



Date: 06/20/2025
To:
From: Pete Fowler Construction Services, Inc.
Project: Construction Defects from the Developer and GC Perspective Webinar
8/14/2025 (PFCS 25-0593)
Regarding: Audience Handout Package

Meet the Panel

Don Gifford

EXPERT - PETE FOWLER CONSTRUCTION

Don Gifford is an expert in both general construction and electrical construction and design. With extensive experience as a testifying expert and witness, Don possesses a wealth of knowledge with respect to building systems, electrical and mechanical systems, lighting, fires and explosions, trips and falls, contract disputes, fiscal inequity, damages, and surety resolution. Don has more than 50 years of construction experience and more than 25 years serving as a forensics expert. He is a trusted resource to attorneys, carriers, contractors, building owners, and bonding companies, and he has been retained as an expert over 1,300 times.

Melissa Saracyan

PARTNER - WOOD, SMITH, HENNING & BERMAN LLP

Melissa Saracyan is a partner at WSHB's Los Angeles office where she handles complex civil litigation including catastrophic injury, landlord-tenant habitability, products liability, construction defect and a wide variety of complex tort matters. Melissa has also successfully managed high-profile federal cases including bankruptcy and business matters. She has extensive experience in all phases of litigation, including pre-litigation resolution of matters, pre-trial discovery, motion practice, mediation, and trial preparation.

Melissa was admitted to the California Bar in 2016 after graduating from Southwestern Law School. While in law school, Melissa was a law clerk for civil litigation firms handling many matters including mass tort claims. She performed directed research for her professors in law school focusing on human rights abuses and international and comparative law. After passing the bar, she began practicing in business and international tax law, international and domestic tax planning and tax representation.



Walter Nelson

CLAIMS MANAGER - TURNER SURETY AND INSURANCE BROKERAGE

Walter Nelson is a seasoned Claims Manager at Turner Surety and Insurance Brokerage, specializing in construction defect claims since 1996. With an impressive career spanning over 25 years, Mr. Nelson has established himself as an expert in handling complex claims related to high-end homes and condos, and holds the following designations: CRM, CGA, and CRIS. Alongside his professional endeavors, Walter finds joy in activities such as golfing, biking, hiking, and attending live music events.

Presentation Materials

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



Construction Defects from the Developer / GC Perspective



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TEXAS

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Pete Fowler
CONSTRUCTION
Services, Inc.

INTRODUCTION

Construction Defect Litigation from the Developer / GC Perspective is a series of case studies in successful planning, analysis and execution of expert work on behalf of developers and general contractors. Construction defect litigation can be expensive, confusing and long lasting, but it doesn't have to be. Through this presentation, we will break down the process from the Developer / GC point of view, and provide approaches and alternatives in construction defect litigation.

This webinar will demonstrate how developer and general contractor litigation should be investigated and executed from an expert consultant perspective, using the most current standards and science-based building performance analysis. In preparing for trial, you want the highest level of professionalism in conducting building performance investigations. Investigations should involve conformance with the best standards of practice, a written investigation plan, random selection protocol for inspection and testing locations so the data is not biased, a comparison of performance to perfection, realistic repair estimates, and allocations to trade contractors. This program will include real-life case studies applying various approaches to construction defect litigation matters and examples of good work.

PROGRAM OUTLINE

1. Introduction
2. Preliminary Analysis
3. Analysis
4. Allocation & Mediation
5. Deposition & Trial
6. Conclusion

LEARNING OBJECTIVES

- Gain a big-picture perspective on handling construction defect litigation from a developer or general contractor perspective.
- Review Case Studies of numerous project types.
- Look at actual project deliverables.

