



Kevin O'Brien

Partner

Kevin O'Brien assists both owners and contractors in solving complex construction and design related problems arising out of both private and public construction projects. He has substantial experience in all aspects of construction counseling and litigation, including defense and prosecution of claims before state and federal courts, governmental administrative panels and arbitration tribunals, as well as contract review and counseling. He has experience handling bench and jury trials, arbitrations and mediations.

Kevin O'Brien

1299 Pennsylvania Ave NW
 Washington, DC 20004
 t. +1 202.383.6617
 f. +1 202.383.6610

O'BrienK@howrey.com

ADMISSIONS

California
 District of Columbia

EDUCATION

University of San Francisco
 School of Law (JD, 1984), *cum laude*

University of San Francisco Law Review, Articles Editor (1983-1984)

Georgetown University (BA, 1976), *cum laude*

Matters on which Mr. O'Brien has been engaged in a broad array of projects, including numerous energy projects (involving nuclear, fossil, and renewable fuel technologies), water treatment facilities, petrochemical facilities, buildings, parking structures, telecommunications facilities, military installations, aerospace facilities, bridges, highways and tunnels.

Mr. O'Brien is a regular speaker on construction law topics including Nuclear Power Contracts, Economic Loss, Latent Defects and the False Claims Act. He has conducted numerous continuing education presentations on liability of design professionals, electronic discovery in construction disputes and anticipating litigation for the problem project.

REPRESENTATIVE MATTERS

- *Bechtel Power Corp. v. Athens Generating Co.* Trial counsel in arbitration of disputes related to out-of-scope work and to the achievement of substantial completion of a 400 MW combined cycle power plant.
- *Bechtel Power v. Connecticut Yankee.* Trial counsel for general contractor in the prosecution of claims arising out of one of the first decommissioning of a nuclear power plant.
- *Parsons Brinckerhoff v. Walsh Construction.* Lead counsel on defense against design deficiency claims relating to construction of a cogeneration facility for University of California.
- *Pomeroy v. Foothill De Anza College.* Lead trial counsel for successful prosecution of claims for extra work and disruption relating to the construction of a \$75 million parking structure.
- *Morrison Knudsen v. P&K Trucking.* Lead counsel on the successful dismissal of fraud, breach of contract, and statutory claims against a general contractor arising out of a WMBE program relating to a \$100

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million public outfall sewer project.

- *Louisiana Pacific v. Asarco*. Lead counsel on claims for remediation costs on behalf of commercial land owner.

COURTS & ADJUDICATIVE BODIES

- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the District of Columbia
- United States District Court for the District of Maryland

PROFESSIONAL AFFILIATIONS

- American Bar Association, Public Contract Code Section, Forum on the Construction Industry
- Member, Bar Association of San Francisco
- District of Columbia Bar Association
- Western Conference of Construction Consumers, Legal Committee

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"Nuclear Power, Dawn of a New Life?" *American College of Construction Law Journal* (2007).

BOOKS

California False Claims Act. Lorman Publications (2001).

SPEECHES

"Liability Issues for Nuclear Projects." ABA Forum on Construction (2009).