, drawing from his experience on the Steering Committee for the ABA Forum on Construction Law's Division 7 (Insurance, Surety & Liens) and as contributing editor of *The Construction Lawyer*, the flagship ABA construction publication.

David's prosecution and defense of substantive construction claims has included serving as lead counsel for the structural engineer for all construction claims on the Minnesota Vikings (U.S. Bank) Stadium Project; lead trial counsel for the EPC contractor on the Aurora Solar Project in Minnesota—at its time the largest solar project in

AREAS OF PRACTICE

Litigation

- Business Litigation
- Construction & Real Estate Litigation
- Government & Internal Investigations
- Insurance Coverage Litigation
- Intellectual Property Litigation

BAR ADMISSIONS

Minnesota

Georgia

Illinois

U.S. District Court

- Minnesota
- N.D. Georgia
- C.D. Illinois
- N.D. Illinois
- N.D. Indiana

EDUCATION

Georgetown University Law Center
 J.D., *cum laude*, 2002

DePaul University
 B.A., *with high honor*, 1998

Minnesota history; lead counsel for the University of Minnesota on claims arising out of the \$110 million Northrop Auditorium remodel; lead counsel for Jacobs Engineering winning summary judgment dismissal of a \$2 million personal injury lawsuit; and for numerous lien and payment claims through negotiation, arbitration, and trial.

As a former federal prosecutor, David has also counseled and represented clients at trial and through all aspects of various government, administrative, and internal investigations. His experience includes criminal prosecutions, inquiries, and subpoenas from state and federal agencies.

David's in-court experience sets him apart from the crowd. He has acted as first-chair trial counsel for a variety of bench and jury trials in courts across the country. In addition to his work in the areas of construction and insurance coverage litigation and government and internal investigations, David has successfully litigated various high-end contract and commercial litigation matters. He serves on the Executive Committee (2021 Treasurer) of the Network of Trial Law Firms, a network of over 5,000 attorneys in 23 separate and independent trial law firms, including Maslon.

Before joining Maslon, David served as an Assistant U.S. Attorney at the U.S. Department of Justice and successfully represented the United States as lead counsel in hundreds of contested hearings and several trials in federal district court and oral arguments in the United States Court of Appeals. Prior to his DOJ service, David was a member of the litigation practice group at Kirkland & Ellis LLP in Chicago. In between college and law school, David served as an AmeriCorps VISTA volunteer and grant writer at Habitat for Humanity. He serves on the Regional Advisory Board for Tickets for Kids, a non-profit organization that provides free access for low income and at-risk kids to attend the arts, cultural, educational, and athletic venues in their communities.

SELECTED EXPERIENCE

- Lead counsel for large international structural engineering firm for claims related to design and construction of the \$1.1 billion U.S. Bank Stadium project—the largest construction project in Minnesota history.
- Lead trial counsel for EPC contractor on claims related to the Aurora Solar Project—the largest solar project in Minnesota history.
- Lead insurance coverage counsel for claims related to the \$8 billion LaGuardia Airport Main Terminal Reconstruction Project (NYC).
- Lead insurance coverage counsel for international geotechnical engineering firm for claims related to Millennium Tower, Transbay Transit Center, and Salesforce Tower (San Francisco).
- Lead insurance coverage counsel for national contractor for claims related to the FIU Bridge Collapse (Miami).
- Lead insurance coverage counsel for claims related to the \$17 billion Second Avenue Subway Project in NYC.
- Co-lead counsel for the investigation of Monterrey Security, former security provider for the Minnesota Vikings.
- Lead insurance coverage counsel for large national engineering firm for claims related to the Kendall Generating Station Project (Cambridge, MA).
- Lead surety and bonding counsel for national contractor for claims related to the \$900 million Vista Tower Project (Chicago).
- Lead insurance coverage counsel for mechanical engineering firm for claims related to the NSA's \$1.2 billion Utah Data Center project.
- Lead counsel for the University of Minnesota for claims related to the \$110 million renovation of the Northrop Auditorium.
- Lead counsel for national contractor winning dismissal of lawsuit for claims related to construction of the Groveland Terrace Condominium—Minneapolis.
- Lead counsel for a Fortune 500 international engineering, architecture, and construction firm, obtaining complete summary judgment dismissal of approximately \$2 million personal injury lawsuit involving allegations of design negligence. Summary judgment order was not appealed. (Minnesota State Court, Fillmore County, 2015).
- Counsel to a Fortune 500 engineering, construction, and fabrication company, as Plaintiff in multi-district federal lawsuits pursuing insurance coverage and bad faith claims related to a \$600 million construction project. Case settled after partial summary judgment victory on key liability issue. (United States District Court, Middle District of Louisiana, 2014).

