

Audience Handout Package

Allocation of Responsibility for Construction Defects 11/19/2026



DATE

9/11/2026

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Date: 9/11/2026
From: Pete Fowler Construction Services, Inc.
Project: Allocation of Responsibility for Construction Defects 11/19/2026 (PFCS 25-1186)
Regarding: Audience Handout Package

Meet the Panel

Tim Dobrenen, Esq.

VICE PRESIDENT CLAIMS - HANNOVER RE

Timothy Dobrenen, Esq. is an Assistant Vice President of Claims for Hannover Re Services USA, Inc. and has more than twenty years of experience in insurance claims handling, claims litigation, and claims management. He is admitted before the California State Bar and holds insurance adjuster licenses in thirteen different states. Timothy provides oversight of TPAs, claims reserving and oversees legal defense and coverage counsel assigned to claims.

George Gehron

EXPERT - PETE FOWLER CONSTRUCTION

George Gehron is a construction and forensic expert with Pete Fowler Construction, bringing over twenty years of hands-on experience in construction management, estimating, and building investigations. He is a licensed General Contractor in California and Utah, providing clients with informed, field-based technical insight and clear evaluation of construction issues and outcomes. George has served as both a lead expert and forensic consultant on complex construction defect and property damage matters throughout the Southwest. His expertise includes building envelope systems, water intrusion, roofing, stucco, framing, plumbing, drainage, ADA compliance, and structural damage assessment. He has conducted destructive testing, water spray testing, and cost of repair analyses in support of litigation, mediation, and insurance disputes. George's work helps clients translate complex field conditions into clear findings that make for informed decision-making.

Hon. Keri Katz, Esq.

MEDIATOR / ARBITRATOR - SIGNATURE RESOLUTION

Hon. Keri G. Katz (Ret.) has nearly forty years of experience, both as a Superior Court Civil Independent calendar judge and a former civil litigator. Judge Katz is recognized for her persistence in clarifying complex issues and developing personalized, practical solutions to resolve disputes. Known for her patience, empathy, and perseverance, she creates an environment where parties feel heard and solutions are achieved. Her dedication to securing the best possible outcomes remains strong, ensuring that settlements are not only made but also effectively implemented. To accommodate all parties, Judge Katz is willing to travel to mutually agreed-upon business and government locations for her neutral services.

Throughout her legal career, she presided over hundreds of legal proceedings, including trials and settlement conferences, involving construction, professional liability, and land use and contractual disputes. She also litigated property damage and ownership disputes, such as those related to landslides, flooding, and easement issues. Additionally, Judge Katz litigated and presided over personal injury, excessive force, wrongful death, and premises liability cases.

In her legal practice, Judge Katz handled many cases across various legal fields. Known for her ability to create unique settlements, she advised all public works departments, including the capital projects department and the city engineer. Judge Katz was responsible for resolving several complex disputes related to construction, professional liability, torts, contracts, and property. She also litigated and settled various land use cases, including claims of inverse condemnation and development rights. Additionally, Judge Katz provided valuable legal advice to the city engineer, mayor, and city council as a member of the mayor's executive management team.

Ivette Kincaid, Esq.

PARTNER - KAHANA & FELD, LLP

Ivette Kincaid is a Partner at Kahana Feld and Chair of the Construction Defect Practice Group. Ms. Kincaid is also a member of the general liability and insurance defense practice groups. Ms. Kincaid has 27 years of experience representing clients in complex construction defect litigation, complex bodily injury litigation, catastrophic injury and general insurance defense matters. Ms. Kincaid focuses on the defense of homebuilders, contractors, developers and real estate professionals primarily in construction defect, general liability, insurance defense, construction accident and real estate matters. Ms. Kincaid also has extensive experience in the defense of companies and individuals as it pertains to general liability and personal injury matters. Ms. Kincaid is on the board of directors for the National Association of Women in Construction (NAWIC) Orange County Chapter.

Ms. Kincaid is known as an effective, professional and thorough litigator. She understands the importance of early evaluation of cases to ensure they are being properly and efficiently prepared for either settlement or trial.



Allocation of Responsibility for Construction Defects



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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 making a sensible list of defects ("issues") that can be allocated, assigning values to each issue or category, making a list of all possibly involved parties and understanding their role in the project, and assigning justified portions of responsibility for each issue. A real, professional, supportable allocation has a lot of moving parts.

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.