PROGRAM CONTENTS

1. Introduction – 5 Minutes
 - A. Who We Are
 - B. Presenter Information
 - C. Program Outline
 - D. Program Introduction
 - E. Learning Objectives
2. Preliminary Analysis – 10 Minutes
 - A. Types of Construction Defect Claims
 - B. Who is Who?
 - C. The Foundation
 - D. Preliminary Analysis
3. Analysis – 20 Minutes
 - A. Digging Deeper
 - B. IIACC Method
 - C. Detailed Analysis
 - D. Rebuttal Analysis
 - E. Estimating Basics
 - F. Case Study: High-Rise Condo
4. Allocation & Mediation – 10 Minutes
 - A. Allocation of Responsibility: Basics
 - B. Contracting 101
 - C. A Real, Professional Allocation
 - D. Mediation
5. Deposition & Trial – 10 Minutes
 - A. Deposition and Trial Strategies
 - B. Case Study
6. Conclusion – 5 Minutes
 - A. Continuing Education
 - B. Back-Up Materials
 - C. Feedback

BACK-UP MATERIALS

1. [Allocation of Responsibility in Construction-Defect Litigation](#) by Pete Fowler
2. [Contracting 101](#) by Pete Fowler
3. [High-End Headaches: Why High-End Home Construction Litigation Is So Difficult To Resolve](#) by Bob Carlson, Pete Fowler, Barbara Laskaris-Lorigan, and Craig Meredith
4. [The Tangled Web of Hybrid Construction Contract/Defect Claims](#) by Pete Fowler, Bob Carlson, Barbara Laskaris-Lorigan, and David Veis
5. [SB 800 Introduction and Summary: CA Builders Right To Repair Law](#) by Pete Fowler
6. [Understanding & Evaluating Construction Costs for Building Claims](#) by Pete Fowler
7. [Civil Litigation Basics for Construction Professionals](#) by Pete Fowler
8. [Common Construction Defects](#) by Pete Fowler



WEBINAR

THURSDAY, AUGUST 14TH, 2025 @ 10:00AM PT

Pete Fowler
CONSTRUCTION
Services, Inc.

Construction Defects from the Developer & GC Perspective

With Don Gifford, Walter Nelson, and Melissa Saracyan.





ABOUT US

Building Experts.

