

Brian E. Sobczyk

PARTNER

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Office: Kansas City



Brian is a commercial and construction litigator and is experienced in drafting and negotiating construction contracts. Clients appreciate that Brian can support them in transactions and litigation and achieves results that meet their business needs.

Brian has over 20 years of experience litigating commercial and construction disputes. He also is experienced in drafting and negotiating contracts for construction projects of all sizes and complexity, including commercial data centers; manufacturing facilities; office buildings; entertainment venues; housing developments; and single-family homes. Brian's litigation experience provides him a unique perspective in drafting construction contracts with the ultimate goal of helping clients avoid disputes. Construction litigation clients also appreciate that Brian is well-versed on the transactional side of their business.

Brian's litigation experience includes construction disputes, contract disputes, fraud claims, restrictive covenants, trade secrets, commercial landlord-tenant disputes and evictions, creditors' rights, payment systems fraud, consumer protection claims, insurance coverage disputes and professional liability.

PRACTICES & INDUSTRIES

- Construction
- Business Litigation
- Trade Secret Litigation
- Government Contracts & Investigations
- Distressed Commercial Real Estate

ADMISSIONS

- Missouri, 2002
- Kansas, 2003
- Nebraska, 2023
- Iowa, 2023
- U.S. District Court for the Western District of Missouri
- U.S. District Court for the District of Kansas

EDUCATION

- University of Nebraska-Lincoln, J.D., 2002

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In addition, clients regularly look to Brian with respect to MBE/WBE compliance issues; bid protests; mechanic's liens; bond claims; and other construction-related matters.

Brian has the knowledge and experience to quickly identify key issues and devise and implement an effective and efficient legal strategy.

- Order of the Coif
- *Nebraska Law Review*
- Silver Quill Award for Superior Legal Writing

University of Nebraska-Lincoln, B.A., English, 1999

EXPERIENCE

Construction Litigation

Defended contractor in construction defect lawsuit seeking seven-figure damages.

Represented contractor in federal court lawsuit asserting a mechanic's lien and seeking damages for construction delays.

Defended contractors in lawsuits relating to construction of wind farms.

Represented owners and contractors in various disputes involving contract claims, mechanic's liens, differing site conditions and project delays.

Represented contractors in bid protests in Kansas City, Missouri and other jurisdictions.

Construction Contracts and Projects

Drafted and negotiated contracts for construction projects of all sizes and complexity on behalf of owners and contractors.

Project experience includes contracts for the design and construction of commercial data centers and associated power substations; manufacturing facilities; office buildings; entertainment venues; residential developments; low-income housing; state- and locally-funded projects; and single-family homes.

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Proficient with a variety of contract delivery methods, including design-build, construction manager, and Engineering, Procurement and Construction (EPC).

Experienced in advising contractors with respect to M/WBE compliance.

Commercial Litigation

Prevailed in arbitration of contract claim seeking payment for professional services.

Obtained a favorable jury verdict while representing a real estate developer in multiple lawsuits involving claims for fraud and breach of contract.

Represented commercial property owners in tenant disputes.

Defended law firms in legal malpractice actions.

Represented banks and lenders in the recovery of debts and collateral, including numerous judgments for breach of commercial and consumer loan agreements, replevin and foreclosure.

Represented banks in litigation and arbitration of claims relating to fraudulent checks and wire transfers.

Defended clients against claims filed by the Kansas Attorney General under the Kansas Consumer Protection Act, including the Wayne Owens Act.

Assisted in successfully litigating a wrongful death action in Missouri state court arising out of a traffic fatality.

Trade Secret & Non-Compete Litigation

Litigated numerous disputes involving trade secrets and non-compete, non-solicit and confidentiality agreements.

Successfully obtained and opposed injunctive relief in cases involving restrictive covenants and trade secrets.

RECOGNITIONS

Selected to the 2023, 2024 editions of *Best Lawyers in America*©

Kansas City Metropolitan Bar Association Pro Bono Champion, 2023

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PROFESSIONAL & CIVIC ACTIVITIES

The Missouri Bar

The Kansas Bar

Kansas City Metropolitan Bar Association

NEWS

URBN Opens \$60 Million Fulfillment Center in Missouri, Stinson Attorneys Serve as Legal Counsel
02.23.2024

175 Stinson Attorneys Selected to the 2024 *Best Lawyers in America* List
08.17.2023

Stinson Construction Litigators Named Pro Bono Champions by KCMBA
05.09.2023

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List
08.18.2022

SPEAKING ENGAGEMENTS

Fall Construction Seminar
1201 Walnut Street, Suite 2900, Kansas City, MO 64106, 11.15.2022

PUBLICATIONS

"Kansas Procurement Rules and Regulations," Guide to State Procurement, 3rd ed., ABA Book Publishing

"Rule Issued for Dust-Lead Standards and the Definition of Lead-Based Paint," *Stinson LLP Alert*, July 2019

"New Personal Net Worth Requirement for MBE/WBE Certification in Kansas City, Missouri," *Stinson's Government Contracting Matters Blog*, April 2019

"Document Retention Policies Relating to Construction Contracts," The Builders' Association, *Builders' E-News*, February 2018

"Stays of Execution under Federal Banking Law: No Bond Required, Operating Subsidiaries Included," *Clarks' Bank Deposits and Payments Monthly*, Vol. 19, No. 4, April 2010

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