KT Client Success: Pennsylvania Appellate Court Affirms Defense Verdict for Kilpatrick Townsend Construction Client in Longstanding MLB Stadium Case

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KILPATRICK TOWNSEND

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In December 2017, Kilpatrick Townsend, led by Counsel John Bergin, successfully defended the verdict on appeal in a large, complex case involving the construction of a major league baseball stadium (PNC Park) in Pittsburgh. The Pennsylvania appellate court affirmed the verdict, ending a 15-year case that alleged up to $30 million in damages.

The case began in 2002 when a local subcontractor sued firm clients — the project's design/construction manager, municipal owner, and the Pittsburgh Pirates — alleging that the defendants conspired to wrongly default and bankrupt the subcontractor. The subcontractor filed three different multicount complaints with contractual, statutory, and tort counts, and sought compensatory damages in excess of $20 million along with unspecified punitive damages and interest that increased the amount to more than $30 million.

Following extensive discovery, the specially-assigned judge granted the firm's dispositive motions, dismissing all claims against the owner and the Pirates, as well as 15 of the 16 counts against the design/construction manager. After the subcontractor made astronomical settlement demands at mediation, the case proceeded to trial in late 2010 on the subcontractor's claim that the design/construction manager intentionally interfered with the subcontractor's business relationship with its surety and bankrupted the subcontractor. Following a six-week bench trial, the court granted the firm's motion for directed verdict in early 2011 on an issue of first impression as to the interference claim and corresponding limitations period.

Despite the subcontractor's successful appeal of the defense verdict, the Pennsylvania Supreme Court refused to hear the case, requiring the parties to return to the trial court in 2014 and submit court-ordered briefs with proposed findings of fact and legal conclusions. In January 2016, the trial court entered a defense verdict on the merits. The subcontractor appealed again, however the appellate court unanimously affirmed the trial court's defense verdict in December 2017, effectively ending the 15-year case.

Counsel John Bergin successfully represented our clients throughout the case with assistance from Senior Associate Chris Henel during the last four years of the case.

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