Helping Smart People
Make Smart Decisions



Construction Defects



Property Claims



Personal Injury Claims



Contract Claims

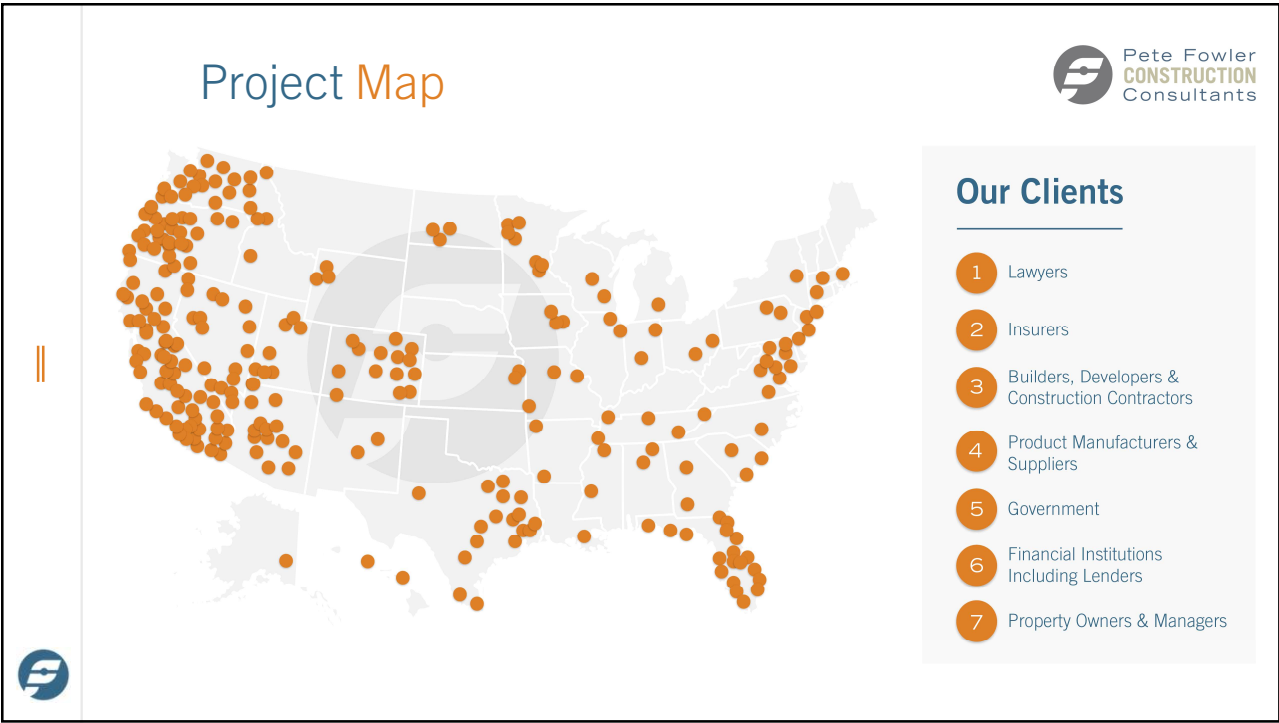



Estimating, Quality & Construction Management



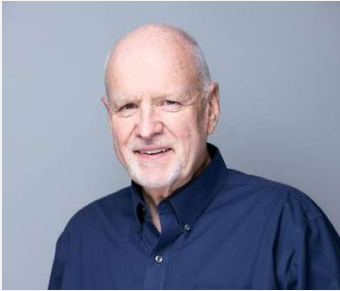
Fire Claims








Meet our Presenters




Don Gifford

Expert
Pete Fowler Construction




Melissa Saracyan

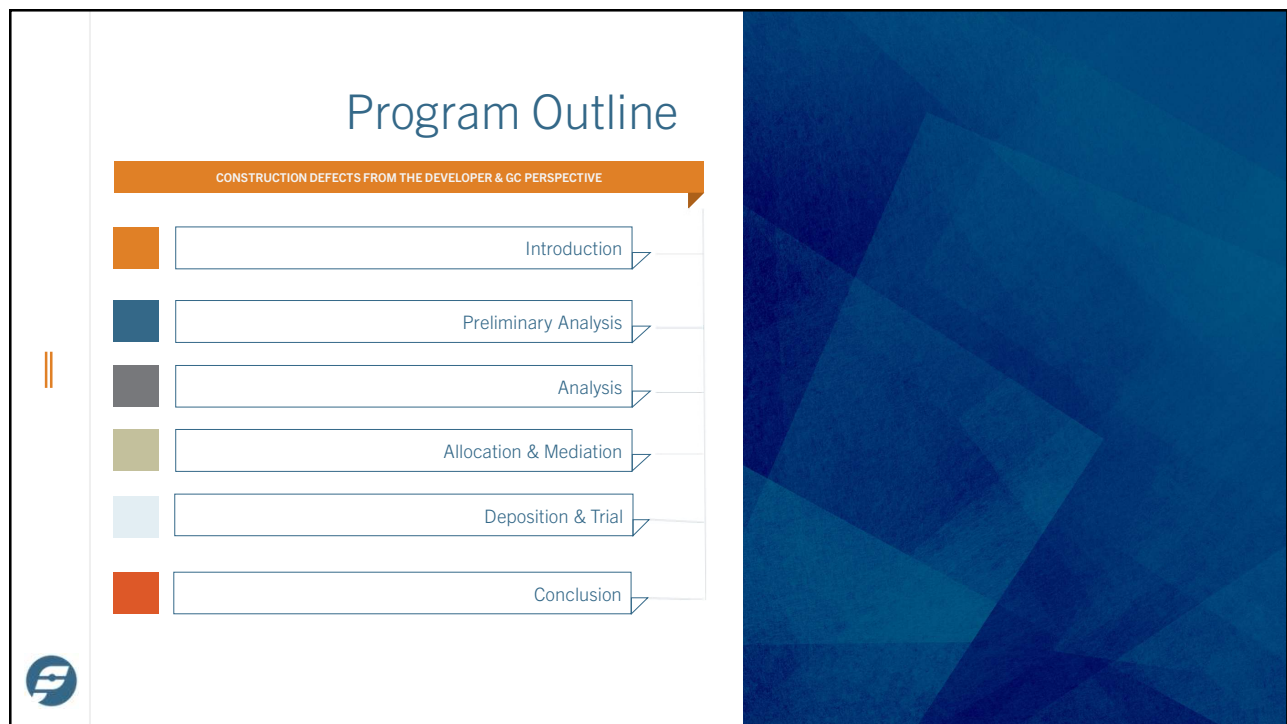
Partner
Wood, Smith, Henning & Berman LLP