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`

PROGRAM CONTENTS

1. Introduction – 5 Minutes
 - A. Who We Are
 - B. Presenter Information
 - C. Program Outline
 - D. Program 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 Files
 - C. Inspection & Testing Data Analysis
 - D. Defense Cost Analysis of Plaintiff Scope
 - E. Defense Cost Analysis of Defense Scope
4. Allocation Matrix – 5 Minutes
5. Who – What – Where – 10 Minutes
 - A. Who Did What, and Where?
 - B. "Contracting 101 Analysis"
 - C. Assigning % Responsible
 - D. Joint & Several Allocation
6. Professional Judgement – 10 Minutes
 - A. A "100% Allocation" (Not 99%, Not 101%)
 - B. Low and High Settlement Ranges
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



THURSDAY, NOVEMBER 19th, 2026 @ 10:00AM PT

Allocation of Responsibility for Construction Defects

With George Gehron, Tim Dobrenen, Esq., Hon. Keri Katz, Esq., and Ivette Kincaid, Esq.





ABOUT US

Building Experts.

Helping Smart People
Make Smart Decisions



Construction Defects



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Personal Injury Claims



Contract Claims

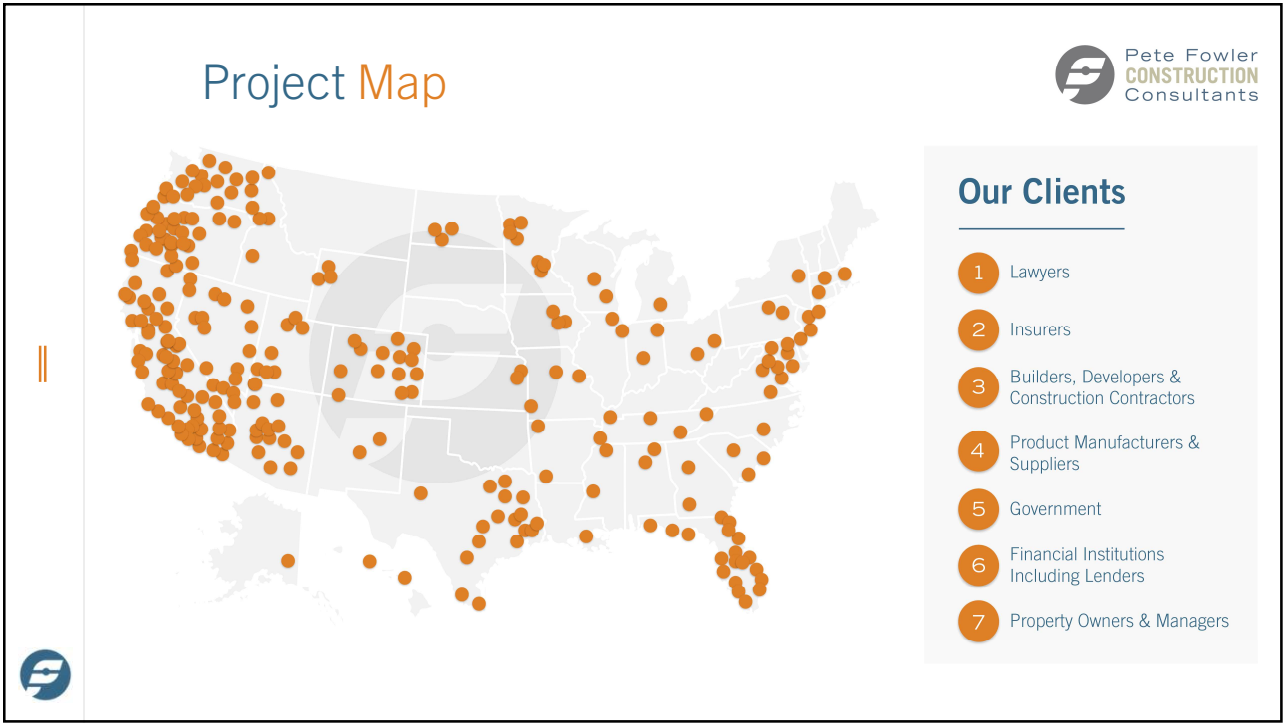


Estimating, Quality & Construction Management



Fire Claims







Meet our Presenters



George Gehron

Expert
Pete Fowler Construction Consultants



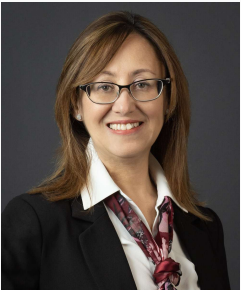
Tim Dobrenen, Esq.

Vice President Claims
Hannover Re



Hon. Keri Katz, Esq.

Mediator / Arbitrator
Signature Resolution



Ivette Kincaid, Esq.

Partner
Kahana & Feld, LLP



	Outline
	ALLOCATION OF RESPONSIBILITY FOR CONSTRUCTION DEFECTS
	Introduction
	Working Backwards
	Analyzing Construction Defects
	Allocation Matrix
	Who - What - Where
	Professional Judgement
	Making a Case
	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.



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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THURSDAY, DECEMBER 17th, 2026 @ 10:00AM PT

Pete Fowler
CONSTRUCTION
Consultants

Value Engineering Driven Construction Contract and Defect Claims

With Elgin Hakala, Cathy Deter, and Gregory Kahn

