
RONALD J. (R.J.) CHLEBOSKI, JR.rchleboski@dflegal.com

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DFL Legal
20 Stanwix Street
Pittsburgh, Pennsylvania 15222**AREAS OF PRACTICE**

Mr. Chleboski is one of the five founding partners of DFL Legal. His practice is concentrated in the area of complex commercial litigation with an emphasis on construction industry and insurance coverage dispute resolution. Mr. Chleboski has represented owners, contractors, subcontractors and suppliers in numerous federal and state court lawsuits, domestic and international arbitrations, and mediations concerning all manner of commercial and construction disputes, including: defect, warranty and performance guarantee claims; delay, disruption and acceleration claims; design professional error and omission claims; and mechanics lien and surety claims. His practice experience spans numerous industries, including oil & gas, pipeline construction, power, renewable energy, chemical/industrial, mineral processing, pulp & paper, transportation, institutional and commercial construction. Mr. Chleboski has represented policy holders or otherwise pursued insurance coverage related to various construction and commercial loss and liability matters under various types of insurance policies, including builder's risk, all-risk, commercial general liability, design-professional liability, D&O liability, employed lawyer liability, and life sciences insurance policies. He has negotiated and drafted many scores of preconstruction, consulting, engineering, procurement, construction and/or maintenance contracts for various types of projects. Mr. Chleboski has been on the American Arbitration Association's National Roster of Arbitrators since 2012, and has served as an arbitrator in numerous commercial and construction matters. Mr. Chleboski has been recognized in Best Lawyers for Construction Law from 2015 through 2023.

PROFESSIONAL BACKGROUND

- Partner, Dingess, Foster, Luciana Davidson & Chleboski LLP – March 2010 to Present
- National Roster of Arbitrators, American Arbitration Association – 2012 to Present
- Partner, K&L Gates (Pittsburgh, Pennsylvania) – 2003 to February 2010
- Associate, K&L Gates – 1997 to 2003
- Associate, Berman, Gaufin, Tomsic & Savage (Salt Lake City, Utah) – 1992 to 1997
 - Focused on high-stakes, commercial litigation: securities fraud; director and officer liability; insurance coverage; accountant malpractice; and business litigation.

- Gilbane Building Company (Houston, Texas) – June 1986 to August 1989
 - Project Engineer for a \$75 million airport terminal construction project
 - Closeout engineer and office engineer for a \$160 million convention center project
- U.S. Army Corps of Engineers (Pittsburgh, PA) – Summers 1983 to 1985 and Fall 1984

PUBLICATIONS AND PRESENTATIONS

- Author: *"Tailor-Made ADR Fits Better Than Off-the Rack,"* ENGINEERING NEWS RECORD, March 13, 2017, at L12.
- Co-presenter: *"Managing Disputes that Arise When Contracts are Poorly Executed,"* presented at "EPC Contract and Risk Management" CLE, Houston, TX (January 16, 2014)
- Author and speaker: *"Overview of Investment Treaty Claims and ICSID Arbitration,"* presented at the Construction SuperConference, San Francisco, CA (December 7, 2006)
- Co-author and speaker: *"Insurance Coverage for Loss and Claims on Construction Projects,"* International Construction SuperConference, London, England (May 19, 2005)
- Co-presenter: *"Avoiding Legal Pitfalls – Issues Arising for Design Professionals During Construction,"* seminar for design professionals in New York City (November 17, 2004)
- Co-presenter: *"Pennsylvania Bond and Lien Law,"* presented at continuing legal education programs in Harrisburg and Pittsburgh, PA in 1999 and 2000
- Author: *"The Project Design Professional's Authority to Resolve Disputes Between the Owner and Contractor,"* CONSTRUCTION LAW & BUSINESS (September/October 2001)
- Author, *"Limitation of Liability,"* CONSTRUCTION LAW & BUSINESS (March/April 2001)
- Author, *"Contract Clause Checklist for Design Professionals,"* CONSTRUCTION LAW & BUSINESS (Summer 2000)
- Author, *"Expedited Dispute Resolution,"* CONSTRUCTION LAW & BUSINESS (Summer 2000)
- Author, *"Chronological Checklist of Requirements under Construction Contracts,"* and *"Pay-When-Paid' or 'Pay-if-Paid,'"* CONSTRUCTION LAW & BUSINESS (Spring 2000)

