



Todd R. Regan

PARTNER

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RELATED SERVICES

- Construction
- Construction Receivable Recovery
- Surety
- Construction Professionals

OFFICES

- Hartford
- Boston
- New York

OVERVIEW

Todd Regan, a Partner in the firm's Construction practice group, has more than twenty years' experience in litigating complex construction and commercial disputes throughout the Northeast. Todd frequently appears in the state and federal courts in Connecticut, Massachusetts and New York. He is honored to have been recognized by his peers as a *Best Lawyers*® "Lawyer of the Year" in Construction Law for 2022 and 2024.

Dispute Resolution

Todd regularly advises project owners, construction managers, trade contractors, suppliers and design professionals in high stakes disputes concerning project delays, inefficiencies and lost productivity, defective design and construction, unfair trade practices and bad faith. He has a particular expertise in litigating mechanic's liens and surety bond claims and is a frequent writer and speaker on legal issues impacting the construction industry. Todd has successfully argued before the U.S. Court of Appeals for

the First Circuit and the Connecticut Supreme Court on significant issues concerning the construction industry.

Todd has represented parties in complex disputes in a variety of industries and projects, including subways and public transportation; large infrastructure projects such as roads, bridges, and pipelines; university residence halls and dining facilities; military bases; public school construction and renovations; energy projects including power plants and solar farms; office buildouts and renovations and luxury residential construction. Notably, he represented a bridge contractor in an appeal before the Connecticut Supreme Court in a case that helped define the scope of the waiver of the State's sovereign immunity for disputed claims on public construction projects. The case resulted in the reinstatement of a \$13 million arbitration award in favor of the contractor.

Contract Procurement and Project Delivery

Todd frequently counsels clients in the negotiation of complex construction agreements, including agreements with construction managers, general contractors, owners, engineers, and subcontractors. He has represented clients in the negotiation of agreements for a wide range of projects, including manufacturing facilities, warehouses, affordable housing developments, infrastructure, high rise hotels, tenant fit-outs and apartment buildings.

Surety Claims

Todd heads the firm's Surety Practice Group. He has extensive experience representing sureties with respect to payment and performance bond claims, contractor defaults, takeover and completion agreements, and the defense of bad faith claims.

He successfully argued on behalf of a surety before the Connecticut Supreme Court in defense of a bad faith claim stemming from the surety's handling of a payment bond claim. He defeated the claimant's effort to create an implied judicial default provision into the statute, thereby creating new law on the proper interpretation of the state's Little Miller Act.

Todd successfully defended a surety against bad faith claims asserted by a bond principal in an effort to extinguish a \$100 million indemnity obligation stemming from a contractor default. He also successfully argued on behalf of a surety before the U.S. Court of Appeals for the First Circuit on a dispute concerning a surety's right to seek an attachment of an indemnitor's assets under Massachusetts law.

Todd serves as one of just eight members nationally of the Attorney Advisory Council for the National Association of Surety Bond Producers. He frequently authored articles and presents on a variety of topics concerning the surety industry and is actively involved in numerous industry organizations, such as the American Bar Association's Tort Trial and Insurance Section Fidelity and Surety Law Committee,

and The Surety Claims Institute.

Pro Bono and Community Involvement

Todd is actively involved with community organizations, having served as a volunteer reader for the Hartford Public Schools, a pro bono attorney with Lawyers for Children America and as a board member for several nonprofit organizations, including Connecticut Landmarks, the Connecticut Community for Addiction Recovery, and Organized Parents Make a Difference.

