



Date: 04/10/2025
To:
From: Pete Fowler Construction Services, Inc.
Project: Allocation of Responsibility for Construction Defects Webinar 5/29/2025 (PFCS 24-0921)
Regarding: Audience Handout Package

Meet the Panel

Garrett Mott

SHAREHOLDER - HENNIGH LAW CORPORATION

With the cool precision of a military strategist, Garrett Mott's legal prowess and trial skills make him a formidable advocate in the courtroom. As a trial attorney, Garrett is known for his expertise in representing real estate and construction companies in sensitive and intricate litigation. Garrett's practice revolves around managing high-stakes cases. He excels in navigating complex legal landscapes and has amassed a wealth of first-chair experience in high-profile, multi-week jury trials and arbitrations. His ability to craft compelling case themes, conduct impactful direct and cross-examinations of witnesses, and skillfully draft persuasive opening statements and closing arguments sets him apart as a trial lawyer of exceptional caliber. Beyond his courtroom triumphs, Garrett is highly skilled in achieving favorable resolutions for his clients before trial. Leveraging his extensive trial experience, he effectively engages with California's leading mediators, as well as entities such as the United States Attorney's Office and the County District Attorneys. Through his creative negotiation, Garrett has successfully resolved significant disputes, showcasing his ability to secure advantageous outcomes for his clients.



Shannon Guerrero-Huff

FOUNDING PARTER - GUERRERO-HUF KAMINSKI, PLLC

Shannon Guerrero Huff, Founder of Guerrero Huff Law Group, concentrates her practice on general liability, construction defect, products liability, commercial litigation, and other types of insurance defense matters. With respect to construction, Shannon's 18 years of experience revolves primarily around defending contractors in every type of dispute, including single and multi-family residential projects, commercial construction, contract disputes, lien issues and all other construction matters. The success she achieves for her clients arises out of developing defense strategies at the earliest stages of a dispute, and constantly evolving those strategies with the client and carrier as the case develops. From inception to resolution, Shannon's comprehensive approach aims to minimize her client's risk and maximize efficiency at all phases of litigation. Shannon is a member of the Arizona State Bar, Idaho State Bar, Washington State Bar, Maricopa County Bar Association, Arizona Association of Defense Counsel, Construction Section of the Arizona State Bar, and the International Society of Female Professionals. Outside of her legal practice, she is a licensed Arizona Realtor and Private Pilot. Shannon is bilingual in English and Spanish.

Mike Villalba

PRACTICE DIRECTOR, TECHNICAL CONSULTING SERVICES - PETE FOWLER CONSTRUCTION

Michael Villalba is a seasoned leader having held management positions supervising, directing, training, and evaluating the work of tradesmen as well as professional consulting staff at well-known firms. In his role as a building consultant Mike serves as a technical expert, evaluating and testing physical building performance, examining enormous volumes of project documentation, making repair recommendations, estimating project costs, tendering projects for bid, and rendering professional opinions that aid in moving projects to conclusion. As an expert witness Mr. Villalba is experienced in composing declarations as well as offering deposition and trial testimony.



Gene Witkin

MEDIATOR & ATTORNEY - ARBITRATION MEDIATION CONCILIATION CENTER

Gene Witkin is a professional neutral devoted entirely to helping businesses, insurance companies, and individuals resolve their disputes efficiently and out of court. Prior to committing to alternative dispute resolution, Mr. Witkin was an attorney with an active practice in complex litigation, insurance disputes, and conflict resolution in numerous different states and venues throughout the United States for more than thirty years. In 2000, Mr. Witkin co-founded the law firm Menter & Witkin LLP that focused in large part on risk sharing and funding of large lawsuits, which gave him the opportunity to represent both plaintiffs and defendants, as well as third-party defendants and insurance companies. In early 2021, Mr. Witkin took this diverse experience and turned his practice to full time dispute resolution services with availability across the United States.

Mr. Witkin completed his mediator training at the National Conflict Resolution Center in 2017. He has previously served for many years as an arbitrator for the Mandatory Fee Arbitration Panel in Orange County, and participated in nearly one thousand days of mediation and settlement conferences as both counsel and client representative, and in numerous fields, including construction, insurance, medical, property, and contract claims. An extensive legal and collaborative background has given him the opportunity to cooperate with counsel from around the country and work on every side of civil lawsuits. He was a member of the Insurance Section of the local bar for over twenty years, where he was formerly elected chairman.

More recently, Mr. Witkin joined the Masters Section of the bar, formed to apply the knowledge and experience of its members to promote the public good and cultivate social discourse among attorneys with twenty-five years or more experience. He has also been a frequent speaker on topics ranging from risk transfer to construction disputes and claims resolution, with presentations at West Coast Casualty Conference, Mealey's Litigation and Coverage Conference, Insurance Claims Litigation Management Annual Meeting, the Colorado Bar Association Construction Section, as well as in-house and industry round-table presentations.