COURT ADMISSIONS

- Supreme Court of Pennsylvania
- United States District Court for the Western District of Pennsylvania
- United States Court of Appeals for the Tenth Circuit
- *Pro Hac Vice* admissions to various federal and state courts throughout the United States

BAR MEMBERSHIP

- Pennsylvania

EDUCATION

- J.D., 1992, University of Utah College of Law (Order of the Coif; UTAH LAW REVIEW)
- B.S. (Architectural/Structural Engineering), University of Texas at Austin, 1986 (Chi Epsilon – National Civil Engineering Honor Society)

REPRESENTATIVE CONSTRUCTION DISPUTE RESOLUTION ENGAGEMENTS

1. Counsel for an electrical subcontractor in a three-party, international arbitration (governed by the UNCITRAL Arbitration Rules) with the at-risk construction manager and owner, concerning several multi-hundred-million-dollar projects to refurbish/upgrade various buildings and facilities at owner's headquarters campus. Prosecuting claims for unpaid scope changes, contract balances and delay/lost productivity damages. Matter involves three sequential merits phases for separate major projects. Each phase included multiple pre-hearing evidentiary submissions, a two-week merits hearing, and issuance of a final, partial award for that phase.
2. Successfully represented an electrical subcontractor in proceedings before the Secretary-General of the Permanent Court of Arbitration at The Hague ("PCA") and a UK Solicitor seeking appointment of a tribunal for a three-party international arbitration under the UNCITRAL Rules, thereby resolving disputes regarding appointment of the tribunal. Obtained from the Secretary-General of the PCA (over objections) a designation of an "appointing authority" (a UK Solicitor), and obtained from the "appointing authority" (over objections) appointment of a tribunal comprised of three neutral, independent arbitrators as desired by the client.
3. Counsel for a mechanical subcontractor in a three-party international arbitration proceeding (under the UNCITRAL Arbitration Rules) with the at-risk construction manager and the owner concerning an eight-figure refurbishment of a multi-use institutional facility, prosecuting the subcontractor's claims for unpaid scope changes, contract balance, and lost productivity.
4. Represented a mechanical subcontractor in proceedings before the Secretary-General of the PCA and a UK Solicitor, seeking appointment of a tribunal for a three-party international arbitration under the UNCITRAL Rules to resolve disputes concerning same. Obtained from the PCA designation of an "appointing authority," and before the "appointing authority" obtained appointment of a tribunal comprised of three neutral, independent arbitrators.
5. Counsel for a midstream company/owner of natural gas pipelines in disputes with a pipeline contractor regarding construction of a 25-mile segment of a mainline natural gas transmission pipeline system. Defended owner in a New York state court lawsuit, defending against the contractor's claims seeking alleged delay and lost productivity damages totaling eight figures.
6. Represented Allegheny Energy and its affiliates in disputes concerning contracts with MobotecUSA valued at \$27 million for the turnkey supply of air pollution control systems for three coal-fired power generation facilities. Mobotec asserted claims against Allegheny Energy for breach of contract, defamation and lost business, seeking \$20+ million. Allegheny Energy disputed the claims and asserted counterclaims for defects in the systems. After Mr. Chleboski prevailed on key dispositive motions, the case was settled on terms very favorable to Allegheny Energy. [Consolidated lawsuits styled MobotecUSA, Inc. v. Allegheny Energy Supply Company, LLC, et al., No. A.D. 606-2004, Allegheny Energy Supply Company, LLC, et al. v. MobotecUSA, Inc., et al., No. A.D. 925 of 2005, Court of Common Pleas, Greene County, PA]

