

A low-angle, upward-looking photograph of several modern skyscrapers against a clear blue sky. The buildings are rendered in a monochromatic blue tone, creating a sense of height and architectural grandeur. The perspective draws the eye towards the top of the frame.

COKINOS

IS YOUR **NATIONALLY RANKED**
CONSTRUCTION AND
COMMERCIAL REAL ESTATE LAW FIRM.

COKINOS | YOUNG

Cokinos | Young knows construction and commercial real estate law across three coasts, it's what we've done since our 1989 founding in Texas. Today, we offer you over 100 of the nation's most knowledgeable legal professionals from the East to West coasts.

Cokinos | Young is known for our depth of knowledge in litigation and transactional services in commercial, industrial, civil, pipeline, offshore, heavy highway and residential construction. Our clients benefit from extensive experience on a wide range of construction projects in both the public and private sectors. And they will attest to our commitment, efficiency and steadfast focus on the best possible outcomes.

To stay at the forefront of issues impacting our industry and the clients we represent, we are actively involved in many essential industry-related associations. These valued relationships provide us with the opportunity to optimize our industry and best serve all clients. Our leadership roles position Cokinos | Young as one of the most innovative and influential firms in our field.

*We are here for you. Savvy. Tough. Dedicated. **That's Cokinos.***



AUSTIN

Las Cimas IV
900 S. Capital of Texas Hwy, Suite 425
Austin, Texas 78746
512-476-1080

HOUSTON

Four Houston Center
1221 Lamar Street, 16th Floor
Houston, Texas 77010
713-535-5500

CALIFORNIA

611 Gateway Boulevard, Suite 233
South San Francisco, CA 94111
628-229-9180

DALLAS / FORT WORTH

One Galleria Tower
13355 Noel Road, Suite 1375
Dallas, Texas 75240
817-635-3600

SAN ANTONIO

City View Tower
10999 West IH-10, Suite 800
San Antonio, Texas 78230
210-293-8700

NEW JERSEY / NEW YORK

82 E Allendale Road, Suite 6
Saddle River, NJ 07458
201-934-9800

COKINOS

Cokinos offers an impressive array of legal services backed by our commitment to efficiency, value and remarkable, responsive client service:

CONSTRUCTION LAW
COMMERCIAL REAL ESTATE
COMMERCIAL LITIGATION
CORPORATE LAW
LABOR & EMPLOYMENT
GOVERNMENT CONTRACTS

BANKRUPTCY & CREDITOR RIGHTS
INSURANCE / RISK MANAGEMENT
APPELLATE LAW
ALTERNATIVE DISPUTE RESOLUTION
TELECOMMUNICATIONS
INTELLECTUAL PROPERTY

Cokinos | Young has decades of expertise in a wide range of projects in both the public and private sectors:

CONDOMINIUMS
CORPORATE CAMPUS DEVELOPMENT
ENERGY
EPC PROJECTS
HEALTHCARE FACILITIES
HIGH-RISE BUILDINGS
HOTELS/RESORTS
INCIDENT INVESTIGATION
INDUSTRIAL FACILITIES
INFRASTRUCTURE
MANUFACTURING

MIXED-USE PROJECTS
MULTIFAMILY PROJECTS
OFFSHORE PLATFORMS
OIL & GAS FACILITIES
OILFIELD SERVICES
PIPELINES
PROCESSING/CHEMICAL PLANTS
RENEWABLE FACILITIES
RETAIL DEVELOPMENT
WASTE TO ENERGY PLANTS
WATER FACILITIES

RECOGNITIONS MARKS:



Chambers
AND PARTNERS





STEPHANIE H. COOK
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ABOUT STEPHANIE

Stephanie Cook has extensive experience with a wide range of business disputes, having successfully represented general contractors, banks, insurance companies, owners, developers, and individuals in complex commercial and construction litigation and bankruptcy for over twenty years. She began her career at Winstead P.C. and worked in the Austin and Houston offices handling lender liability and workouts. She actively served in its leadership committee before moving back to Austin to work in a litigation boutique handling civil and appellate litigation in state and federal courts for insurers, national lending institutions, and construction clients. Stephanie has settled, tried or appealed a broad range of commercial cases in state and federal courts in Texas, from delay claims, fraud, construction defects, commercial leases, subcontractor and general contractor disputes, director and officer liability, to lender liability and partnership disputes. She continues to represent international and national lending institutions relating to workout, debt restructuring, asset protection, and defaults. Her knowledge of lending practices translates into her ability to assess and protect clients in projects that are financially distressed. Stephanie has successfully negotiated contracts and resolved claims in excess of \$500 Million in mission critical and emerging technology work, including for national and regional Top 20 ENR contractors and leading industry practitioners. She has experience in mission critical contracting, negotiation, delays, and claim resolution and Design-Build projects throughout Texas.