Presentation Materials

1. Lesson Plan with links to relevant backup materials
2. Power Point Slides



Allocation of Responsibility for Construction Defects



OFFICES

CALIFORNIA

(949) 240-9971

1101 California Ave, #213
Corona, CA 92881

NEVADA

(725) 333-2365

2470 St Rose Pkwy, Ste 104
Las Vegas, NV 89074

FLORIDA

(407) 517-0650

9100 Conroy Windermere Rd,
Ste 281
Windermere, FL 34786

TEXAS

(469) 677-8710



Pete Fowler
CONSTRUCTION
Services, Inc.

INTRODUCTION

"Allocation" is mostly "science," but critical parts include the "art" of applying professional judgment. Construction defect litigation claims come in all possible project types, sizes, and ownership structures. It's rare that construction defect (CD) claims are related to a single party. There are usually multiple parties who share responsibility, and sometimes, there are dozens.

Given how complicated allocation is, it's important to have an engineered process for assigning supportable portions of the cost to repair defects and other damages to each responsible party. This includes (1.) making a sensible list of defects ("issues") that can be allocated, (2.) assigning values to each issue or category, (3.) making a list of all possibly involved parties and (4.) understanding their role in the project, and (5.) assigning justified portions of responsibility for each issue. A real, professional, supportable allocation has a lot of moving parts. There is lots of math, connected spreadsheets, and professional judgment from expert witnesses and lawyers.

Our panel includes experienced lawyers with understanding of insurance coverage and building experts who understand defects, analysis, and contractual roles & responsibilities.

PROGRAM OUTLINE

1. Introduction
2. Working Backwards
3. Analyzing Construction Defects
4. Allocation Matrix
5. Who - What - Where
6. Professional Judgement
7. Making a Case
8. Conclusion

LEARNING OBJECTIVES

- Review the process for assigning supportable portions of the cost to repair defects and other damages to each responsible party.
- Define what parts of allocating responsibility are "science" with little room for argument.
- Examine what parts of allocating responsibility is more "art," or open to professional judgement.
- Show the common documents and spreadsheets seen in allocating responsibility for construction defects.
- Explain the math behind arriving at allocation percentages.

PROGRAM CONTENTS

1. Introduction – 5 Minutes
 - A. Who We Are
 - B. Presenter Information
 - C. Program Outline
 - D. Introduction
 - E. Learning Objectives
2. Working Backwards – 10 Minutes
 - A. Allocation Summary with Settlement Ranges
 - B. Allocation Analysis
 - C. An Engineered Collection of Deliverables
3. Analyzing Construction Defects – 10 Minutes
 - A. Expert Building Investigations
 - B. Project File
 - C. Inspection & Testing Data Analysis
 - D. Reports
 - E. Defense Cost Analysis of Defense Scope.
 - F. Defense Cost Analysis of Plaintiff Scope
4. Allocation Matrix – 5 Minutes
5. Who – What – Where – 10 Minutes
 - A. Who did what, and where?
 - B. Assigning % Responsible
 - C. Joint & Several Allocation
6. Professional Judgement – 10 Minutes
 - A. "Normalize" the Cost Analysis
 - B. A "100% Allocation" (not 99%, not 101%)
 - C. "Contracting 101 Analysis"
 - D. Low and High Settlement Ranges
 - E. Arguing

7. Making a Case – 5 Minutes
 - A. Allocation-Claim Packages
 - B. Mediation
 - C. Updating During Mediation
8. Conclusion – 5 Minutes
 - A. Continuing Education
 - B. Backup Materials
 - C. Feedback

BACKUP MATERIALS

1. [From the Ground-Up: Allocation of Responsibility in Construction-Defect Litigation](#) by Pete Fowler, as published in CLM Claims Magazine
2. [Allocation of Responsibility in Construction-Defect Litigation](#) by Pete Fowler, Unabridged and Extended Version
3. [Building Investigation Basics](#) by Pete Fowler
4. [High-End Headaches: Why High-End Home Construction Litigation Is So Difficult To Resolve](#) by Pete Fowler, Robert Carlson, Barbara Laskaris-Lorigan, and Craig Meredith
5. [The Tangled Web of Hybrid Construction Contract / Defect Claims](#) by Pete Fowler, Robert Carlson, Barbara Laskaris-Lorigan, and David Veis



WEBINAR

THURSDAY, MAY 29th, 2025 @ 10:00AM PT

Pete Fowler
CONSTRUCTION
Services, Inc.

Allocation of Responsibility in Construction Claims

With Shannon Guerrero-Huff, Garrett Mott, Mike Villalba, and Gene Witkin





ABOUT US

Building Experts.

