
JAMES S. MALLOY**AREAS OF PRACTICE**

Mr. Malloy concentrates his practice in complex commercial litigation, focusing on construction claims and insurance coverage litigation. He has been involved in a wide variety of construction projects including offshore oil and gas, power plants and cogeneration facilities, LNG and ethanol projects, wind farm construction, highway facilities, tunnels, HEMP shielding, pipeline projects, and residential construction. Additionally, he has counseled and represented clients with respect to surety indemnity and payment bond claims as well as mechanics' lien claims. Mr. Malloy's construction litigation experience includes representation of owners, general contractors, and subcontractors in lawsuits, arbitration proceedings, lien proceedings, and mediations.

Mr. Malloy also has vast experience with insurance coverage issues relating to construction industry claims, including claims under general liability, builders' risk, construction all-risk, ocean marine cargo, and professional liability policies. He has also litigated insurance claims related to environmental, toxic tort, and broker liabilities. Mr. Malloy has represented policyholder clients in several state and federal court insurance coverage matters and has been trial counsel in multiple successful multi-million dollar insurance coverage trials.

Outside of the construction and insurance context, Mr. Malloy's commercial litigation experience includes representing clients in both state and federal courts, as well as AAA and international arbitrations, in contract actions, product liability claims, Americans with Disability Act claims, and toxic tort litigation. Mr. Malloy maintains an active practice representing and counseling clients in all aspects of commercial litigation, including discovery, motions practice, preliminary hearings, settlement negotiations, arbitrations and trials.

PROFESSIONAL BACKGROUND

- Dingess, Foster, Luciana, Davidson & Chleboski LLP, 2011 - Present
- K&L Gates LLP, 2002 – 2011

PRESENTATIONS

- “Perspectives on Insurance Coverage for Construction Projects: Lessons Learned from Real Coverage Disputes,” Construction Superconference, Las Vegas, NV (December 2016)
- “Coordination of Discovery in Multiple Jurisdictions,” continuing legal education program at FedEx Ground, Pittsburgh, PA (May 25, 2011)
- “Insurance Coverage Litigation,” continuing legal education program for LawReviewCle, Pittsburgh, PA (March 6, 2012)
- “Construction Defects and Failures,” Allegheny County Bar Association Construction Law Section continuing legal education program, Pittsburgh, PA (February 12, 2013)

PUBLICATIONS

- Co-author, “Hurricanes Twin Punches Stagger but Fail to Knock Out Offshore Oil and Gas Insurers,” THE AMERICAN OIL & GAS REPORTER (December 2005)
- “Arbitration in Dubai: New Structures and Legal Instruments,” ARBITRATION WORLD (January 9, 2009)
- “Insurance Coverage for Emerging Global Warming Claims,” Insurance Coverage Alert (November 18, 2009)
- “Insurance Coverage for Global Warming Liability Claims,” AMERICAN BAR ASSOCIATION TORT TRIAL & INSURANCE PRACTICE LAW JOURNAL, Volume 45 (Spring-Summer 2010)

PROFESSIONAL/CIVIC ACTIVITIES

- American Bar Association, Construction Law Section
- Allegheny County Bar Association, Construction Law Section

COURT ADMISSIONS

- Supreme Court of Pennsylvania
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Fifth Circuit
- United States District Court for the Western District of Pennsylvania
- *Pro Hac Vice* admission to state and federal courts throughout the United States

BAR MEMBERSHIP

Pennsylvania

EDUCATION

J.D., Duquesne University School of Law, 2002 (*Magna Cum Laude*; Editor-in-Chief, Duquesne University Law Review; Distinguished Student Award)

B.S., Allegheny College, 1999

REPRESENTATIVE ENGAGEMENTS

- Lead trial counsel for HEMP shield subcontractor in successful AAA arbitration resulting in over a million-dollar award on payment and delay claims against national contractor.
- Trial counsel in successful AAA arbitration for national sewer rehabilitation contractor resulting in over a million-dollar award on payment and delay claims against municipality owner.
- Lead trial counsel in a successful multi-million dollar insurance coverage action relating to product liability claims against commercial roofing manufacturer.
- Trial counsel in federal court jury trial for international coal broker in insurance coverage action against ocean marine cargo insurer regarding multi-million dollar claim for lost coal, which ultimately resolved in favor of the policyholder through settlement before closing arguments.
- Lead counsel for EPC Contractor of ethanol plant in prosecuting mechanics lien claims and defending against bond, subcontractor payment, and attorneys' lien claims. All construction claims were eventually successfully resolved through settlement. Bench trial defending attorney lien claims resulted in successful judgment in favor of client dismissing attorney liens.
- Trial counsel for international joint venture relating to multi-million dollar construction claims for tunnel boring machine project.
- Lead counsel in defending owner of hot rolling processing facility against multi-million dollar request for equitable adjustment and lien claims.
- Lead counsel in several mechanics' lien claims in Pennsylvania related to pipeline construction, wind farm construction, and residential and commercial building construction claims.
- Lead counsel in successful insurance claim on behalf of equestrian farm related to hail and windstorm property damage.
- Lead counsel to international construction company in defense of claims from equipment supplier related to coal-fired boilers at cogeneration plant.
- Lead counsel for international provider of energy products and services in successful insurance coverage and broker liability recovery actions related to product liability claim.
- Defense counsel for numerous corporations in website accessibility cases under the

Americans with Disability Act.

- Counsel to international construction company in dispute with insurers on construction all-risk policy over hurricane damage claims.

Counsel to international company related to insurance coverage for historical asbestos-related liabilities, which resolved through successful settlements or coverage-in-place agreements.

- Counsel to a leading global provider of engineering and construction services in construction-related insurance claims for steel plant and coal-fired power plant.
- Counsel to one of the world's largest multinational engineering and construction companies in dispute centered on one of the world's largest offshore oil and gas projects with the national oil company of Brazil and an initial contract price of over \$2.5 billion.