REPRESENTATIVE EXPERIENCE

Dispute Resolution

- Represented buyer of Greenwich, CT estate in multimillion dollar claims against property seller for incomplete and defective workmanship, violations of the Town of Greenwich wetlands regulations, and failing to obtain required approvals from the Planning & Zoning Commission, Building Department, and homeowners association.
- Represented a private boarding school in claims against a contractor for project delays and incomplete and defective workmanship in connection with the construction of a new field house.
- Represented developer of luxury Manhattan assisted living facility tower in multimillion dollar claims against contractor for project delays and defective workmanship.
- Obtained favorable settlement on behalf of Manhattan property owner in multimillion-dollar claims against contractor for property damage resulting from excessive vibrations generated at neighboring construction site and for strict liability for violation of New York City Building Code § 3309.4.
- Successfully represented a nonprofit organization in claims against the builder of a multi-family housing project for faulty construction and damage caused by water infiltration.
- Successfully prosecuted claims in favor of owner of waterfront Hamptons estate in claims against contractor for fraudulent conveyances and piercing of the corporate veil in action pending in the United States District Court for the Eastern District of Long Island.
- Represented Homeowners Association in claims against developer for defective workmanship and violations of the Connecticut Common Ownership Interest Act (CIOA) and New Home Warranty Act.
- Represented concrete formwork supplier in prosecuting claims for payment and foreclosure of a public improvement mechanic's lien in action in pending in Kings County New York Supreme Court.
- Represented surety in defense of payment bond claims alleging lost productivity and extended general conditions costs in connection with the construction of a sports complex for a public university in Connecticut.
- Represented elevator contractor in prosecuting claims for nonpayment and violation of the Massachusetts Prompt Payment Act (M.G.L. c. 149, § 29E), the Massachusetts Retainage Law (M.G.L. c. 149, § 29F) and the Consumer Protection Act (M.G.L. c. 93A) in an action in Suffolk Superior Court.

- Represented elevator contractor in prosecuting claims for nonpayment and foreclosure of mechanic's lien in multifamily residential project in Atlantic City New Jersey.
- Successfully obtained discharge of contractor's mechanic's lien on behalf of homeowner after multiday evidentiary hearing and obtained an order that the parties' contract was unenforceable due to violations of the Connecticut Home Improvement Act, General Statutes Sec. 20-418, *et seq.*
- Obtained dismissal of a lawsuit against a subcontractor filed in the State of Minnesota concerning construction projects located in Connecticut on the grounds that the forum selection and choice of law clauses in the subcontract were unenforceable under Connecticut's "Act Concerning Fairness in Financing in the Construction Industry" (PA 99-153), Conn. Gen. Stat. § 42-158i to § 42-158r, which requires disputes arising from Connecticut construction projects to be litigated in Connecticut and for Connecticut law to be applied.
- Represented a green roof contractor in claims for nonpayment for work performed in the construction of an auto dealership in Manhattan, including the filing of a mechanic's lien.
- Represented national elevator contractor in dispute with supplier concerning construction project located in Manhattan, including the bonding of a mechanic's lien pursuant to NY Lien Law §19.
- Represented a glass contractor in payment dispute with general contractor concerning a school construction project in Connecticut.
- Represented General Contractor on power plant construction project in claims against terminated subcontractors for excess completion costs and defective workmanship.
- Represented Green Roof contractor in defense of claims for defective workmanship and in claims for unpaid contract balances.
- Represented a public university in claims for design and construction defects on a campus dormitory complex.
- Defended Third Party Administrator (TPA) from multi-million dollar claims alleging negligent underwriting and negligent claims handling of construction contract surety bonds.
- Represented one of the nation's largest specialty electrical contractors in the assertion of affirmative claims for extra costs stemming from extended project duration, loss of productivity, and acceleration on a New York Transit Authority (MTA) project.
- Represented a specialty electrical contractor in the assertion of backcharges against a subcontractor for schedule delays due to late equipment deliveries and defective workmanship on MTA project in Manhattan.
- Successfully argued on behalf of surety in Certified Question before the Connecticut Supreme Court concerning the proper interpretation of the statutory public works payment bond claims procedures and defeated effort to read implied judicial default provision into the statute.