Helping Smart People
Make Smart Decisions



Construction Defects



Property Claims



Personal Injury Claims



Contract Claims

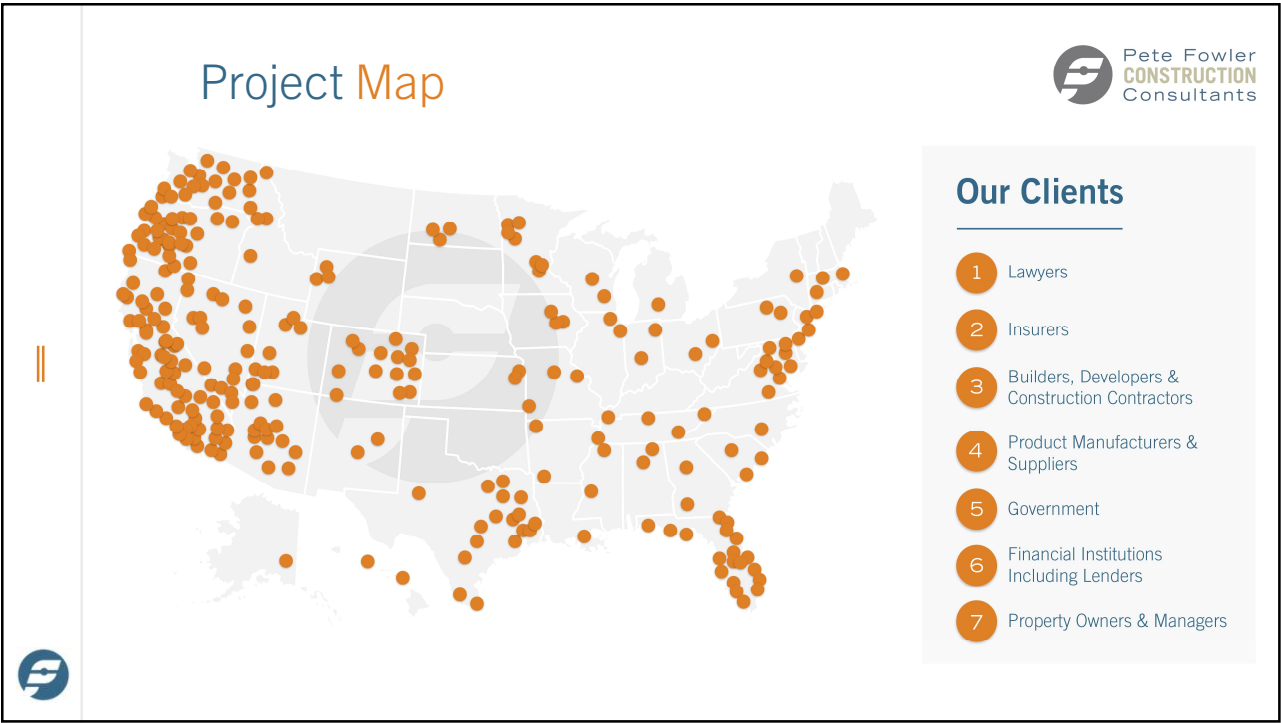


Estimating, Quality & Construction Management



Fire Claims







Meet our Presenters



Shannon Guerrero-Huff
Founding Partner
Guerrero-Huff Kaminski, PLLC



Garrett Mott
Shareholder
Hennigh Law Corporation

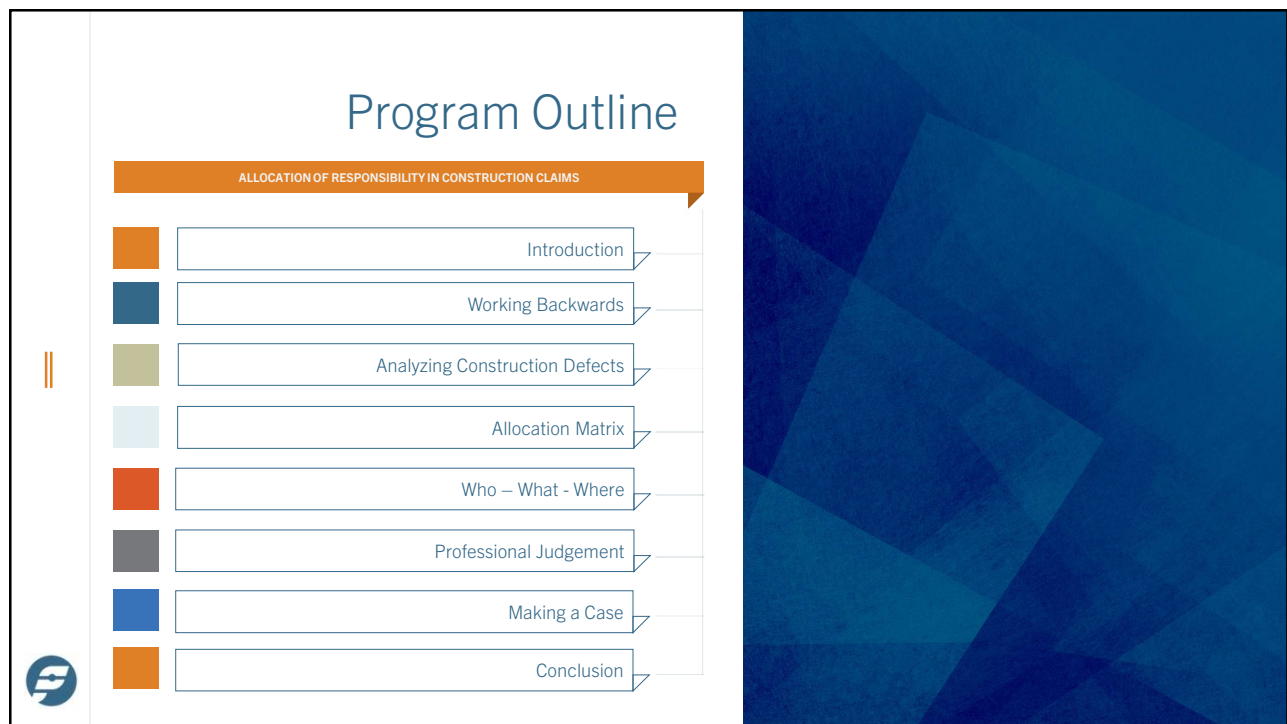


Mike Villalba
Practice Director,
Technical Consulting Services
Pete Fowler Construction



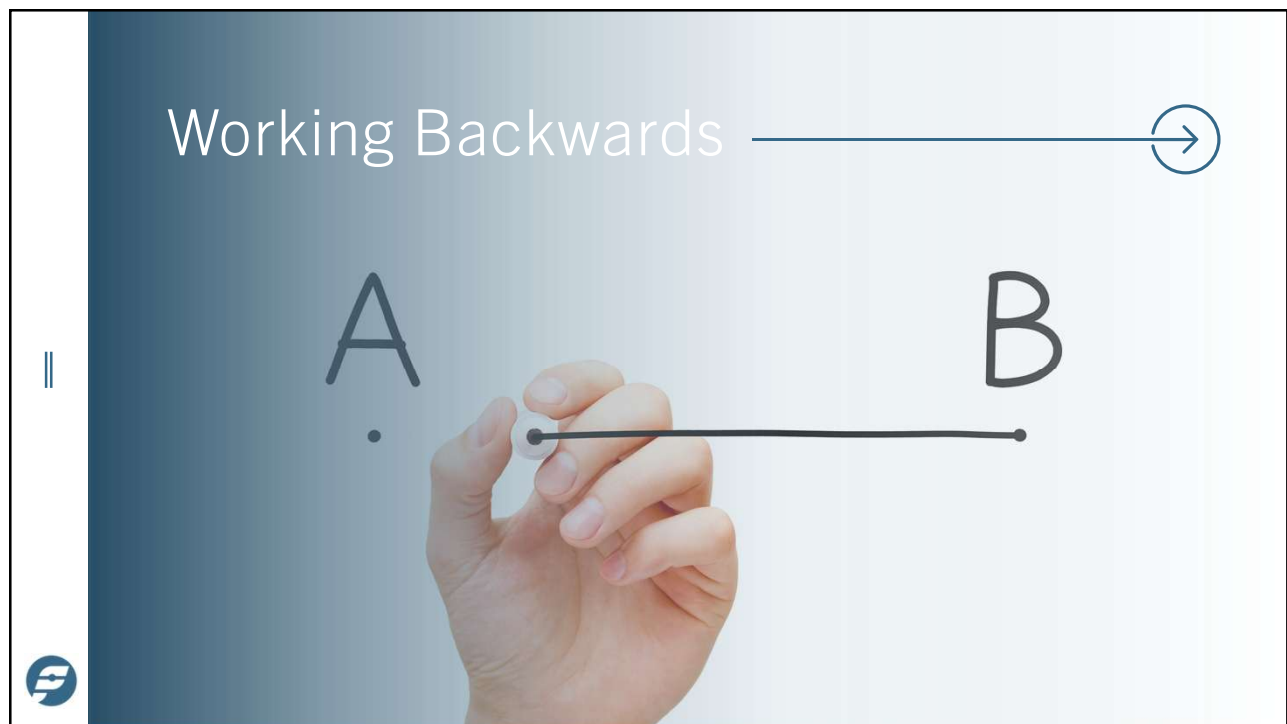
Gene Witkin
Mediator & Arbitrator
Arbitration Mediation Conciliation Council
(AMCC)





Learning Objectives

-  Review the process for assigning supportable portions of the cost to repair defects and other damages to each responsible party.
-  Define what parts of allocating responsibility are "science" with little room for argument.
-  Examine what parts of allocating responsibility is more "art," or open to professional judgement.
-  Show the common documents and spreadsheets seen in allocating responsibility for construction defects.
-  Explain the math behind arriving at allocation percentages.



