

## CLAIMS SERIES



Thursday  
Feb 3, 2022  
8 - 10 AM (PT)

### REGISTER (Save on Teams of 3 or more)

**E-MAIL:** vann@wccc.org (call in CC #)

**PHONE:** (916) 599-8020

**MAIL:** Call or e-mail your RSVP - then mail form & list with check payable to **Western Council of Construction Consumers**

2356 Terraza Ribera, Carlsbad, CA 92009

	WCCC Member	CURT Member	Non- Member
Single	<input type="checkbox"/> \$ 95	<input type="checkbox"/> \$105	<input type="checkbox"/> \$ 120
Team 3+	<input type="checkbox"/> \$ 80	<input type="checkbox"/> \$90	<input type="checkbox"/> \$ 105 ea.

**\*\*Add \$10 each after 1/28/22**

No-shows, & cancellations after 1/28/22 are subject to full fee. You may send Subs.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm/ Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City/ST/ZIP: \_\_\_\_\_

Work Ph: \_\_\_\_\_ Cell: \_\_\_\_\_

E-mail: \_\_\_\_\_

▶ **TEAMS: Attach List** (w/this info for each)

VISA  MC  Discover  AMEX  Check

**We will send a link for credit card payment. To what e-mail should we send the link?**

# Registrants: \_\_\_ x Fee \$\_\_\_ = Total \$\_\_\_\_\_

# Webinar: Time Extension Requests – What Does a Contractor Have To Prove?

All construction professionals must learn how to prepare, analyze, and justify time extension requests. Owners and their representatives must receive, analyze, and recommend a course of action, and decide on all time extension requests submitted by contractors. Contractors and CM's @Risk are required to analyze, prepare, justify, and submit time extension requests on behalf of themselves and/or their subcontractors.

We will identify the tests set forth by the U.S. Federal Courts to justify excusable and compensable delay time extension requests. Then we will discuss how these rules are applied for submission and analysis of requests. We will address rules concerning concurrent delay and how courts hold the claimant responsible for allocating concurrent delay. We will highlight two new court rulings which may be "game changers" concerning delays, time extension requests and the use of concurrent delay as a defense against liquidated damages.

We will detail burden of proof and what must be proven to justify time extensions – both excusable and compensable. We will discuss several common misconceptions about who has burden of proof concerning concurrent delay. We will identify when a contractor is not required to justify field and home office overhead costs once a compensable delay has been proven.

### Participants will learn:

- about recent court cases
- rules concerning time extension requests
- arguments re waiver and apportionment of liquidated damages
- concurrent delay issues - who must prove and allocate concurrent delay
- when owner's liability for delay is limited or obviated
- under what circumstances a contractor is entitled to compensable delay
- use of CPM schedules when pursuing or defending against time extension requests
- new rules - when concurrent delay can and cannot be used to eliminate liquidated damages

### Webinar Outline:

- Introduction
- Types of Delay
- George Sollitt Construction Company v U.S. Case
- Compensable Delay Issues
- Excusable/Non-Compensable Delay
- Recent Development - Delay Claims
- Checklists For Time Extension Claims
- Conclusion / Q & A

**Who would benefit most?** Owners, Owner Reps, Design Professionals, CMs, PMs, FMs, Engineers, Contractors ...

▶ **Instructor: James G. Zack, Jr.** is Principal of James Zack Consulting, LLC, a construction claims consultancy dedicated to helping Owners and Contractors complete projects in the field, not arbitration or court. He is a recognized, published expert in mitigation, analysis, and resolution or defense of construction claims and disputes. In his 49-year career, he has been involved in public and private projects throughout the U.S. and 39 countries, working with Owners and Contractors on 5,000+ claims. He is Sr. Advisor to Ankura Construction Forum™ and was previously Ex. Dir. of Navigant Construction Forum™; Ex. Dir. of Corporate Claims Management Group at Fluor Corporation; VP at PinnacleOne; and Sr. Construction Claims Consultant for CH2M HILL, Inc. He is a Fellow of AACE, RICS, GPC, SCCSI. His professional certifications include: CCM, CFCC, ECCCS, ECCDA and PMP.