Her devotion to the construction industry includes representing the industry before the Texas Legislature on matters important to continued construction success in Texas. She is a member of the Associated General Contractors-Texas Building Branch, Legal Affairs Committee which monitors developing law affecting the construction industry, and partners with experts in engineering and architecture to understand all aspects of construction, engineering, and design. Frequently, she speaks with professional associations on best practices and developing law to understand business risks within the construction industry. Her experience also earned her acceptance into the American Arbitration Association roster for complex commercial and construction litigation.

Stephanie also gives back to the community through leadership. She is the past-chair of AGC-Austin's Diversity and Inclusion committee and currently serves as the Chair of TEXO Foundation's DEI Committee. She was the past District Chair for Scouts, USA and continues to participate at the local level in community outreach with her children.

EDUCATION

- St. Mary's School of Law – J.D., *magna cum laude*, 1999
 - Order of the Barristers
 - John Harlan Society
 - Phi Delta Phi Honor Society
 - *St. Mary's Law Journal*, Associate Editor
- Texas Tech University – B.A., 1994

ADMISSIONS

- State Bar of Texas (1999)
- United States District Court: Northern, Eastern, Southern & Western Districts of Texas
- United States Bankruptcy Court: Northern, Eastern, Southern & Western Districts of Texas

RECOGNITIONS & DISTINCTIONS

- 2021 Edition of Texas' Best Lawyers® for Construction Law & Litigation-Construction
- Best Lawyers in America 2021 - 2023: Construction Law & Construction Litigation
- America's Top 100 Bet-the-Company Litigators (2019-2022)
- "Texas Rising Star," Texas Monthly, 2004

SPEAKING ENGAGEMENTS & PRESENTATIONS

- Adjunct Professor, University of Texas at Austin School of Law, Arbitration – Spring 2024 (upcoming); Fall 2022; Fall 2021
- “The Power and Persuasion of a Lien” — AGC-TBB, June 2023
- “DEI Impact Initiatives: Sexual Harassment” — TEXO Association, May 2023
- “Contract Drafting and Administration After James v. Westlake” —DBIA Southwest, April 2023
- “James v. Westlake”— AGC-TBB, July 2022
- “OSHA” — AGC-Austin, June 2022
- “SB 45 and Anti-Discrimination”— Client Presentation, August 2021
- “Modernizing Commercial Liens – Is HB 2237 Better?” AGC TBB Legislative Update, July 2021
- “Risks and Rewards of Contracting in Texas” – Chambers Events Webinar, June 2021
- “Pointers for General Contractors and Design-Builders” – Client Presentation, March 2021
- “An Antidote for Construction Defects? The Right to Cure in Public Works and Buildings” – 34th Annual Construction Law Conference, March 2021
- “The Impacts of COVID-19 and the November Election on the Construction Industry” – AGC Central Texas, November 2020
- “COVID-Where Are We Today?” – TEXO Association, October 2020
- “Key Provisions in Construction Contracts” – Client Presentation, February 2020
- “Texas Legislative Update,” TCEL / Geoprosessionals Serving Texas, February 2020
- Guest Lecturer, Texas State University, Construction Science and Management 2020- 2022
- “Managing Engineering Liability and Risk,” HalfMoon Seminar, January 2019
- Guest Lecturer, Texas A&M University, Graduate Program in Engineering 2019- present
- “The Successful Use and Presentation of Experts,” The Basics in Construction Law Annual Seminar, December 2018 & December 2019
- “Concrete and Contracting Issues,” American Concrete Institute, July 2018
- “Meeting the A/E’s Standard of Care,” Houston Engineering Society, February 2018
- “Navigating Risks for Geoprosessionals,” TCEL / Geoprosessionals Serving Texas, January 2018
- “The Toll of Litigation,” Moderator, Geoprosessional Business Association, October 2017
- “Contract Clauses,” National Association of Women in Construction, April 2017
- “The Toll of Litigation,” TCEL/Geoprosessionals Serving Texas, Geoprosessionals Case Histories Seminar, February 2017
- “You Won! Ten things you did not know when collecting a judgment,” NACM Southwest Credit Exchange, August 2015