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#	Who	Settlement Notes	Plaintiff Scope + Plaintiff Costs		Plaintiff Scope + Defense Costs		Defense Scope + Defense Costs		Settlement Range	
			Joint & Several	100%	Joint & Several	100%	Joint & Several	100%	Low	High
1	Party A	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
2	Party B	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
3	Party C	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
4	Party D	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
5	Party E	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
6										\$XXX,XXX
7										\$XXX,XXX
8										\$XXX,XXX
9										\$XXX,XXX
10										\$XXX,XXX
11										\$XXX,XXX
12										\$XXX,XXX
13										\$XXX,XXX
14	Party N	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
15	Party O	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
16	Party P	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
17	Party Q	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
18	Party R	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
19	Party S	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
20	Party T	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
21										
22	Total	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX

Settlement Ranges

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#	Who	Settlement Notes	Plaintiff Scope + Plaintiff Costs		Plaintiff Scope + Defense Costs		Defense Scope + Defense Costs		Settlement Range	
			Joint & Several	100%	Joint & Several	100%	Joint & Several	100%	Low	High
1	Party A	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
2	Party B	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
3	Party C	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
4	Party D	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
5	Party E	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
6	Party F	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
7	Party G	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
8	Party H	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
9	Party I	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
10	Party J	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
11	Party K	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
12	Party L	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
13	Party M	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
14	Party N	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
15	Party O	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
16	Party P	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
17	Party Q	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
18	Party R	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
19	Party S	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
20	Party T	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX
21										
22	Total	Xxx xxx	\$X,XXX,XXX	\$XXX,XXX	\$X,XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX	\$XXX,XXX

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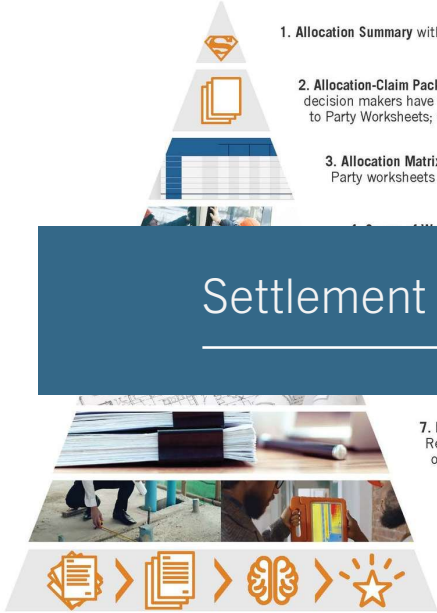
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Allocation Analysis

- ☞ Make a Sensible List of Defects
- ☞ Assign Values to Each
- ☞ Make a List of All Parties
- ☞ Understand Their Role
- ☞ Assign Justifiable Portions of Responsibility to Each Party







Settlement Ranges

1. Allocation Summary with Settlement Ranges (1-2 pages)

2. Allocation-Claim Packages for Each Player (5-100+ pages each), Compiled so decision makers have what they need to make a settlement decision: Allocation to Party Worksheets; the Report; Cost Analysis; evidence of damage; Contract(s)

3. Allocation Matrix: See article section for details. Contains all Allocation to Party worksheets

7. Report(s) including List of Players, Roles, and Relationships (incl. Org Chart), Key Documents, and a List of Issues and Issue-By-Issue Analysis.

8. Inspection & Testing Data including Testing Summary and Inspection Analysis.

9. Project File: plans, specifications, contracts, daily reports, correspondence, inspections, etc. General Project Documents and Project File Documents for each player.

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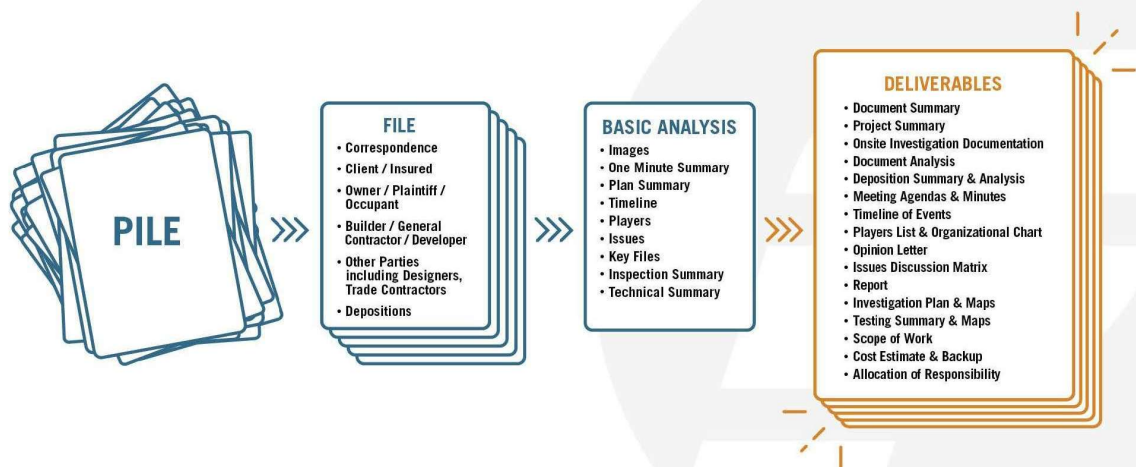