- Successfully represented bridge contractor in appeal before the Connecticut Supreme Court in a dispute concerning the scope of the waiver of the State's sovereign immunity for disputed claims on public construction projects, resulting in the reinstatement of a \$13 million arbitration award in favor of the contractor.
- Represented site work subcontractor in claims against prime contractor and surety for unpaid contract balances and disputed change orders on camp Lejeune Marine Corps base project located in Jacksonville, North Carolina.
- Representation of the owner of a high-end home in multimillion-dollar claims against the project architect, HVAC designer/installer, window installer, and window manufacturer with respect to defective design and specification of windows and HVAC systems
- Represented a surety in defense of multimillion-dollar bad faith claim asserted by indemnitor and in affirmative claims against indemnitor for reimbursement of over \$100 million in losses on failed bridge projects.
- Successfully argued on behalf of a surety before the U.S. Court of Appeals for the First Circuit on matter concerning the interpretation of a surety's right to seek an attachment of assets under Massachusetts law.
- Represented a public utility in defense of multimillion-dollar claims for delays, lost productivity, and disputed change orders asserted by drainage/site work contractor on a project for the installation of underground power transmission lines.
- Served as local counsel for an international window manufacturer in multiday trial in the New Haven Superior Court in defense of claims for contract balances, delays, and disputed change orders asserted by window supplier.
- Successfully represented a design and engineering firm in a trial against the project owner and construction lender concerning the validity and priority of its mechanic's lien over encumbrance of mortgager; obtained judgment for full amount and first priority of the lien, plus a substantial award interest and attorney's fees.
- Representation of a project engineer in dispute regarding design and construction of \$500 million gas turbine power plant. After several days of arbitration hearings, reached favorable negotiated settlement.

Contract Procurement and Project Delivery

- Represented manufacturer of scientific equipment in negotiation of design-build agreement for expansion of manufacturing facility packaging area.
- Drafted and negotiated the construction contract documents on behalf of international private equity fund for the multi-million dollar fit-out of their Manhattan headquarters.
- Represented manufacturer of pharmaceutical devices in the drafting and negotiation of a design-build agreement for the expansion and renovation of its manufacturing facility.

- Represented owner in the drafting and negotiation of the CM Agreement and design consultant agreements for construction of hotel project in Manhattan.
- Represented Fintech company in the drafting and negotiation of construction contracts for multi-million dollar office fit-outs for North American offices.
- Represented lender in negotiating terms of the construction related documents for the construction of a multimillion-dollar affordable housing project located in Florida.
- Represented developer in the drafting and negotiation of the design and construction agreements for the creation of a technology office high rise in Manhattan.
- Drafted and negotiated numerous contracts and subcontracts for international railroad contractor having combined project values in the tens of millions of dollars.

PUBLICATIONS

- Risk Transfer Clauses: Subcontractor Beware, *Surety Bond Quarterly*, Spring 2025
- Construction Laws and Customs: Connecticut, *Thomson Reuters*, September 2023
- Risk Transfer Provisions Help General Contractors Allocate Risk, *CONNstruction*, Winter 2023
- Asserting Veil-Piercing Claims, *Surety Bond Quarterly*, Winter 2023
- When Payment Bonds Cover Rental Equipment Charges, *Surety Bond Quarterly*, Fall 2023
- Have an Ironclad Personal Guarantee From a Corporate Officer or Agent? Not so fast—courts, particularly in New York, may be reluctant to enforce it, *Surety Bond Quarterly*, Summer 2023
- Pulling the Plug: What to Know about Contract Termination for Cause after Substantial Completion of a Project, *Construction Executive Magazine*, November 2022
- Hot Topics in Construction and Surety Risk Management, *Surety Bond Quarterly*, Fall 2020
- The Benefits of Lien Prevention Bonds, *Surety Bond Quarterly*, Spring 2020
- Understanding the Surety's Salvage Rights Against the Principal, Indemnitors, and Third Parties: What Do Bond Producers Need to Know?, *Surety Bond Quarterly*, Fall 2018
- Sureties Accelerate Resolution of Performance Bond Claims Through Expedited Dispute Adjudication, *Surety Bond Quarterly*, Spring 2018
- Inside the AIA's New Insurance and Bonding Contract Exhibit, *Surety Bond Quarterly*, Winter 2017
- Q&A Construction Laws and Customs, *Practical Law Journal*, June 2016
- Public-Private Partnership Projects: Bonding Process Considerations for Bond Producers and Sureties, *Surety Bond Quarterly*, Winter 2015
- Can Public Owners Be Held Liable to Subcontractors and Suppliers for Failure to Require General Contractors to Obtain Required Payment Bonds?, *Surety Bond Quarterly*, Summer 2015
- Differing Court Views on the Surety's Non-Response to a Claim within the Payment Bond's Prescribed Time Period, *Surety Bond Quarterly*, Spring 2015