Walter Nelson

Claims Manager
Turner Surety and Insurance Brokerage





Introduction



Learning Objectives



Gain a big-picture perspective on handling construction defect litigation from a developer or general contractor perspective.



Review Case Studies of numerous project types.



Look at actual project deliverables.





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The Foundation



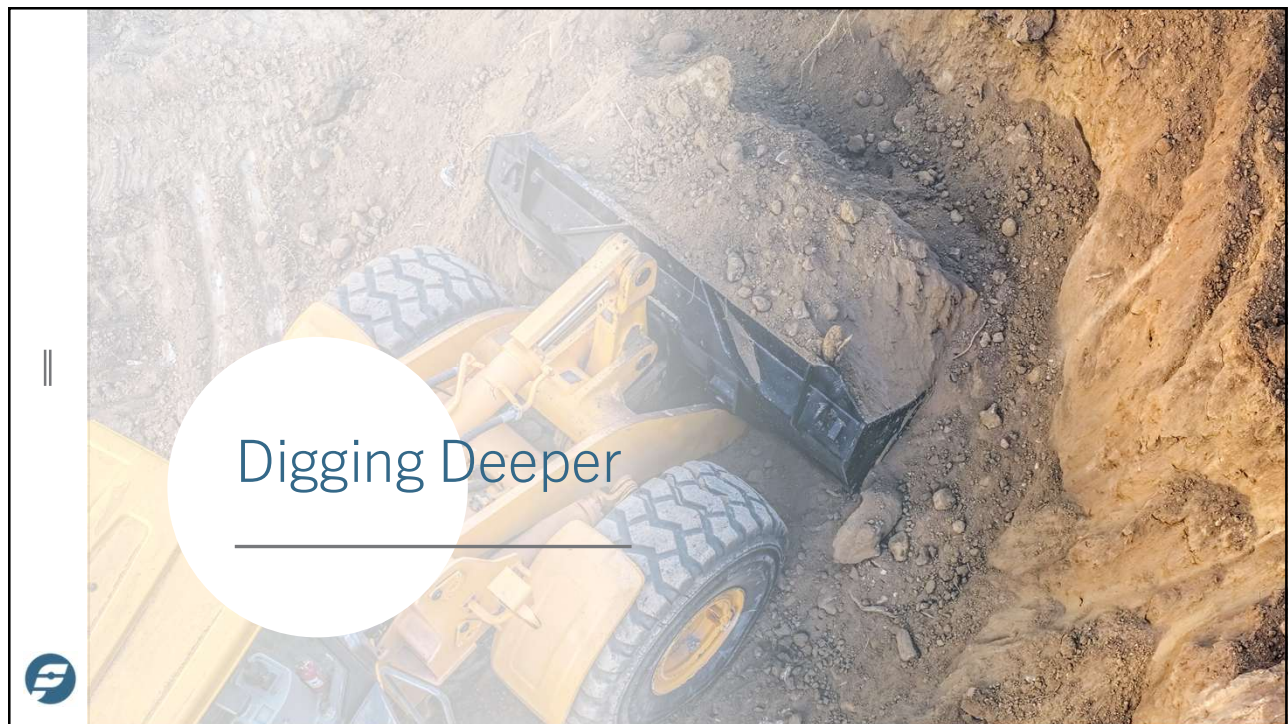


Preliminary Analysis