MEMBERSHIPS & AFFILIATIONS

- Associated General Contractors (“AGC”)
 - AGC-TBB *Legal Affairs Committee*
 - AGC Austin *Diversity and Inclusion Committee Chair* (2019-2022)
- TEXO DE&I Committee
- DBIA Southwest Legislative and Legal Affairs Committee
- American Arbitration Association – Roster
- Construction and Civil Law Sections, State Bar of Texas
- Past ACE Mentor (Austin) Legal Chair
- American Bar Association
- Austin Bar Association
- Travis County Women Lawyers Association
- CREW Austin Chapter, Past –Committee Member
- National Association of Women in Construction, Austin Chapter, Board of Director 2017-2018, Past – Committee Member

PUBLICATIONS

- “An Antidote for Construction Defects? The Right to Cure in Public Works and Buildings” – 34th Annual Construction Law Conference, March 2021
- “Negotiating a Contract, Clauses, Changes, and Delays,” Construction Executive, July 2017
- “Case History Reviews,” Editorial Board, Geoprosessional Business Association, April 2017 – December 2019 (Assist with legal content and editing)
- Texas Groundwater: Reconciling the Rule of Capture with Environmental and Community Demands,” 30 St. Mary’s L.J. 305 (1998)



JOHNATHAN M. BAILEY
PRINCIPAL

SAN ANTONIO

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COKINOS

ABOUT JOHNATHAN

Johnathan Bailey is a former name and founding partner in the firm Bailey & Bailey, P.C. where over 25 years of practice he built a reputation for knowledge and excellence in representation of construction, service, IT and manufacturing companies seeking to do business with the numerous agencies of the federal government and the State of Texas. Now Johnathan has brought that 25 years of knowledge and experience to Cokinos | Young.

Johnathan has litigated more than 250 bid protests involving billions of dollars in federal contracts before the US Government Accountability Office (GAO) and the United States Court of Federal Claims. Johnathan has also prepared, negotiated and litigated hundreds of Contract Disputes Act claims with dozens of federal contracting agencies and litigated before all existing (and previously existing) Boards of Contract Appeals and the FAA's Office of Dispute Resolution.

Coming from a small firm environment, Johnathan has extensive experience in representation of small business federal contractors, including especially socio-economic programs administered by the US Small Business Administration including the 8(a) Business Development, Service-Disabled Veteran-Owned Small Business, Woman-Owned Small Business and HUBZone programs.

The wide range of challenges faced by federal contractors has also given Johnathan many years of experience in range of federal contracting matters including Department of Labor (Service Contract Act and Davis-Bacon Act) compliance, suspension and debarment proceedings, and qui tam litigation under the federal False Claims Act.

EDUCATION

- St. Mary's University – J.D., 1996
- University of Texas at Austin – B.A. Government, 1991

MEMBERSHIPS & AFFILIATIONS

- Phi Delta Phi Legal Honor Society
- Federal Bar Association Public Contracts Law Section
- San Antonio Bar Association Construction Law Section

ADMISSIONS

- State Bar of Texas
- United States Court of Federal Claims
- United States District Court: Northern, Southern & Western Districts of Texas
- United States District Court: Northern District of Florida
- United States Courts of Appeals for the Fifth & Federal Circuits
- Supreme Court of the United States

SPEAKING ENGAGEMENTS & PRESENTATIONS

- First Organizer and Presenter, FBA National Government Contracts Symposium 2014
- Presenter, SBT 2021 Annual CLE for Board Certified Construction Lawyers



JOHN P. **DIBIASI**
PRINCIPAL

AUSTIN

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COKINOS

ABOUT JOHN

Prior to starting his legal career in 2003, John was heavily involved in the construction industry in New York and New Jersey. He started in the construction industry by working as a laborer, progressing to labor foreman, assistant superintendent, and ultimately superintendent on many heavy highway and heavy civil construction projects throughout the Northeast. John's hands-on field experience includes bridges, piers, highways, airports, and underground construction. While working in the field, John also attended New Jersey Institute of Technology, where he received his B.S. degree in Civil Engineering in 2000, with honors. John is a member of Chi Epsilon - the Civil Engineering Honors Society - and is also the recipient of the 1998 Robert Ridgeway Award acknowledging him as the top engineering student in New Jersey for 1998.