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7. Counsel for the owner of 415 ton per day mixed office waste de-inking mill with a project value of approximately \$190 million in a AAA arbitration and related lawsuits in Pennsylvania and Massachusetts. The owner asserted claims in excess of \$50 million against Parsons Main, Inc., the EPC contractor, and its parent, The Parsons Corporation, for defective design and construction. Parsons Main asserted a \$20 million counterclaim for the unpaid contract balance. The parties completed 30 days of evidentiary hearings in the arbitration the owner commenced against Parsons Main. On the day the arbitration panel was scheduled to issue its award, the parties settled the dispute. The client received a settlement valued at \$61 million – \$41 million cash payment and waiver of the unpaid contract balance of \$20 million. [Ponderosa Fibres of Pennsylvania, Inc., et al. v. Parsons Main, Inc., No. 13-110-00694-97, American Arbitration Association; Ponderosa Fibres of Pennsylvania, Inc., et al. v. Parsons Main, Inc. et al., No. 97-C-4861, Court of Common Pleas of Northampton County, Pennsylvania; and Parsons Main v. Ponderosa Fibres of America, et al., No. 98-CV-10131-REK, D. Mass.]
 8. Represented a contractor in arbitration and a related Ohio state court lawsuit regarding the design and construction of a \$10-million addition to a coal preparation plant. Prosecuted contractor's claims against the owner, seeking \$790,000 for unpaid change orders and the contract balance, and defended against the owner's \$4 million claim (reduced to \$2.7 million before the merits hearing) for alleged defective design/construction and failures to meet performance guarantees. After 8 days of evidentiary hearings, the tribunal awarded the contractor \$767,000 on its claims and denied all but \$169,000 of owner's claim. The award was confirmed in Ohio state court, over the owner's motion to vacate and modify the award.
 9. Represented the prime contractor that built a parking garage facility at the Greater Pittsburgh International Airport in a sixteen-party lawsuit with the owner, design professionals, the construction manager, the traffic topping system prime contractor, various subcontractors and the garage operator. Owner asserted a \$20 million claim against our contractor client and the traffic topping contractor, alleging defective design and construction. After substantial discovery, the parties (and non-party insurers) engaged in a multi-day, global mediation with expert presentations. Through mediation, owner's claims were settled for \$7.5 million, only \$30,000 of which was paid by the contractor client. [The County of Allegheny v. Mosites Construction Company and Martin Products East, Inc., et al., No. GD97-12828, Court of Common Pleas of Allegheny County, Pennsylvania]
 10. Counsel for a multinational engineering and construction company in disputes concerning a \$2.5 billion contract for the engineering, procurement and construction of offshore oil and gas production facilities. The matter involved disputes with a national oil company of a South American country and various major subcontractors located in Singapore and South America. The claims at issue included delay, disruption and acceleration claims, cardinal change claims, liquidated damages for delay, claims concerning international letters of credit, and force majeure claims. Acted as the primary lawyer with respect to disputes totaling \$200+ million between the EPC contractor and two of its shipyard subcontractors that were performing work to convert two VLCCs into floating production storage and offload facilities. Served as the lead

lawyer on one of three primary claim groups relative to the disputes with the owner. Although the disputes were subject to international arbitration, they were resolved through a series of settlements without commencement of formal arbitration proceedings.

11. Counsel for a design-build contractor in lawsuit concerning a \$200 million reconstruction of interstate highway interchanges in Ohio, including mainline, ramps, bridges and overpasses. Prosecuted contractor's claims against a coatings manufacturer for deficiencies in coating system products in federal court in Ohio.
12. Represented a general construction prime contractor in disputes concerning phase one of a two-phase, \$50+ project to upgrade a wastewater treatment plant. Represented the general construction contractor in a four-party lawsuit with the sewage authority, the electrical prime contractor and the Engineer, defending against owner's and Engineer's cross claims based on electrical contractor's delay/disruption claim and its claim concerning scope disputes between the prime contractors. After substantial discovery was completed, obtained a no-cost dismissal of contractor client from the lawsuit.
13. Represented contractor/EPC consortium partner in connection with a project for construction of a \$1+ billion supercritical, coal-fired power plant. Counsel for client prosecuting claims against owner for unpaid scope changes (related to differing site conditions, changed performance requirements, etc.) and delay/lost productivity, and prosecuting claims against boiler supplier for impacts, delays and lost productivity. Matter involved two expedited arbitrations concerning differing site conditions.
14. Represented a utility in various disputes with turbine manufacturer regarding failures of gas and steam turbines installed at the client's power generation facilities.
15. Represented primary construction subcontractor in disputes with EPC contractor concerning the design and construction of a 550 STPD Nitric Acid Plant. Our client asserted a \$1.3 million disruption and productivity impact claim against the EPC contractor. After completion of discovery in the arbitration (and after other proceedings in lawsuits in Mississippi and Pennsylvania), our client reached a final settlement whereby our client recovered the substantial majority of its \$1.3 million claim.
16. Counsel for a developer, owner and operator of assisted living facilities in lawsuits filed in Ohio state court and in Virginia federal court concerning projects for the construction of three assisted living facilities. Represented the owner in disputes with the contractor that defaulted and failed to complete the projects and its surety. The parties asserted claims totaling in excess of \$2.5 million, concerning delay and disruption, delay liquidated damages, default by the surety under "takeover" and "completion" agreements, and other surety issues. After discovery and motion practice in court, the parties engaged in mediation, wherein favorable settlements were achieved for the client.

