



Denise M. Motta

PARTNER

Louisville

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RELATED SERVICES

- Construction
- Pharmaceutical & Medical Device
- Insurance
- Product Liability
- Commercial Litigation
- Life, Health, Disability & ERISA
- Employment
- Structural Steel

OFFICES

- Louisville
- Columbus

OVERVIEW

Denise M. Motta is a Partner in the Louisville office of GRSM. She has extensive experience litigating complex litigation claims in state and federal courts. Her emphasis is on construction litigation and representation of steel fabricators and other parties on large construction projects, such as stadiums and bridges. Denise provides advice to clients on contract negotiation and complex business disputes, including claims for non-payment, delay, and acceleration and allegations of defective construction. Denise also represents owners, contractors, and subcontractors on a variety of construction issues ranging from construction contracts, collection of unpaid amounts, OSHA violations, mechanic's liens, workers compensation immunity disputes, and prevailing wage disputes.

In addition to her work on behalf of clients, Denise is a mediator and arbitrator. Denise is a Panel Member

with the American Arbitration Association (AAA), Construction and Commercial. In addition to Construction and Commercial cases, Denise's extensive litigation of personal injury, product liability, and other disputes provides parties with the benefit of more than 25 years of experience to assist with alternative dispute resolution options.

Denise's litigation background includes personal injury, premises liability, construction defect, insurance coverage, ERISA, employment, product liability, and contractual disputes. She has significant experience in the coordination of litigation on both the national and state level, having represented companies on both fronts, and has been involved several cases coordinated in multidistrict litigation.

Denise's extensive experience includes providing legal advice to clients directed to their business needs, as well as to achieve the best legal result possible. Denise litigation skills often result in positive results for clients prior to trial though attention to detail provided during the discovery phase of cases to position cases for dispositive motions or settlement negotiations and mediation. Denise also has trial and arbitration experience with successful results for her clients. Denise is a frequent presenter on construction law and other complex legal topics.

REPRESENTATIVE EXPERIENCE

- Successfully represented client on a multi-million dollar stadium dispute involving changes to the unit rate arising from increased complexity in the design, and defended the client against multi-million dollar delay claims asserted by the contractor/joint venture.
- Prevailed in arbitration on behalf of a steel fabricator against a sub-fabricator asserting over \$1 million in "after-the-fact" claims raised after completion of the project.
- Successfully briefed and argued a motion to compel arbitration and stay litigation in relation to claims filed by two bond claimants against a client's payment bond where there were questions as to whether claims asserted against the client and the surety were subject to contractual arbitration provisions. Significantly, the court agreed with the argument that incorporation of the subcontract containing an arbitration provision into the bond subjected the bond claim to arbitration, even where the bond stated that legal action must be commenced in state or federal court.
- Prevailed on a motion to dismiss pursuant to Federal Rule 12(b)(6) in obtaining dismissal of multiple counts alleged against client in a breach of contract case alleging in excess of \$450,000, which resulted in voluntary dismissal of case with prejudice without any payment by client.
- Successfully advised a steel fabricator regarding strategy for negotiating with replacement general contractor and the owner following termination of the original general contractor, resulting in full payment to client of amounts due under the subcontract.
- Defended client in arbitration where plaintiff was seeking approximately \$1 million and limited award to low six figures and below last settlement offer.

- Negotiated settlement on behalf of client in lawsuit brought in relation to one project under the Miller Act, and successfully resolved ongoing disputes on related projects, including resolution of delay claims and claims asserted by other parties.
- Advised client and successfully negotiated settlement of OSHA violations and citations.
- Obtained summary judgment to on behalf of client in relation to constructive acceleration claim asserted by sub-fabricator on stadium project.
- Successfully defended client on summary judgment sought on backcharge claim related to time and materials contract on stadium project.
- Negotiated settlement of insurance claim involving crane collapse, obtaining full reimbursement to client.
- Represented structural steel fabricator in case arising from fire and contract dispute and negotiated resolution of payment terms on behalf of client without finalizing contract with contractor.
- Negotiated successful settlement terms of steel fabricator in payment and shipment dispute.
- Negotiated settlement on behalf of client in relation to paint dispute.
- Represented structural steel fabricator and reached settlement in case involving default claim in a bridge construction case.
- Represented client and negotiated settlement in employment/non-compete dispute.
- Representation of client and successful resolution in discovery dispute arising from subpoenas issued in employment dispute.
- Representation of structural steel fabricator in relation to subpoena issued in relation to project and challenged subpoena without production of documents by client.
- Represented plumbing contractor in lien dispute and obtained full payment on client's behalf.
- Provide contract advice to steel fabricators and other clients in relation to contract negotiations.
- Represented city in relation to contract dispute and liens filed in relation to museum project and negotiated settlement of claims and dismissal of all claims against city.
- Represented product manufacturer and negotiated settlement and dismissal of claims against client for minimal replacement cost.