John received his Juris Doctorate degree in 2003 from Widener University School of Law, located in Harrisburg, Pennsylvania. His practice focuses primarily on heavy civil construction and commercial litigation. John remains actively involved in the construction industry and attends meetings and seminars with the various construction associations throughout the country. John is a member of the state and federal bars for New Jersey, New York, Pennsylvania and Texas. When John is in Texas he will be in the Austin office.

EDUCATION

- Widener University School of Law - J.D., 2003
- New Jersey Institute of Technology - B.S., 2000

RECOGNITIONS & DISTINCTIONS

- AV Rated - Martindale Hubbell

ADMISSIONS

- State Bar of New York
- State Bar of New Jersey
- State Bar of Pennsylvania
- State Bar of Texas
- Various Federal Courts in New York, New Jersey, Pennsylvania and Texas

SPEAKING ENGAGEMENTS & PRESENTATIONS

- Yearly speaker at the American Bar Association Construction SuperConference on construction related issues, including government terminations for convenience, underground tunneling, and OSHA investigations.

PUBLICATIONS

- *Terminating Government Contracts: Overcoming Challenges*, in Aspatore's Inside the Minds: Trends in Government Contracting, (Thomson Reuters/Aspatore, 2012)

MEMBERSHIPS & AFFILIATIONS

- American Society of Civil Engineers
- Chi Epsilon – National Civil Engineering Honor Society
- American Society of Military Engineers
- American Bar Association
- New York, New Jersey, Pennsylvania and Texas – Construction Law Sections
- Organizations: UTCA (Utility and Transportation Contractors Association), CIAP (Construction Industry Advancement Program); AGC Various State Chapters, AGC of America, the Moles, the Beavers
- Member of The Moles, an organization composed of individuals now or formally engaged in the construction of tunnel, subway, sewer, foundation, marine, sub-aqueous or other heavy construction projects

REPRESENTATIVE EXPERIENCE

- Assisted clients with claim preparation, document and damage tracking, and preserved the clients' rights during actual construction of countless projects to obtain amicable resolutions and avoid litigation. These projects included bridges, tunnels, highways, tunneling and sunken caissons across the country.
- Ingerman Affordable Housing v. Langan Engineering & Environmental Services (American Arbitration Association, 2014). Successfully defended alleged breach of contract and professional malpractice claims arising out of the development of a Brownfield, located in Jersey City, NJ. The developer claimed that, because the contractor had needed to export more than 10,000cy of contaminated material, Langan must have erroneously represented the site as being generally balanced. Successfully proved that the developer's construction arm knowingly subcontracted with its earthwork contractor to utilize and spread 10,000cy of recycled concrete aggregate on-site for surcharging material without any thought as to the impact and need to then export an equal volume of on-site contaminated material. Arbitration Panel ruled that Plaintiff's claims were entirely without merit and frivolous and awarded Langan its defense costs and fees.
- Intercounty Paving Associates, LLP v. PennDOT, (Board of Claims, 2009). Recovered three-quarters of a million dollars on behalf of the contractor in delay damages caused by PennDOT's active interference, misrepresentations, defective plans and specifications, and its failure to recognize the legitimate financial interests of the contractor. Overcame no-damage-for-delay exculpatory language in the contract as well as PennDOT's defense that the contractor was required to "coordinate" utility relocations.
- Schiavone Construction Co., Inc. v. MTA, (DRB, 2008). Achieved multimillion-dollar recovery on behalf of the Design-Builder for chemical grouting work directed by the Authority's Engineer on a new subway station located forty feet below sea level in Battery Park, New York, New York. Proved that the Authority — despite its post-contractual spin of defective work and deficient notice defenses — prescribed the waterproofing materials and other material design requirements that the Design-Builder was mandated to follow and incorporate into the "final" design; knowingly structured the contract to reimburse the Design-Builder for actual costs incurred for chemical grouting as "extra work"; directed bidders to estimate a prescribed amount of chemical grouting for bidding purposes as a baseline to evaluate bids and to keep all bidders on a level playing field; and contemplated that the actual amount of chemical grouting required would be determined by the Authority's Engineer based on actual field conditions. At trial, the Authority's Engineer admitted that the aforementioned procedure was established because of the complexity and location of the new structure (sited between and under existing subways) and the unknowns associated with actual volumes required for injecting chemical grout in structures well below the water table of the adjacent Hudson River, Hudson Bay, and East River.