- Counsel for disaster recovery, restoration, and remediation company securing multimillion-dollar insurance recovery as a result of contested claim on CGL policy related to construction of a curtain wall at a hurricane-damaged hotel.
- Insurance coverage counsel for large contractor for claims related to design and construction of Rolls Royce airplane engine facility (Virginia).
- Insurance coverage counsel for large concrete contractor firm for claims related to construction of the Silver Spring Transit Center (Washington, DC).
- Lead insurance coverage counsel for class action radon exposure cases brought against regional housing contractor (West Virginia & Maryland).
- *E.I. du Pont de Nemours & Co. v. Medtronic Vascular, Inc.*, N10C-09-058 (Delaware Superior Court, New Castle County). Obtained complete summary judgment dismissal of approximately \$250 million licensing and royalty lawsuit relating to the sale of products used in coronary angioplasty procedures. Summary judgment was subsequently affirmed by the Delaware Supreme Court.
- *Farmers Cooperative Company v. Rembrandt Enterprises, Inc.*
Trial counsel for Rembrandt Enterprises, Inc., a privately held, leading agribusiness and food company in week-long bench trial in Iowa state court. Obtained complete trial victory in a breach of contract case in which plaintiff sought \$7 million in damages.
- Trial counsel for a leading automotive supply company in a week-long bench trial seeking \$200 million in wage and benefit concessions from employees and retirees represented by the United Auto Workers and United Steel Workers. Following trial and just prior to the court issuing its ruling, client consensually obtained all of the labor cost reductions it sought at trial.
- Lead trial counsel for property dispute, winning maximum statutory damages award after bench trial in D.C. Superior Court.
- Lead counsel for the United States in numerous cases in the United States Court of Appeals for the Eleventh Circuit, including *United States v. Calleja-Sabino* (2009) (argued), and *United States v. Moses* (2010) (argued).
- Lead trial counsel for the United States in several criminal federal trials in the United States District Court in Atlanta, Georgia.
- Counsel for the United States in successful 34-defendant wiretap investigation and prosecution including court ruling in *United States v. Rodriguez-Alejandro*, 664 F. Supp. 2d 1320 (N.D. Ga. 2009) (upholding several Governmental searches and seizures as constitutional). Indictments in the case were announced at an Atlanta press conference by then-U.S. Attorney General Michael Mukasey.

LEADERSHIP & COMMUNITY

- Tickets for Kids: Regional Advisory Board 2019-present
- American Bar Association: Forum on Construction Law; Steering Committee for Division 7 (Insurance, Surety, and Liens) 2018-present; *The Construction Lawyer*, Contributing Editor and Editorial Board Member 2015-2018
- The Network of Trial Law Firms, Inc.: Executive Committee 2019-present (Treasurer, 2021; Secretary, 2020; Officer at Large, 2019); Program Review Committee 2018; Board of Directors 2017-present
- Associated General Contractors of America: Member, Contract Documents Forum; Member, Contract Documents and Risk Management Committees; Presenter, AGC's 2017 Risk Management/Surety Symposium (Contractor Additional Insured Protections); Task Force Member on AIA 2017 A201 General Conditions and Owner-Contract Agreements

SELECTED HONORS

- **Recognized on Minnesota Super Lawyers® list, 2020** (*Minnesota Super Lawyers® is a designation given to only 5 percent of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Notable Practitioner in Minnesota for Construction, Chambers USA, 2018-2020**
- **Who's Who Legal: Construction - Future Leaders, 2019-2020**
- **Selected for inclusion in The Best Lawyers in America®, 2021**

- **Recognized on Minnesota Rising Stars list as part of the Super Lawyers® selection process, 2014-2016** (*Minnesota Rising Stars is a designation given to only 2.5 percent of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)

