

## Construction Defect/Injury Litigation

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### Chair & Contact

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**We represent contractors, subcontractors, and property owners in construction accident litigation on projects ranging from power plants to large office complexes to single-family homes.**

### Overview

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Construction accidents are complex, often both factually and legally. Our attorneys handle the most serious incidents and, with the assistance of our insurance coverage and workers' compensation attorneys, are able to untangle the most complex legal and factual web.

Post & Schell, P.C. has represented contractors, subcontractors, and property owners in construction accident litigation on projects ranging from power plants to large office complexes to single-family homes. These accidents often occur during the construction project itself, and that brings into play issues relating to workers' compensation immunity to the employer and issues of compliance with safety regulations, such as the OSHA regulations, and industry standards, such as those promulgated by ANSI and ASME.

The Construction Defect/Injury Litigation Group's Worksite Accident Response ("WAR") Group is available to enrolled clients and responds immediately via a 24/7/365 phone line to investigate workplace accidents.

Our construction litigators have handled cases that include falls from and through scaffolding and other platforms, injuries from materials falling from above during construction or demolition activities, and electrocutions. We routinely handle issues dealing with indemnification and additional insured status, as well as the complexities relating to Pennsylvania Statutory Employer Defense and Borrowed Servant Doctrine.

Our construction litigators also handle complex construction defect litigation. We represent a number of builders and contractors on suits relating to commercial and residential property. We have handled cases in which HVAC systems are alleged to have been defective, and cases for alleged poor framing, inadequate footings and foundations, and roofing concerns. We have handled a case in which a water filtration was alleged to have resulted from various types of clotting including exterior insulating and finishing systems and conventional stucco. Cases of this complexity invariably involve unique insurance coverage issues, and we have defended contractors and builders on the various legal theories that are routinely asserted, including breaches of implied warranties of habitability and fitness, fraud and violation of the Consumer Protection Statute. We know the applications of building codes such as the BOCA National Building Code, as well as construction standards such as NAHB's Residential Construction Performance Guidelines.

As trial attorneys, we understand the nuances of litigation. We also know that our clients often want to put these matters behind them as quickly as possible. We have participated in numerous large scale mediations involving construction defects. Knowledgeable lawyers, creative resolutions, and the ability to draw on various firm department resources make us powerful advocates for the construction industry.