DEREK J. KAMMERLOCHER
ATTORNEY

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COKINOS

ABOUT DEREK

Derek J. Kammerlocher is an Associate in the Dallas office of Cokinos I Young. Derek's is devoted to serving as an advocate for his clients in the construction industry in all phases and methods of dispute resolution, including pre-suit negotiation, litigation, mediation, arbitration, and trial. Derek uses his experience representing developers, contractors, design professionals, and sureties to craft real-world, common-sense strategies to help his clients achieve their dispute resolution goals related to payment disputes, breach of contract claims, defect claims, personal injury claims, employment claims, and all other areas impacting the construction industry. Derek takes an individualized and tailored approach to each representation to ensure satisfaction of his client's specific goals.

EDUCATION

- University of Texas at Austin School of Law – J.D., 2015
- University of Texas at Austin – B.A., History, 2011

ADMISSIONS

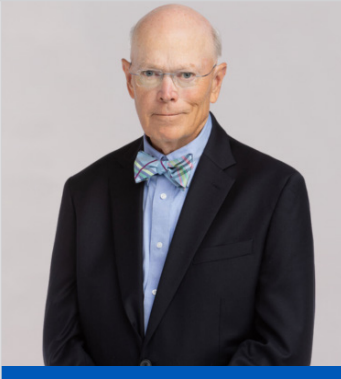
- State Bar of Texas (2015)
- United States District Court: Northern, Eastern, Southern & Western Districts of Texas
- United States Court of Appeal for the Fifth Circuit

MEMBERSHIPS & AFFILIATIONS

- State Bar of Texas: Construction Law Section
- Dallas Bar Association: Construction Law Section
- State Bar of Texas

RECOGNITIONS & DISTINCTIONS

- Best Lawyers – Ones to Watch 2023, 2024: Construction Law, Corporate Law, Litigation – Construction, and Real Estate Law



ROBERT J. MACPHERSON
PRINCIPAL

NEW JERSEY

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ABOUT ROBBIE

Robbie is with Cokinos Young in Saddle River, NJ and New York City and has been practicing construction law exclusively since 1981. He is a Fellow of the American College of Construction Lawyers and former Chair of the American Bar Association's Forum on Construction Law. He acts as construction contract and disputes counsel for contractors, subcontractors, suppliers, and owners involved in building and heavy civil construction for public and private work. He is admitted to practice in the state and federal courts in New Jersey and New York. In addition to his practice counseling clients in construction matters, he regularly serves as an arbitrator and mediator of construction disputes. He is a pro bono mediator for the Southern District of New York and the Supreme Court of New York, New York County. He was also a pro bono mediator for the Tinton Falls NJ Municipal Court. He as an arbitrator and mediator of construction disputes. He is a pro bono mediator for the Southern District of New York and the Supreme Court of New York, New York County and was a pro bono mediator for the Tinton Falls NJ Municipal Court. Robbie is on the Boards of Building For Good (Building for Good (building4good.org)), ACE Mentor (2012-2021) (ACE Mentor Program of America :: Home) and currently serves on the ACE Mentor CMiC Alan Berg Scholarship Review Committee. He is also a member of the Building Board of Directors of the AGC of New York State (AGC NYS – Associated General Contractors of New York State LLC). He is a graduate of Brookdale Community College, Lincroft, NJ, Monmouth University, West Long Branch, NJ and Seton Hall University School of Law, Newark, NJ and has taught ADR and Construction Law at Rutgers Law School, Newark, NJ.