SELECTED PRESENTATIONS

- "SAY WHAT? A Discussion of the Interplay among Modern Communication Tools and a Lawyer's Ethical Obligations," Forum on Construction Law Midwinter Meeting, American Bar Association, 2020
- "The Professional Services Exclusion in CGL Policies and *Travelers Insurance Company v. Figg Bridge Engineers*," Construction Forum's Design and Insurance Division, American Bar Association, 2020
- "Construction Law: Ethical Challenges," Building Better Construction Contracts, Practising Law Institute, 2019
- Conference Co-Chair, Mission: Possible — Winning Strategies for Litigation Management, Network of Trial Law Firms, 2019
- "Navigating Insurance Coverage Disputes: Strategies Promoting a Successful Voyage for Policyholders," Litigation Management in a New York Minute – 2019 Edition, Network of Trial Law Firms, 2019
- Conference Chair, Litigation Management in a New York Minute Seminar, Network of Trial Law Firms, 2019
- "The Intersection of Insurance Coverage Issues and Underlying Claims in Construction Meditations: Perspectives from the Mediator and Coverage Counsel," American Bar Association Webinar, 2019
- "Handling Insurance Coverage Disputes: How to Win Your Case as a Policyholder," In-House Super Course, ACC Minnesota, 2019
- Handling Insurance Coverage Issues that Arise in Construction Mediation, Public Construction Projects: Not Always a Hollywood Ending, American Bar Association Forum on Construction Law Division 7, 2019
- "Ethical Challenges and Duties of Appointed Counsel," Building Better Construction Contracts, Practising Law Institute, 2018
- Conference Co-Chair, Litigation Management: In-House Counsel Facing the Music, The Network of Trial Law Firms, 2018
- Conference Co-Chair, Products Liability SuperCourse, ACC Minnesota and The Network of Trial Law Firms, 2018
- "Incident Management: From Initial Complaint to Litigation," 7th Annual ACC Minnesota In-House Counsel Conference, 2018
- Litigation Management: Overcoming the Ocean of Complaints, Trials and Motions – A Concentrated Curriculum for In House Counsel Managing Litigation, chair, The Network of Trial Law Firms, 2018
- "Insurance Requirements are A Chang'in – New Insurance Requirements in the New AIA A201 and Updates to the ConsensusDocs Insurance Provisions," 99th Annual AGC Convention, Associated General Contractors of America, 2018
- "Construction Law: Ethical Challenges," Building Better Construction Contracts, Practising Law Institute, 2017
- "What Keeps In-House Counsel Up at Night and What Can Outside Counsel Do About It?" moderator, Litigation Management: Coasting Beyond The Chaos, The Network of Trial Law Firms, 2017
- Conference Chair, Litigation Management: Coasting Beyond The Chaos, The Network of Trial Law Firms, 2017
- "Additional Insured Endorsements: What You Need to Know as a Construction Lawyer," ABA Forum on Construction Law, 2017
- "When it makes sense to breach a contract," Contracts in Context II, ACC Minnesota, 2017
- "Getting to the Heart of the matter: How to Quickly Identify the Key Features of an Additional Insured Endorsement," 2017 Conference on Surety Bonding and Construction Risk Management, Associated General Contractors (AGC), 2017
- "Real Estate & Construction Insurance: Basics, Tips and Traps," Construction and Real Property Sections, Maryland State Bar Association, 2016
- "Whose Law Is It Anyway?" In-House Counsel Finding Sanctuary, The Network of Trial Law Firms, 2016
- "Tying Up the Loose Threads: The Significant Roles that Third Party Administrators Play in Today's Insurance Programs and the Legal and Practical Questions Their Activities Can Raise," 2016 Conference on Surety Bonding and Construction Risk Management, Associated General Contractors of America, 2016

- "Anatomy of a Bad-Faith Case: Litigating Multi-District, Multi-Defendant, Large-Scale Construction-Related Insurance Coverage and Insurer Bad-Faith Cases," Construction SuperConference, 2015
- "A Primer on ConsensusDocs," presented to the Society of American Registered Architects, 2015
- "Anatomy of a Bad Faith Case: Litigating Multi-District, Multi-Defendant, Large Scale Cases," Insurance Law Institute, Minnesota CLE, 2015
- "ConsensusDocs vs AIA: What's New Post-2007 and How Do They Compare?" Construction SuperConference, 2014

SELECTED PUBLICATIONS

- Business Owners Property Insurance—Quick Reference
- "Coronavirus Insurance Claims for Right Now," LinkedIn, May 13, 2020
- "Policyholders May Win Round 2 of the Coronavirus Fight: Coronavirus Insurance Claims and the CGL Policy Pollution Exclusion," LinkedIn, March 31, 2020
- "A Trap for the Unwary Contractor: The New AIA Insurance Exhibit and Its Most Confounding Requirements," co-author, ABA Forum on Construction Law, *Under Construction*, Vol. 19, No. 3, 2018
- Chapter 19 "Duties of Appointed Defense Counsel: Ethical Challenges," Building Better Construction Contracts 2016, Practising Law Institute, 2016
- Note, "Anatomy of a Bad Faith Case: Litigating Multi-District, Multi-Defendant, Large Scale Cases," Insurance Law Institute, Minnesota CLE, 2015
- "Procedural Issues," co-author, Sixteenth Survey of White Collar Crime, 38 *Am. Crim. L. Rev.* 1151 (2001)