



## Robert M. Barrack

### PARTNER

Hartford

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### RELATED SERVICES

- Construction
- Construction Receivable Recovery
- Surety
- Construction Professionals

### OFFICES

- Hartford

### OVERVIEW

Robert M. Barrack is a Partner in the Hartford office of GRSM and is a member of the Construction practice group. He dedicates his practice to complex construction and commercial litigation and appeals, including contractual disputes, professional negligence, surety bond claims, subrogation claims, mechanics' liens, business torts, unfair trade practices, bad faith claims, product liability, and real property disputes, as well as construction transactions, on behalf of businesses, public entities, educational institutions, and individuals.

Robert represents contractors, design professionals, owners, manufacturers, and sureties regarding a variety of claims involving defective design and construction, change orders and delays, mechanics' liens, bid disputes, and surety bonds. He has extensive experience representing clients in state and federal courts, including the Connecticut Appellate and Supreme Courts, as well as in arbitrations and mediations.

## **Contract Procurement and Project Delivery**

Robert regularly negotiates and drafts design and construction contracts for a variety of clients. Handling contracts in both public and private settings, he represents educational institutions, public owners, and design and construction professionals.

## **Dispute Resolution**

Disagreements can easily complicate a construction project. Robert works to bring about favorable results for his clients, often resolving disputes through mediation and arbitration. In several cases involving performance bond sureties, he obtained either judgments of discharge or favorable settlements based on lack of proper notice. On behalf of a general contractor, he negotiated a settlement in connection with a claim for defective floors on a housing project where the client obtained a release without paying any compensation. On behalf of a homeowner, he obtained a settlement where the architect and contractor paid in full to correct structural defects and also paid to offset the owner's attorney's fees. In public bidding disputes he has obtained successful results both in challenging improper contract awards and defending awards to low bidders.

## **Pro Bono**

Robert is a proponent of pro bono work, in particular in the area of veterans matters. He drafted and negotiated the contracts for the construction of the Simsbury, Connecticut, Veteran's Memorial on behalf of a veteran's group and has represented indigent veterans in landlord-tenant disputes.

## **REPRESENTATIVE EXPERIENCE**

### **Representative Experience**

- Drafted an appellate brief on behalf of a general contractor whereby the New York Appellate Division reversed the summary judgment in favor of the insurance broker, who failed to obtain appropriate insurance coverage for the client.
- Co-wrote an appellate brief whereby the federal district court reversed a bankruptcy court and ruled that an architect could bring a third-party claim involving a large public project against a consultant who had previously obtained a discharge in bankruptcy.
- Obtained summary judgment on behalf of a window manufacturer in a multimillion-dollar claim involving a public project.
- Representation of a subcontractor in a claim against the general contractor for one of the largest houses in Connecticut, leading to a significant settlement on the eve of trial.

- Representation of a major state university, including the president, chancellor, and dean, with regard to numerous state and federal claims by a professor, leading to settlement whereby the professor agreed to curtail unacceptable behavior and forbear from any future claims or actions against the university.
- Representation of the largest national media conglomerate in a multimillion-dollar contract dispute with the owner of a Connecticut theater, resulting in a settlement involving the buyout of the theater property by the client.
- Represented a large foreign health supplement company in numerous commercial disputes and cases following the termination of long-term supply agreements after an FDA recall.
- Successfully defended a municipality through two trials and appeals in a suit brought by a commercial property owner in a dispute over a public parking garage.
- Successfully defended an appeal before the Connecticut Appellate Court in connection with a \$2.5 million commercial foreclosure of a ski resort on behalf of an investment group and obtained dismissals of federal and state actions by the former owner of the resort against the client.
- Obtained summary judgment in federal court in Wisconsin on behalf of a health care provider on a \$3.5 million claim by a consultant for breach of an IT outsourcing agreement.
- Obtained dismissal of a multimillion-dollar subrogation claim against an architect for the defective design of a high school roof brought by the insurance carrier for the school district.
- Obtained decision by the Connecticut Supreme Court on behalf of a surety limiting scope of coverage of a subdivision development surety bond in a case of first impression.
- Successfully defended a municipality in a bid challenge by a contractor and, in issue of first impression, obtained decision by the Connecticut Supreme Court limiting bid challenges against municipalities by unsuccessful bidders.
- Obtained dismissal in federal district court of several causes of action, which led to an innovative nationwide settlement of a RICO class action against a building products manufacturer.
- In a case of first impression in Connecticut, obtained summary judgment in federal district court on behalf of a surety for failure of a performance bond obligee to properly declare the principal in default and to give the surety proper opportunity to exercise its options and limit its liability. This decision led to other significant victories, including in the Second Circuit Court of Appeals, on behalf of sureties on notice issues.
- Obtained affirmance by the Second Circuit Court of Appeals of the District Court's dismissal of quiet title action against homeowners by a successor trustee claiming that conveyance of property by a predecessor co-trustee was void.
- Obtained arbitration award on behalf of subcontractor against trade contractor of \$1.4 million, including \$500,000 in punitive damages and \$200,000 in attorney's fees.

## CREDENTIALS

### Admissions

- State of Connecticut
- State of New York
- U.S. District Court, District of Connecticut
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of Wisconsin

### Memberships

- Connecticut Bar Association
  - Business Torts Section
  - Construction Law Section
- Connecticut Building Congress
  - Programs Committee
  - Project Team Awards Committee

### Community Involvement

- Colchester Land Trust

### Education

- J.D., *with honors*, Rutgers University School of Law
  - American Jurisprudence Award for Contracts
  - ABA Land Use Award
  - *Rutgers Law Journal*
- A.B., Vassar College