EDUCATION

- Seton Hall University Law School – J.D., 1980
- Monmouth University – B.A. Sociology, 1976
- Brookdale Community College – A.A., 1972

ADMISSIONS

- State Bar of New Jersey
- State Bar of New York
- United States District Court: District of New Jersey
- United States District Court: Southern & Eastern Districts of New York
- United States Supreme Court

RECOGNITIONS & DISTINCTIONS

- Best Lawyers in America 2024- Construction Law and Litigation – Construction
- ABA Forum on Construction Law – Outstanding Service Award 2021
- New Jersey Bar Dispute Resolution Section – James B. Boskey Practitioner of the Year 2001
- Named Newark, NJ Lawyer of the Year – Construction-2012, 2016 and 2020 by Best Lawyers
- Martindale & Hubbell AV Rated
- Listed in Chambers USA, Best Lawyers and Super Lawyers for Construction Law

COMMUNITY INVOLVEMENT

- Founding and current Board Member Building For Good
- National Board Member ACE Mentor
- New Building Committee- Family Resource Associates

REPRESENTATIVE EXPERIENCE

- On behalf of a geotech specialty contractor established the existence of a Type II Differing Site Condition encountered during the construction of a major infrastructure project in New York City.
- Defended a public authority against a \$95 Million claim before a Dispute Review Board. The DRB found the claim barred by contractual notice provision, but declined to enforce the provision.
- Represented the design-builder of a power plant in a dispute with the supplier of two 315 MW CFB Steam Generators. Primary issue was the use of 3D modeling in the design process. Other issues included design deliverable liquidated damages and concurrent delays.
- Defended a cooperative housing corporation in an action by a municipality seeking over \$20 million for the repair of the concrete encased columns and slab supporting the co-op's building over a major urban highway. Issues included the legality of an emergency contract let without public bidding, access rights to a public roadway to maintain co-op's structures, impossibility of performance, breach of implied contractual duties, and liability of the municipality for corrosive effect of road deicing materials on the co-op's concrete structures.
- Negotiated a \$120 million contract for the design and construction of the headquarters campus of a major pharmaceutical company.
- Acted as construction contract and claims counsel for the owner/developer of several hydroelectric projects in upstate New York. Prepared and negotiated contracts with designers, contractors, and major equipment suppliers. Provided advice on claims and disputes that arose during construction and litigated extra work, delay, and warranty claims.
- Advised a public agency on construction contract issues involving a public-private partnership or, "P3," project.
- Negotiated EPC, Fuel Supply, and Operation and Maintenance agreements for a 50 MW bio mass fueled combined heat and power plant with a value in excess of €120 million.
- Assisted a German wind turbine manufacturer in redrafting its supply contracts for use in the U.S.
- Negotiated EPC contracts for several solar projects in New Jersey.
- Represented a nonprofit foundation in the negotiation of a \$500 million construction management agreement.
- Negotiated a \$180 million construction management agreement for a major retail development on a Brownfield site in Brooklyn, New York. Advised the construction manager on issues that arose during construction.
- Provided advice to design-builder on issues related to P3 projects.
- Assisted a wind turbine manufacturer and supplier in the preparation of master contracts between the manufacturer and private power developers. Also provided advice in connection with disputes including design and construction defects and performance warranties for projects throughout the U.S.
- Arbitrator in a dispute between the owner and design-builder of a gas-fired peaking plant. The design-build contract value was in excess of \$40 million, and a separate turbine supply contract between the owner and turbine manufacturer was approximately \$60 million. Issues included coordination between the design-builder and the turbine supplier, delays, construction defects, manufacturing defects, and performance guarantees.
- Arbitrator in a dispute involving a design-build contractor's \$30 million claim against an insurer under a policy providing coverage for certain payment obligations of the project owner and a performance bond surety arising out of a landfill closure project.
- Arbitrator in a dispute involving the sale of a construction company where the future revenue from a public construction project was the source of the funding for the purchase price.
- Arbitrator in a dispute arising out of contracts for roof systems on two office buildings. Issues include statute of limitations, choice of law, limitations of liability provisions, and warranty claims, including a claim that the warranty failed of its essential purpose.
- Arbitrator in a dispute between a contractor and subcontractor on several public housing authority projects. Issues included the subcontractor's claim that it was the general's joint venture partner; a project suspension by the owner and the application of the Eichleay formula for a home office overhead claim arising out of the suspension; and extra work claims.
- Since 1990 Mediator in construction contract, construction defect, insurance, and surety disputes involving from two to more than 40 parties with claims ranging from thousands to millions of dollars.