REPRESENTATIVE INSURANCE COVERAGE DISPUTE RESOLUTION ENGAGEMENTS

1. Counsel for a midstream company/owner of natural gas pipelines, seeking defense and indemnity under the owner's professional liability insurance policy for an underlying lawsuit commenced by a pipeline construction contractor that sought delay and lost productivity damages totaling eight figures. Although insurer denied all coverage for the vast majority of duration of the underlying lawsuit, Mr. Chleboski ultimately compelled the insurer to provide coverage, whereby the insurer paid the entire settlement with the contractor that resolved the underlying lawsuit.
2. Represented the owner of ammonia production facility located in a Caribbean nation in connection with a lawsuit seeking coverage under property insurance policies for \$40+ million worth of property damage and business interruption losses stemming from a failure of plant equipment.
3. Represented a northwest utility and its individual officers and directors in multiple securities fraud and related lawsuits arising out of the bankruptcy of a Utah-based alternative energy company. Also represented these clients in a AAA arbitration, seeking coverage for the foregoing lawsuits under the utility company's D&O liability insurance policy. After commencement of the arbitration and some discovery, obtained an eight-figure settlement, reimbursing the utility for its defense and settlement costs incurred in the underlying suits.
4. Counsel for an electrical contractor, seeking coverage (defense and indemnity) under several D&O liability insurance policies for investigations by multiple governmental entities concerning its practices concerning use of minority, women and disadvantaged business enterprises on public projects and other business practices.
5. Represented the owner of a combined cycle power plant in a lawsuit commenced in federal court in California against the engineering firm that designed the plant. Prosecuted owner's \$10 million claim for various errors and omissions in the design. After substantial discovery and exchange of expert reports, the parties engaged in mediation. Through mediation, the case was settled with the engineering firm (through its professional liability insurance carrier) agreeing to pay a multi-million-dollar settlement.

REPRESENTATIVE CONTRACT DRAFTING/NEGOTIATION ENGAGEMENTS

1. Long-term counsel for large regional insurance company, drafting and negotiating numerous agreements regarding various projects for construction of new facilities or expansion/upgrade/refurbishment of existing facilities at client's headquarters campus and other regional facilities. Projects have ranged in value from under \$1 million to over \$100 million. Agreements drafted and negotiated include, without limitation, consultant, architect/engineer, preconstruction, specialty system design/supply, GMP construction manager, and general contractor agreements.
2. Counsel for a midstream company, drafting template contract for agreements with pipeline construction contractors.
3. Counsel for a contractor, drafting a pre-development agreement for public-private partnership for design, construction, operation and maintenance of a toll road.
4. Represented a solar farm developer/solar panel manufacturer, drafting multi-million-dollar solar panel sales agreement for a solar farm development project in Europe.
5. Counsel for the owner of wood-residue power generation facility in connection with drafting and negotiating a major plant overhaul and maintenance contract with the turbine-generator OEM.
6. Represented a contractor, drafting EPC contracts and related agreements for the design and construction of multi-billion-dollar LNG facility in Nigeria and Angola.
7. Represented an owner, drafting and negotiating a design-build contract for a \$40 million, high-rise condominium project.
8. Counsel for church, drafting owner's representative and construction contracts for a \$5 million renovation of a Gothic style church that was originally constructed in the 1930s.
9. Represented sports and exhibition authority in drafting and negotiating various contracts related to construction of convention center and projects ancillary to new stadium. Agreements included owner/architect, owner/construction manager, and owner/prime contractor contracts.
10. Counsel for national retailer, drafting and negotiating contract for turnkey supply of new automated distribution systems for national distribution facility.
11. Counsel for national wholesale distributor of office and business products in negotiating and drafting design-build contract for construction of a distribution facility.

12. Counsel for bank client, drafting and negotiating contract for expansion of main office.
13. Represented global fund management firm in negotiating and drafting various agreements related to build-out of its headquarters, including agreements with architect, specialty design consultants, construction manager, system suppliers, and trade contractors.
14. Counsel for industrial valve manufacturer in drafting and negotiating a multi-year, multi-million-dollar valve supply contract with an EPC contractor for an energy industry facility and related contracts with client's sub-vendors.
15. Counsel for national distributor of electrical equipment and supplies in connection with negotiating and drafting equipment supply contracts and purchase orders.