



Stephen K. Pudner

Shareholder

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Stephen Pudner focuses his practice on litigation and transactional matters related to real estate and construction.

For over 15 years, Stephen has drawn on his global background and diverse practice experience to help domestic and international clients in a variety of industries, including real estate, construction, fuel, and retail, to navigate complex litigation and transactional matters.

Stephen's practice is rooted in developing a nuanced understanding of his clients' unique business philosophy and needs by partnering with their in-house legal and business teams. With this understanding, he is able to proactively manage their risk and collaboratively work to reach creative solutions to their real estate, construction, litigation, and business needs. When a need arises out of the scope of his experience, Stephen draws on a broad internal network of Firm attorneys from other practice groups and geographic locations to thoughtfully build and manage teams to service clients' specific needs.

Representative Matters

Litigation

- Work closely with a fast-paced in-house legal department of a gas station and travel center developer/operator and successfully lead a team of multijurisdictional litigators in handling premises liability, construction, and product liability lawsuits in state and federal courts across the Southeast.
- Managed all aspects of 100+ real property lawsuits in state and federal courts for two NYSE-listed financial institutions relating to delinquent property tax liens; foreclosure and redemption; survey and title disputes; and lien seniority and enforceability issues.
- Successfully petitioned for and obtained precedent-setting Writ of Mandamus from the Supreme Court of Alabama that overturned the trial court's order requiring client's production of post-accident investigation report.
- Negotiated favorable settlement for a real estate developer in Virginia state court litigation regarding a commercial development.
- Successfully represented a client relating to litigation in Virginia federal court regarding a dispute over the management, ownership, and financing of a multi-family real estate development financed by historic tax credits.
- Defend multinational aggregates, equipment manufacturers, and retail clients in a variety of Virginia litigation relating to transportation, detinue, and premises liability.
- Obtained an order dismissing a counterclaim asserted by an upstream contractor against a subcontractor client by successfully arguing that the upstream contractor entered into the subcontract using a trade name that did not have a state contractor's license; and, therefore, the subcontract was void as a matter of law even though that contractor had a state contractor's license under a different name.

Transactional

- Work closely with in-house legal and real estate leadership teams for a gas station and travel center developer/operator during a period of high growth and rapid geographic expansion, and actively manage a team of attorneys from broad practice areas across the southeast on transactional matters

relating to real estate acquisitions and development, government incentives, construction contracts, tax, aviation, and general corporate matters.

- Served as the lead negotiator and drafter of a \$110 million design build contract and ancillary documents on behalf of a health care REIT owner client regarding the construction of a health care facility in western U.S.
- Advised a client in all aspects of the acquisition, development, sale, and leasing of a 49-acre retail and mixed-use development in the Birmingham, Alabama area.
- Represented a real estate developer in all aspects of the sale of a student housing development valued at more than \$20 million, including the related assumption and re-financing of an existing loan.
- Advised a NYSE-listed telecommunications construction company to ensure continued enforceability of hundreds of construction contracts and leases and to mitigate related risks in light of the corporate conversion of 15 subsidiaries operating throughout the U.S.
- Actively manage all aspects of more than 50 acquisitions annually throughout the U.S. for a national real estate developer for development as commercial retail stores, including handling due diligence, negotiating and drafting documents, resolving title and survey issues, and negotiating tax and infrastructure incentives.
- Routinely draft opinion letters and serve as Virginia local counsel on real estate and finance deals.

International

- Obtained a special zoning exception for the embassy of an Asian nation to allow the relocation of the embassy's chancery operations to a new location in a residential neighborhood after obtaining required diplomatic approval from the U.S. State Department and navigating rules and regulations of multiple layers of Washington, D.C., government.
- Negotiated favorable resolution for a design-build contractor joint venture in a \$15 million dispute with an international auto manufacturer owner regarding the \$200 million design-build contract for a new manufacturing facility in the southeastern U.S., as well as multimillion-dollar disputes with downstream subcontractors.
- Served as the lead negotiator and drafter of a \$50 million construction contract involving multiple tax and other incentives on behalf of a Latin American client building a manufacturing facility in the southeastern U.S.
- Successfully assisted a pro bono client from Afghanistan in obtaining a Special Immigrant Visa for his service as a translator helping the U.S. military and its contractors, allowing him to re-settle in the United States.



Professional Honors & Activities

- Member – Mensa
- Confirmed by the [U.S. Green Building Council](#) as a Leadership in Energy and Environmental Design Accredited Professional (LEED AP)
- Construction Law Adjunct Professor, University of Alabama School of Law, Fall 2020
- Selected to/Listed in "Rising Stars" by *Mid-South Super Lawyers*, 2016 – 2021



Additional Background Information

Stephen has studied in Spain and Switzerland, taught and lived in China, Nepal and Nicaragua, traveled throughout Europe, Latin America, India, Israel, Mongolia, Morocco, South Africa, and Turkey, and is highly proficient in written and spoken Spanish. During law school, Stephen clerked for the U.S. Department of Justice's Office of International Affairs, the Inter-American Development Bank, and the Attorney General of Virginia.



Publications

- "Wisconsin's Supreme Court Strikes Down Executive Branch's COVID-19 Stay-at-Home Order" (May 18, 2020)
- "Part 2: Can the Government Do That? – But I Own that Beach and It Is My Backyard!" (April 17, 2020)
- "Can the Government Do That? – New Class Action Challenges Pennsylvania's COVID-19 Order as Unconstitutional" (April 6, 2020)
- Co-author – "China's Belt and Road Initiative is Changing the World," American Bar Association, Division 10 Newsletter (Winter 2018)
- "A Decade in the Making: The 2017 Revamp of the AIA's Construction Contract Documents," Virginia State Bar's *Virginia Lawyer Magazine* (February 2018)
- "Force Majeure Clauses: Protecting Against the Unforeseeable," Association of Corporate Counsel *Lexology* (April 2014)
- "No Need of Injury to Others' Property to be an 'Occurrence' under a CGL Insurance Policy," American Bar Association, Division 1 Newsletter (August 2013)
- "Can Cheap Natural Gas Save the U.S. Construction Industry?," American Bar Association, Division 10 Newsletter (Summer 2013)
- "The Future Of Green Skyscrapers," Environmental and Real Estate *Law360* (April 2012)
- "Stephen K. Pudner, Moving Forward from Dubai Ports World – The Foreign Investment and National Security Act of 2007," 59 *Alabama Law Review* 1277 (2008) (which has been cited in the *Harvard Business Law Review*, *Berkeley Business Law Journal*, *University of Pennsylvania Journal of International Law*, and other publications)



Education

- University of Alabama School of Law, J.D., 2008, cum laude
 - Senior Editor – *Alabama Law Review*
 - Full academic scholarship recipient each year
- Georgetown University Law Center, Visiting Law Student, Spring 2008
- University of Fribourg, Switzerland, Summer 2006
- University of Virginia, B.A., Economics, 2003
- University of Valencia, Spain, Fall 2002



Admissions

- U.S. District Courts for the Eastern and Western Districts of Virginia
- U.S. Court of Appeals, Fourth, Fifth, and Eleventh Circuits
- U.S. District Courts for the Northern, Middle, and Southern Districts of Alabama
- Alabama, 2008
- District of Columbia, 2011
- Virginia, 2015