Expert Building Investigations

- Collecting, organizing, and summarizing a large volume of project data.
- Preparing for and executing onsite investigations including visual inspections and diagnostic testing that conform with myriad technical consensus standards.
- Conducting interviews and reading testimony



Project File







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Defense Cost Analysis of Defense Scope

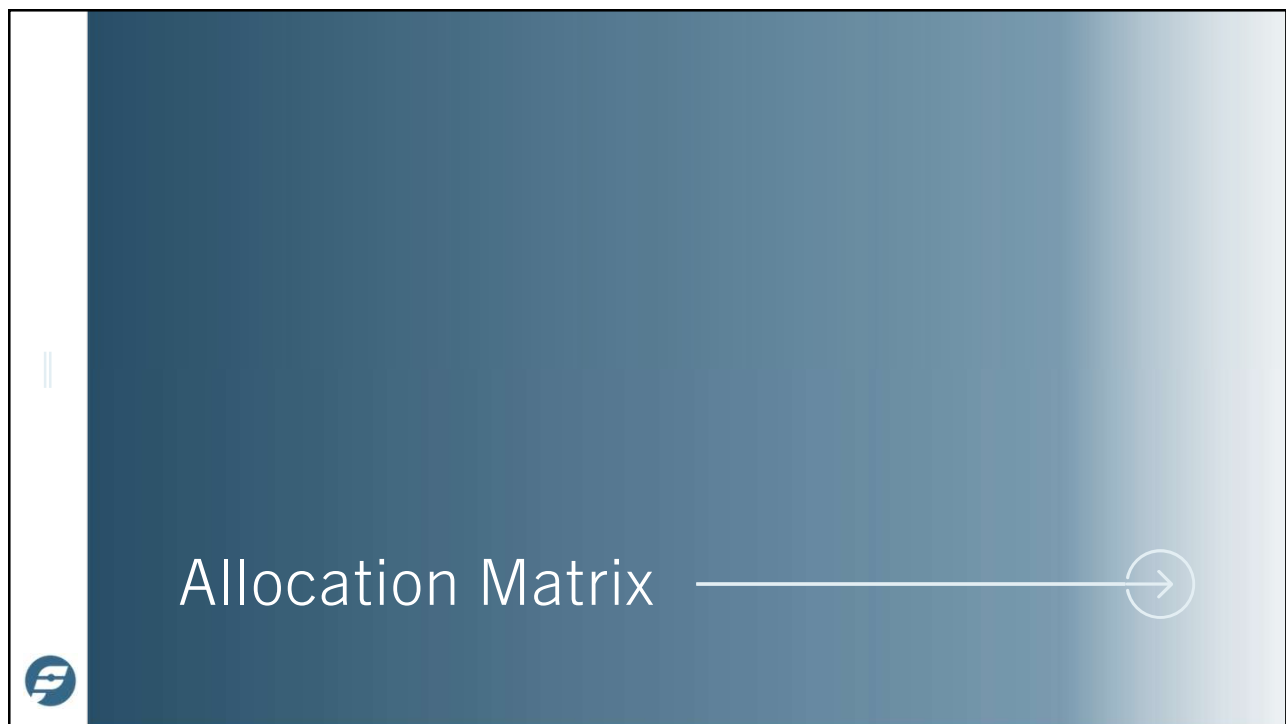




A close-up photograph of a hand with light-colored nail polish moving a white chess piece (a pawn) on a wooden chessboard with alternating light and dark squares. Several other chess pieces are visible on the board, including a king, a queen, and other pawns. The image is part of a presentation slide.

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Defense Cost
Analysis of
Plaintiff Scope



 Allocation Matrix Plaintiff Scope + Estimate													
#	Issues	Allocation Notes	Total Cost	Party A		Party B		Party C		Parties D-T		Total Allocated	
				%	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Issue 1	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
2	Issue 2	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
3	Issue 3	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
4	Issue 4	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
5	Issue 5	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
6	Issue 6	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
7	Issue 7	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
8	Issue 8	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
9	Issue 9	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
10	Issue 10	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
11	Issue 11	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
12	Issue 12	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
13	Issue 13	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
14	Issue 14	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
15	Issue 15	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
16	Issue 16	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
17	Issue 17	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
18	Issue 18	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
19	Issue 19	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
20	Issue 20	Xxx xxx	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX	XX%	\$XXX,XXX
21													
22	Total		\$XX,XXX,XXX	XX%	\$X,XXX,XXX	XX%	\$X,XXX,XXX	XX%	\$X,XXX,XXX	XX%	\$X,XXX,XXX	XX%	\$XX,XXX,XXX
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24

Joint & Several Allocation

- In for a penny, in for a pound.
- Requires professional judgement.
- The total allocated is MORE than 100% of the value.