PUBLICATIONS

- Co-Author, Commencing an Action: Kentucky, *Practical Law State Q&A*, Westlaw Today, January 2025
- Co-Author, Provisional Remedies: Kentucky, *Practical Law State Q&A*, August 2024
- Co-Author, Statutes of Limitations: Kentucky, *Practical Law State Q&A*, March 2024
- Delay Claims: What They Are and What Do You Need to Know about Them? *Surety Bond Quarterly*, Spring 2022.
- What You Need to Know About Delay Claims and How to Prove or Defend Against Them, *GRSM Steel Team Publications*, August 2021.
- Understanding Acceleration – the Basics, *GRSM Steel Team Publications*, August 2021.

- Contributing Author, National Subrogation Law Manual, 2011, 2012, 2013, 2014, and 2015.

PRESENTATIONS

- That's Totally Bogus, Man! Strategies for Defending Against Back Charge Claims, VCSSFA Annual Meeting (September 2024)
- How to Build a Better Mouse Trap: Putting Together Change Orders that Will Get Paid, SASF Fall Meeting (October 2024)
- Communication Errors: Tips to Avoid Common Communication Mistakes to Prevent Disputes and Damage Claims, Kentucky Damage Prevention Summit (June 2024)
- "Don't Go Changing to Try and Please Me" – But it Would Please Me if You Follow These Change Order Strategies, National Association of Women in Construction, Louisville Chapter (April 2024).
- "You Can't Handle the Truth ... or Can You?" Effective Use of ADR for Resolution of Construction Disputes, DRI Construction Law Seminar (January 2024)
- "The Times They Are A-Changin':" Putting Together Change Orders that Will Get Paid, National Association of Ornamental & Miscellaneous Metals/Metalfab 2024 (January 2024)
- Alphabet Soup – Understanding the ABCs of CGL, BR, E&O, OCIP, CCIP, and Other Insurance Policies, GRSM WIC Webinar/GRSM Steel Team Webinar (November 2023)
- "The Times They Are A-Changin':" Putting Together Change Orders that Will Get Paid, Gordon & Rees Steel Team Webinar (August 2023)
Lessons Learned from the Godfather, or in this Case the Code of Standard Practice, Gordon & Rees Steel Team Webinar (January 2023)
- "Don't Be Caught Off Guard: Using Your Contract to Prove and Defend Against Damages," GRSM Women In Construction Webinar Series (October 4, 2022)
- "Toto, We're Not in Kansas Anymore": Best Practices for Supporting and Obtaining Payment of Change Orders, GRSM Steel Team Fabricators Webinar (June 28, 2022)
- Manufacturing Security: Cost Effective Cybersecurity for the Steel Industry, GRSM Steel Fabricators Webinar (April 12, 2022)
- "Out With the Old, In With the New" Downstream Contracts, GRSM Steel Fabricators Webinar (February 1, 2022)
- "Lawyers, Guns and Money": What You Need to Know About Defending and Prosecuting Claims Before You Get into a Dispute, GRSM Steel Fabricators Webinar (November 2, 2021)
- "I've Got a Bad Feeling About This." What can you do to avoid having that "bad feeling" when you are trying to collect changes," Change Orders, 2021 TSSI Meeting, Galveston, TX (October 15, 2021)
- The Best Tool in Your Tool Belt: What You Need to Know about the AISC Code of Standard Practice and How You Can Use It to Your Benefit, GRSM Steel Fabricators Webinar (October 5, 2021)
- When did Steel Fabricators Become the Bank? and 2021 VCSSFA Annual Meeting Wild Dunes, SC (September 24, 2021)

- “I’ve Got a Bad Feeling about This”: What You Can Do to Avoid Having that “Bad Feeling” when You Are Trying to Collect Change Orders, GRSM Steel Fabricators Webinar (September 7, 2021)
- Common Communication Errors to Avoid, Which Often Lead to Disputes, GRSM Steel Fabricators Webinar (June 8, 2021)
- 14 Contract Terms You Should Look for in Every Contract Before You Bid (Or Sign) so That You Can Avoid Saying, “I’ve Got a Bad Feeling About This!,” GRSM Steel Fabricators Webinar (March 2, 2021)
- Every Rose Has Its Thorn: It’s Time to Take Another Look at Your Subcontracts, GRSM Steel Fabricators Webinar (May 5, 2020)
- The Best Tool in Your Tool Belt: What You Need to Know about the AISC Code of Standard Practice and How You Can Use It to Your Benefit, GRSM Steel Fabricators Webinar (March 3, 2020)
- “Litigating and Resolving Subrogation Claims from the Health Plan’s Perspective,” Ohio Association for Justice Annual Meeting (May 2014)

CREDENTIALS

Admissions

- Kentucky
- Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Western and Eastern Districts of Kentucky
- U.S. District Court, Southern and Northern Districts of Ohio
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Northern District of Texas

Memberships

- AAA Construction and Commercial Arbitrator and Mediator
- DRI
 - Alternative Dispute Resolution Committee, Vice Chair, 2025
- State Bar of Kentucky
- National Association of Women in Construction, Louisville/Southern Indiana Chapter

Community Involvement

- St. Michael Catholic Church, Member and Auction Chair

Education

- J.D., *magna cum laude*, Salmon P. Chase College of Law, Northern Kentucky University, 1996
 - Order of Curia
 - Northern Kentucky Law Review
- B.A., *cum laude*, Political Science, University of Louisville, 1993

Honors

- “Ohio Super Lawyer Rising Star”, July 2007