

For more information or to
schedule an interview, please contact:
Leo Levinson – 215-545-4600
leo@grouplevinson.com

FOR IMMEDIATE RELEASE:

**INDUSTRY THOUGHT LEADER:
MITIGATING RISK IN WATER-RELATED CONSTRUCTION LITIGATION**

(Philadelphia, PA) Groundwater management and other water intrusion issues are some of the most common areas for disputes in construction litigation because water is a factor in virtually every construction project. Lawsuits resulting from damages or potential future damages, relating to water issues, can become very complicated as disputing parties work to determine the sources of the damages and the party or parties responsible for them.

According to Mitchell Swann, Managing Director at Resolution Management Consultants, Inc., “Water-related issues are one of the most significant sources of problems, claims and disputes in the construction industry.”

Swann points out that damages relating to water issues can affect both underground and above ground construction. If not immediately addressed and controlled, water can cause ground settlement issues, as well as damage to the foundation and structure. It can also exacerbate mold and other environmental hazards, and damage finished surfaces.

Water-related disputes can involve any or all of the general contractor, subcontractors, product suppliers, design professionals and others. “The first step is identifying the source of the issue because frequently, a water-

related problem is not as simple as it may seem," notes Swann. "For example, 'leaky windows' can have a number of sources besides the seemingly obvious window manufacturer, such as those involved in constructing the roof, facade, wall opening, sills and others. Therefore, focusing only on the window manufacturer may be a poorly targeted strategy and ultimately, not even resolve the leak issue at all," he says.

Once a source is identified, Swann recommends focusing the water-related investigation, evaluation and dispute resolution efforts along four common areas:

- express warranty, in other words was the agreed upon outcome delivered as contracted.
- breach of an implied warranty, in other words, that the project delivered is 'fit for purpose'; that it is suitable to satisfy the intended use.
- standard of care, or failure to use the degree of care appropriate to similarly trained professionals on similar projects in similar circumstances.
- fraud, or willful dishonesty or misconduct.

According to Swann, "Because of the diversity of the issues in water-related cases, it is important to be guided by experts who are experienced in the areas of construction and design – and the potential gap that exists between the two – and skilled in the law in order to best untangle the complexities of a case leading to resolution."

About Resolution Management Consultants, Inc.

Resolution Management Consultants, Inc. (RMC) is a nationally recognized consulting firm headquartered in Marlton, NJ. There are two sides to the business: the construction planning and management aspect – helping clients build more successful projects – and the litigation aspect – should

matters go to court, providing analysis and testimony as expert witnesses. Founded in 1993 by veterans in the construction, contracting and engineering professions, RMC has assisted numerous private owners, public agencies and contractors in either achieving project goals or resolving cost and time disputes between the contracting parties.

Website: resmgt.com

LinkedIn: [/company/ResolutionMgt](https://www.linkedin.com/company/ResolutionMgt)

Twitter: [@ResolutionMgt](https://twitter.com/ResolutionMgt)

Facebook: [@ResolutionMgt](https://www.facebook.com/ResolutionMgt)

#