



## Justin M. Alaburda

**Co-Managing Partner and Member**



Justin is the co-Managing Partner of the Akron office and principal Member at BMD who practices in the firm's Construction, Litigation, Real Estate, Business and Environmental practice groups. With extensive experience litigating various construction and other commercial disputes, Justin leverages an aggressive approach to help clients reach efficient resolutions. Justin places a premium on quickly learning each client's business culture in order to tailor an approach that fits that client's specific objectives and needs.

### Contact Information

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### Education

**Capital University Law School**, J.D., cum laude

**The College of Wooster**, B.A., Political Science

### Overview

Justin has a proven track record as a successful advocate for clients on a variety of large and small construction, real estate, and business litigation matters in state and federal court, arbitration panels and administrative agencies. As a trusted advisor, Justin's clients call on him to provide fast, practical and valuable advice relating to the proper management and resolution of claims. In addition to helping clients resolve claims, Justin serves as a strategic partner by working with clients to avoid claims by proactively identifying risks and assisting clients to reduce exposures to liability.

Justin has been recognized by Ohio Super Lawyers as a Rising Star for nine consecutive years, 2012 - 2020. Rising Stars are selected by their peers as the top up-and-coming attorneys who are under 40 or who have been practicing for 10 years or less. Only 2.5 percent of the attorneys in Ohio are named to the Rising Stars list each year.

### Representative Matters

#### *Construction*

- Lead counsel in week-long AAA arbitration hearing, obtained \$2.7 million dollar award, including delay damages and attorneys' fees, in favor of specialty environmental remediation contractor client involved in a waste consolidation soil cover landfill project
- Lead counsel in three-day AAA hearing, obtained award in favor of masonry contractor client involved in the construction of new K-8 school, including interest and attorneys' fees under Ohio's Prompt Payment Act
- Lead counsel in the successful defense of claim against civil engineer client involved in a municipal pump state

project, obtained court ordered dismissal on summary judgment at trial court and successfully argued the decision be upheld on appeal

- Successfully litigated payment claim on behalf of contractor client arising out of hydroelectric dam project delivered through the integrated project delivery (IPD) method, negotiated favorable multi-million dollar settlement
- Successfully prosecuted delay damages claim before the Armed Services Board of Contract Appeals on behalf of contractor client involved in the construction of a new centralized office building pursuant to the federal government's mentor-protégé program, negotiated favorable multi-million dollar settlement
- Successfully defended civil engineer client from defective design claims in federal court and reaffirmed the accrual of statute of limitations for negligence claims against design professionals in Ohio
- Lead counsel in obtaining judgment in favor of subcontractor client for damages caused by suppliers' breaches of contracts on assisted living new construction project
- Regularly asserts and defends bond and mechanics' lien claims on behalf of various contractor and subcontractor clients
- Regularly drafts and negotiates construction contracts on behalf of clients, and counsels clients concerning procurement, project delivery and compliance matters

#### *Business Litigation and Real Estate*

- Successfully defended state agency in class action involving the calculation of the Current Agricultural Use Value tax, obtained court ordered dismissal on summary judgment
- Successfully represented emerging technology company in fraud and breach of fiduciary duty case against investor group, negotiated favorable settlement including payment and retention of intellectual property rights
- Represents a nationally known retail REIT in commercial eviction and other matters
- Successfully prosecuted more than 20 lawsuits in federal court on behalf of a large medical device manufacturer client to enforce a unique provision in the standard services contract
- Defended a state agency at a two week bench trial and on appeal in a \$1.2B class action lawsuit
- Successfully represented numerous clients in property tax valuation disputes

## Courts & Bar Associations

- Ohio Bar (2007)
- U.S. District Court, Northern District of Ohio (2008)
- U.S. District Court, Southern District of Ohio (2015)
- Member: American Bar Association
- Member: American Bar Association (Litigation Section; Forum on the Construction Industry; and Construction Litigation Committee)
- Member: Ohio State Bar Association
- Member: Cleveland Metropolitan Bar Association
- Member: Akron Bar Association

## Professional & Civic Affiliations

- Board Member: Construction Employers Association, Future Executive Board
- Member: Ohio Contractors Association
- Member: Subcontractors Association of Northeast Ohio
- Member: Surety Association of Ohio
- Board Member: Downtown Akron Partnership Emerging Leaders
- Member: Lawyers Guild of the Catholic Diocese of Cleveland
- Participant: Volunteer Income Tax Assistance (V.I.T.A.)

- Board Member: Seton Catholic School (2010 – 2014)

## Presentations & Publications

- Communication is Key: Strategies for Avoiding and Resolving Delay Damage Claims
- Ohio Mechanics' Lien Law: Using the Law to Your Advantage
- Is It True That I Only Get Paid If You Get Paid? Contingent Payment Provisions and Other Contract Terms That Affect Your Right To Be Paid
- You Want What Warranty?
- Contractual and Mechanics' Lien Waivers - What Am I Really Waiving?
- Getting Paid for Extras, Notice Provisions and Cost Documentation Best Practices
- Negotiating Damages in Construction Disputes
- Ethics for Construction Attorneys

## Practice Areas

Business & Corporate Law

Construction Law

Environmental

Litigation

Oil, Gas & Minerals

Real Estate

Contact Justin Today!