“Normalize” the Cost Analysis



Values to assign:

1. Unit Cost
2. Direct Cost
3. Construction Value
4. **Project Cost (Used in Allocation)**

				Date			
				Direct Cost	Direct Cost	Construction	Project Cost
				Unit	Total	Values	Total
	Notes	Qty.	Unit				
		1	ls	\$1,111.00	\$1,111.00	\$1,490.96	\$1,856.55
		16	sqft	\$57.00	\$912.00	\$1,223.90	\$1,524.01
	M=Allowance	1	sq	\$445.00	\$445.00	\$597.19	\$743.62



Allocated line items should be “Burdened” with all the project costs.



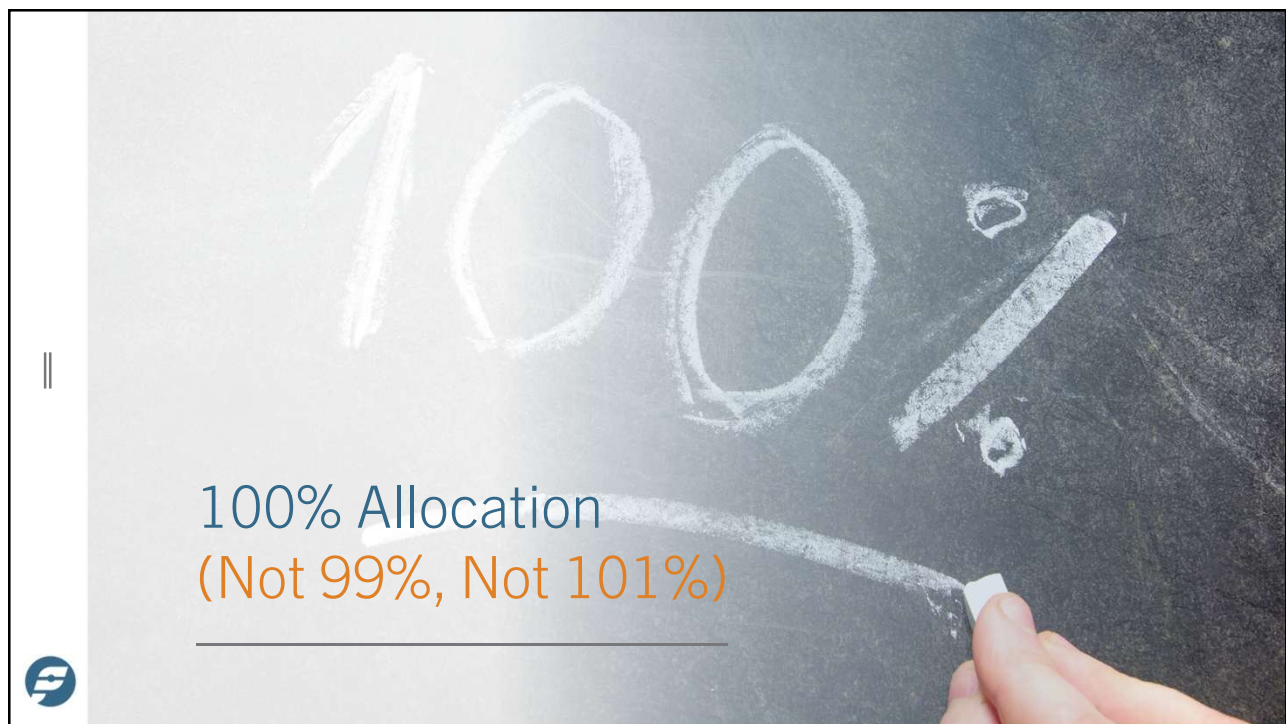
General project costs



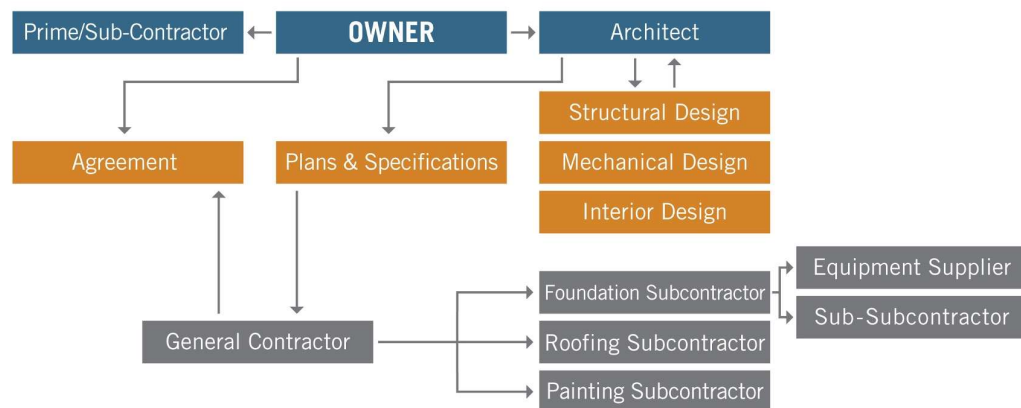
Separate Line Items

1. Take the most time to estimate
2. Require Professional Judgement





“Contracting 101 Analysis”



