



Rick W. Grady

PARTNER

Columbus

52 East Gay Street
Columbus, Ohio 43215

Orange County

4675 MacArthur Court
Suite 700
Newport Beach, California 92660

t: 614.464.5455
rwgrady@vorys.com

Practice Areas

Litigation

Professional Liability and
Discipline

Education

University of Nebraska College of
Law, J.D., 2004

University of Nebraska-Lincoln,
B.A., 1998, with Distinction, Phi
Beta Kappa

Bar & Court Admissions

Ohio

California

U.S. District Court for the
Southern District of Ohio

U.S. District Court for the
Northern District of California

Rick is a construction attorney based in the Vorys Columbus and Orange County offices who works on projects throughout the U.S. and internationally. He advises owners, developers, contractors and design professionals throughout public and private projects, and has appeared before courts and arbitration panels in numerous jurisdictions. He advises clients on risk management in various circumstances and has met construction professionals in dozens of job trailers and conference rooms – from Ohio to downtown Los Angeles, in rural Brazil and elsewhere. Rick drafts and negotiates contracts and related construction and procurement documents; assists with risk management and claims during the construction phase; and handles post-completion litigation and arbitration.

Rick deals with industry forms such as those of the American Institute of Architects (AIA), the Design Build Institute of America (DBIA), ConsensusDocs, the Engineers Joint Contract Documents Committee (EJCDC) and the Fédération Internationale Des Ingénieurs-Conseils (FIDIC). Rick has also developed numerous manuscript contracts for various complex commercial and residential projects.

For disputed matters, Rick regularly handles cases stemming from breach of contract claims, change order disputes, insurance coverage issues, liens, delays, differing site conditions, professional errors and omissions, and licensing issues. Rick has significant experience in both courtroom hearings and trials, as well as recent arbitration hearings through award. He has also assisted or led efforts to resolve complex construction disputes through dozens of mediations.

Career highlights include:

- Litigating complex construction cases throughout California and Ohio for over 19 years, as well as experience in other jurisdictions in coordination with local counsel
- Drafting and negotiating hundreds of general contracts, design agreements, subcontracts and supply agreements for various projects ranging from small houses to multiple \$500+ million facilities

Admitted to practice law only in the states listed above.

Industries

Construction

- Owner's lead/coordinating counsel on a \$300+ million industrial facility involving development incentives, real estate acquisitions, energy supply contracts, and dozens of supply and construction contracts
- Obtaining a successful verdict on behalf of a general contractor against subcontractor claims on a \$130+ million Federal project
- Assisting with construction matters on two recent multi-billion dollar projects
- Drafting and negotiating multiple engineering contracts for processing facilities in two different countries in the Middle East

Prior to joining Vorys, Rick practiced in the San Francisco office of Allen Matkins Leck Gamble Mallory & Natsis LLP. Before law school, Rick served as a small business development volunteer with the Peace Corps in Morocco for two years, where he taught basic business skills in cooperation with the Moroccan government's traditional artisan programs. Rick was certified by the Peace Corps as a Near Native speaker of Moroccan Arabic and also learned conversational/basic business level French.

Rick received his J.D. from the University of Nebraska College of Law, where he was a William M. Holt Scholarship recipient. He received his B.A. with distinction from the University of Nebraska-Lincoln, where he was Phi Beta Kappa.

Experience by Project Type/Industry:

Energy

- Advising multiple owners and developers of solar and wind projects on EPC contracting, liens and related construction issues for Midwest projects
- Advising a California solar panel manufacturer and EPC contractor in negotiating a \$20 million contract with a public owner for a photovoltaic solar energy facility
- Successfully settling litigation over scope of work disputes and differing site conditions claims involving multiple gas stations and a jet fueling facility
- Representing oil and gas producers in lien disputes with contractors

Public Research and Health Care

- Representing a general contractor in preparing and ultimately settling claims totaling over \$37 million on a \$140+ million state

university laboratory project

- Advising the CM of a \$1.5 billion medical center project during preconstruction and construction phases, plus work on litigation related to a best value procurement pilot program and award protest
- Assisting the owner of a ~\$1 billion hospital expansion project
- Advising the replacement contractor on a large hospital project after the owner terminated the prior contractor. The project was converted from a construction manager at-risk delivery method to multi-prime, and the legal matters included advising on licensing and prevailing wage matters

Hospitality and Education

- Representing a general contractor in a multi-party dispute over mechanics' liens and prompt payment penalties arising from the renovation of a major franchise hotel
- Representing a private university in multimillion-dollar claims against a general contractor and architect
- Advising multiple private colleges and universities on contract drafting, risk management and claims in connection with student housing and other campus facilities

Industrial and International

- Drafting and negotiating an EPC contract and related documents for a complex processing facility in Brazil valued at approximately \$50 million
- Drafting and negotiating numerous design-bid-build and turnkey agreements for distribution centers, including a \$20+million facility in Central Ohio and \$30+million facility in Southern California
- Serving as local construction counsel on multiple large data center projects

Environmental Remediation

- Drafting and negotiating a design-build agreement for a multi-phase, complex water treatment system at a chemical company, as required by the U.S. EPA

Public Works and Infrastructure

- Successfully defending a general contractor against a \$3 million claim on an Air Force base runway renovation project, resulting in an arbitration award of less than 20% of the claim
- Representing a contractor for claims and defending against defective work allegations arising from a multi-phase municipal water pump and pipeline system
- Lead associate in obtaining a \$3.6 million jury verdict against the City and County of San Francisco for violating a contractor's constitutional rights associated with the implementation of a prequalification program
- Representing a municipality in litigation over construction of a large public-private mixed use development
- Lead counsel for a financier in disputes arising from the construction of a large arena project

- Assisting with the preparation of the project documents for multiple quasi-public roadway and infrastructure projects in Ohio

Residential

- Representing homeowners in defective work claims against contractors
- Drafting and negotiating architect agreements and prime contracts on behalf of owners of multimillion dollar residences in Pacific Palisades, California; Sausalito, California; and multiple counties in Ohio

Retail

- Handling dozens of lien claims on behalf of a major mall owner in multiple jurisdictions
- Assisting multiple large retailers in reviewing and negotiating contracts, including for distribution centers and tenant improvement projects, and resolving various disputes with contractors

Honors & Recognitions

Chambers and Partners, Leading Lawyer in Construction, 2023

Columbus CEO, Best Lawyers, Construction Law, 2022-2023; Litigation – Construction, 2022-2023

The Best Lawyers in America, Construction Law, 2020-2024; Litigation – Construction, 2019-2021, 2023-2024

Ohio Super Lawyers Rising Stars, Construction, 2015

Northern California Super Lawyers Rising Star 2009-2011

Professional and Community Activities

Commission on the Thomas J. Moyer Judicial Center, Supreme Court of Ohio, Member

North Market Development Authority, Board Vice President