PRESENTATIONS

- *Making the Case Against Manufacturers and Suppliers*, Surety Claims Institute Conference, St. Simons Island, GA, June 2019
- *Contract Administration*, The Construction Management Association of America's (CMAA) Professional CM Course for the Certified Construction Manager (CCM) Exam, March 2019
- *The Surety's Salvage Rights Against the Principal, Indemnitors and Third Parties: What Do Bond Producers Need to Know?*, National Association of Surety Bond Producers, December 2018
- *My Brother's Keeper: The Pitfalls of Bonding Special Preference Relationships*, NASBP Road Show: Bonding with Bob program, July 2018
- *Developments in Construction Law*, Connecticut Bar Association, Connecticut Legal Conference, June 2016
- *Deciphering and Navigating the Terms and Conditions of Industry and Modified Bond Forms*, National Association of Surety Bond Producers' Regional Meeting, September 2015

CREDENTIALS

Admissions

- Massachusetts
- Connecticut
- New York
- U.S. Court of Appeals, 1st Circuit
- U.S. District Court, District of Connecticut
- U.S. District Court, District of Massachusetts
- U.S. District Court, Eastern and Southern Districts of New York

Memberships

- Connecticut Bar Association, Construction Law Section
- American Bar Association
 - Forum on the Construction Industry
 - Tort Trial and Insurance Practice Section
 - Fidelity & Surety Law Committee
- Surety Claims Institute
- National Association of Surety Bond Producers, Attorney Advisory Council
- Associated Builders and Contractors of Connecticut
- Associated General Contractors of Connecticut
- Construction Lawyers Society of America, Fellow

Community Involvement

- Connecticut Landmarks, Board of Trustees
- United Way of Central and Northeastern Connecticut, United Way volunteer reader, Clark School, Hartford, Connecticut
- Lawyers for Children America, Pro bono lawyer in child neglect cases
- Organized Parents Make a Difference, Board of Trustees.

Education

- J.D., *with honors*, University of Connecticut School of Law, 2002
- B.A., *magna cum laude*, Boston College, 1999

Honors

- *Best Lawyers in America*® “Lawyer of the Year” in Construction Law, Hartford, 2022 & 2024
- *Best Lawyers in America*® distinction in Business Organizations (including LLC and Partnerships), 2023-2024, Commercial Litigation, 2018-2025, Litigation – Construction, 2017-2025, Construction Law, 2019-2025
- Selected as a Fellow of the American Bar Foundation
- Selected to the Top 100: 2019 New England *Super Lawyers*® list.
- Selected to the Top 50 Connecticut *Super Lawyers*® list, 2018-2024
- Selected to the Connecticut *Super Lawyers*® list, 2013-2024
- Selected as a Rising Star in the Connecticut *Super Lawyers*® list, 2009-2012
- *Hartford Business Journal*, 2015 “Forty Under 40” Inductee
- *Connecticut Law Tribune*, recognized in 2015 New Leaders in the Law Yearbook
- *Engineering News-Record New England*, Top Young Professional for Construction Industry, 2016