Low and High Settlement Ranges

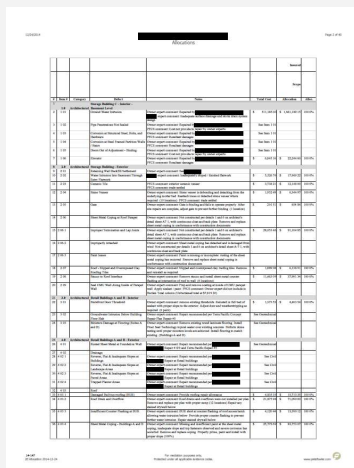
	Best Case	Most Likely	Worst Case
1. Issue 1	\$	\$	\$
2. Issue 2	\$	\$	\$
3. Issue 3	\$	\$	\$
4. Sub	\$	\$	\$
5. Other	\$	\$	\$
6. Total	\$	\$	\$







Allocation Claim Package



Category	Amount	Notes
1.000000	1.000000	1.000000
2.000000	2.000000	2.000000
3.000000	3.000000	3.000000
4.000000	4.000000	4.000000
5.000000	5.000000	5.000000
6.000000	6.000000	6.000000
7.000000	7.000000	7.000000
8.000000	8.000000	8.000000
9.000000	9.000000	9.000000
10.000000	10.000000	10.000000
11.000000	11.000000	11.000000
12.000000	12.000000	12.000000
13.000000	13.000000	13.000000
14.000000	14.000000	14.000000
15.000000	15.000000	15.000000
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26.000000	26.000000	26.000000
27.000000	27.000000	27.000000
28.000000	28.000000	28.000000
29.000000	29.000000	29.000000
30.000000	30.000000	30.000000
31.000000	31.000000	31.000000
32.000000	32.000000	32.000000
33.000000	33.000000	33.000000
34.000000	34.000000	34.000000
35.000000	35.000000	35.000000
36.000000	36.000000	36.000000
37.000000	37.000000	37.000000
38.000000	38.000000	38.000000
39.000000	39.000000	39.000000
40.000000	40.000000	40.000000
41.000000	41.000000	41.000000
42.000000	42.000000	42.000000
43.000000	43.000000	43.000000
44.000000	44.000000	44.000000
45.000000	45.000000	45.000000
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What is it?

A collection of documents used to come to your conclusions.



How is it Used?

To justify your allocations.



Why is it Important?

To answer the question, "Why did you come to this conclusion?"



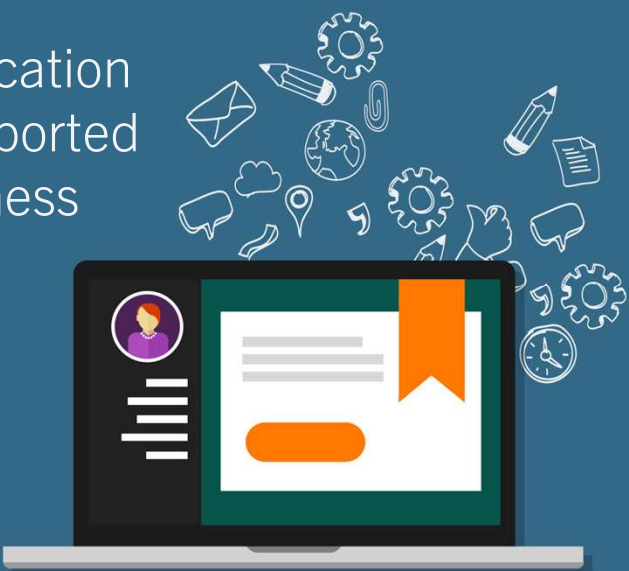




Learning Objectives

-  Review the process for assigning supportable portions of the cost to repair defects and other damages to each responsible party.
-  Define what parts of allocating responsibility are "science" with little room for argument.
-  Examine what parts of allocating responsibility is more "art," or open to professional judgement.
-  Show the common documents and spreadsheets seen in allocating responsibility for construction defects.
-  Explain the math behind arriving at allocation percentages.

Continuing education credit will be reported within ten business days.



The illustration features a laptop with a dark screen. On the screen, there is a white document with a green border, an orange bookmark, and an orange button. To the left of the document is a purple circular profile icon and a list of five horizontal lines. Surrounding the laptop are various white line-art icons: gears, a pencil, a paperclip, a globe, a speech bubble, a location pin, a clock, a hand, a document, and a cloud.

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WEBINAR

THURSDAY, JUNE 26TH, 2025 @ 10:00AM PT

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Evaluating Slip, Trip, and Fall Claims

With Robert Cohen, Esq., Dan Crespo, Esq., Don Gifford, and Paul Kushner

