



David Kurtz

Shareholder

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David Kurtz represents contractors, subcontractors, engineers, owners, and others in construction law and litigation.

Mr. Kurtz represents contractors, subcontractors, engineers, owners and others, and he has appeared before numerous state and federal courts, both at the trial and appellate levels, as well as before regulatory bodies. His work has included extensive disaster-related litigation, delay claims, EPC contractor litigation, personal injury lawsuits arising from construction projects, and water intrusion cases.

Although his main focus is in the area of construction law, Mr. Kurtz also has experience in energy and other commercial litigation.

He has served as a special master to the court in construction litigation and also has extensive experience with alternative dispute resolution forums such as arbitration and mediation.

Mr. Kurtz also has served in construction-related leadership positions within the American Bar Association. As past co-chair and current vice chair of the Construction Litigation Committee of the Section of Litigation, Mr. Kurtz helps more than 2,000 Committee members stay abreast of the latest developments in construction law.



Case Studies

- [Bench Trial Victory for Contractor](#) - Construction Litigation



Representative Matters

- Defended a soil stabilization contractor in a case involving an allegedly sinking shipyard; owner claimed more than \$45 million in damages, and after a two-week trial, district court ruled in contractor's favor and granted net award to contractor.
- Appointed by a Federal Court to serve as Liaison Counsel to contractor defendants in multi-district litigation comprising more than 80,000 claimants who allege injury due to exposure to formaldehyde while living in travel trailers and other emergency housing provided by FEMA following Hurricanes Katrina and Rita. Obtained a defense verdict in a two-week "bellwether" federal jury trial, further resulting in the dismissal of the Firm's client from a second bellwether prior to trial. Defended two contractor defendants in the multi-district litigation.
- Represented contractor in prosecuting multi-million dollar delay and cumulative impact claim arising from industrial construction project and defending against owner's delay and lost profit claims; settled successfully.
- Represented local university in arbitration arising from the installation of a new chilled water facility. Successfully resolved during the hearing.
- Defending contractor in lawsuits arising from the administration of post-disaster relief programs; some of these cases have been dismissed.
- Defended contractor in cases with damages alleged to be in the millions of dollars in which plaintiffs claim to have been injured while living in FEMA trailers. These cases have been dismissed or successfully resolved.

- Defended contractor in several lawsuits arising from FEMA's failure to reimburse the City of New Orleans for disaster relief work performed by our client. The cases were dismissed or resolved favorably.
- Represented EPC contractor in an arbitration involving change order and delay claims relating to the construction of an ethanol plant in California.
- Represented a hospital manager against the owner in a case involving allegations of mismanagement; amount at issue was \$300 million; settled successfully.
- Successfully settled multi-million dollar litigation suit for a local university against allegations of water intrusion in a dormitory.
- Successfully defended a client in a qui tam lawsuit filed under the False Claims Act. The plaintiff alleged that the client defrauded FEMA through its submission of invoices for work associated with the hauling and installation of FEMA-owned travel trailers for thousands of displaced disaster victims. Successfully secured the dismissal of all claims after extensive pre-trial motion practice. The relators appealed and the Fifth Circuit affirmed the district court's dismissal of all claims.
- Obtained summary judgment on behalf of a contractor against claims of negligence asserted by homeowners participating in the post-Katrina Hazard Mitigation Grant Program (HMGP), arguing successfully for the absence of a duty owed and against any alternative basis for recovery, thereby achieving the dismissal of all claims in their entirety.
- Defended an infrastructure services firm in a \$1 million federal lawsuit brought by its subcontractor under the Miller Act. Settled the case on favorable terms.



Professional Honors & Activities

- Member – Louisiana State Bar Association
- Member – New Orleans Bar Association
- Member – Federal Bar Association
- Member – American Bar Association
 - Litigation Section
 - Forum on the Construction Industry
- Listed in *Chambers USA* as a leading Construction lawyer in Louisiana since 2012
- Recognized as a "Top Lawyer" by *New Orleans Magazine* in Construction Law (2013, 2015, 2019, 2022, 2023)
- Listed in *The Best Lawyers in America*® for Construction Litigation (2014 – 2024); Construction Law (2016 – 2024)



Publications

- "Recent Louisiana Case Reminds of the Need for Careful Contract Drafting to Avoid Conflicts" (July 2023)



Speaking Engagements

- "The Pros and Cons of Different Types of Arbitration," Charting a Course in Unfamiliar Waters: Tips for Winning Your Case in Arbitration, Louisiana State Bar Association, New Orleans, Louisiana (December 2019)
- "Level Set: Exploring the Current Legal Landscape for the Construction Industry" (June 2019)
- "FEMA 101: What Construction Contractors and Project Owners Need to Know," ABA Forum on Construction Law Annual Meeting, Hollywood, Florida (April 2019)
- "Superstorms: Litigation & Best Practices When Rebuilding After the Storm," ABA Forum on Construction Law Annual Meeting, New Orleans (April 2018)
- Immediate Past Chair – ABA Construction Litigation Committee

- "Are Those Your Fingerprints on the Prints," presented at the Construction SuperConference (December 2016)
- "Rainy Day Planning: Preparing for Possible Litigation During the Construction Phase," presented at ABA Forum on the Construction Industry Annual Meeting (April 2014)



Education

- Duke University School of Law, Durham, North Carolina, J.D., 1995
 - Articles Editor, *Alaska Law Review*
- Tulane University, B.S., Mathematics, B.A., History, 1992, cum laude
 - Joseph J. Jannik Mathematics Award
 - Pi Mu Epsilon Mathematics Honor Society
 - Dean's Honor Scholar



Admissions

- Louisiana, 1995