- Collect and summarize allegations
- Prepare list of involved homes including projects, phases, tract, lot, etc.
- Prepare for and conduct visual inspection: floor plans, check lists, etc.
- Scope of work for subcontractors including locations work performed









IIACC Method

- Issue
- Investigation
- Analysis
- Conclusion
- Costs

Analysis:

What should be considered?

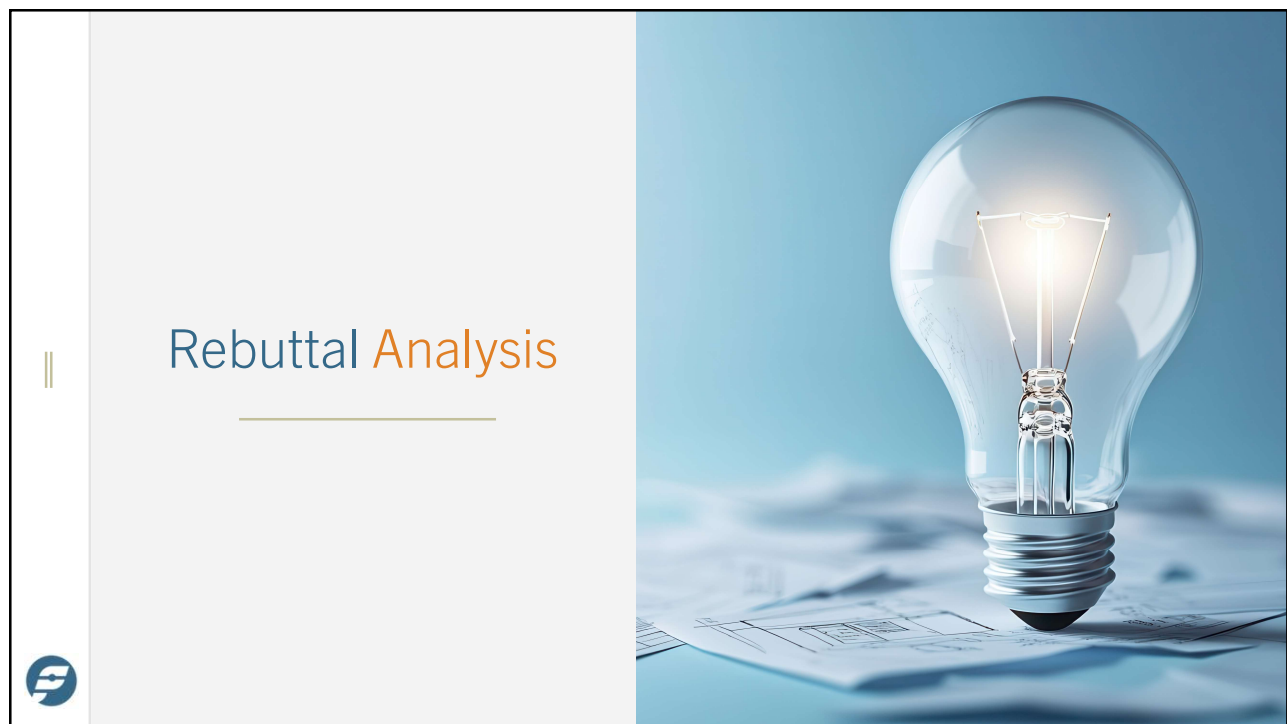
Codes. Standards. Design intent.
Maintenance. Performance. Aesthetics.

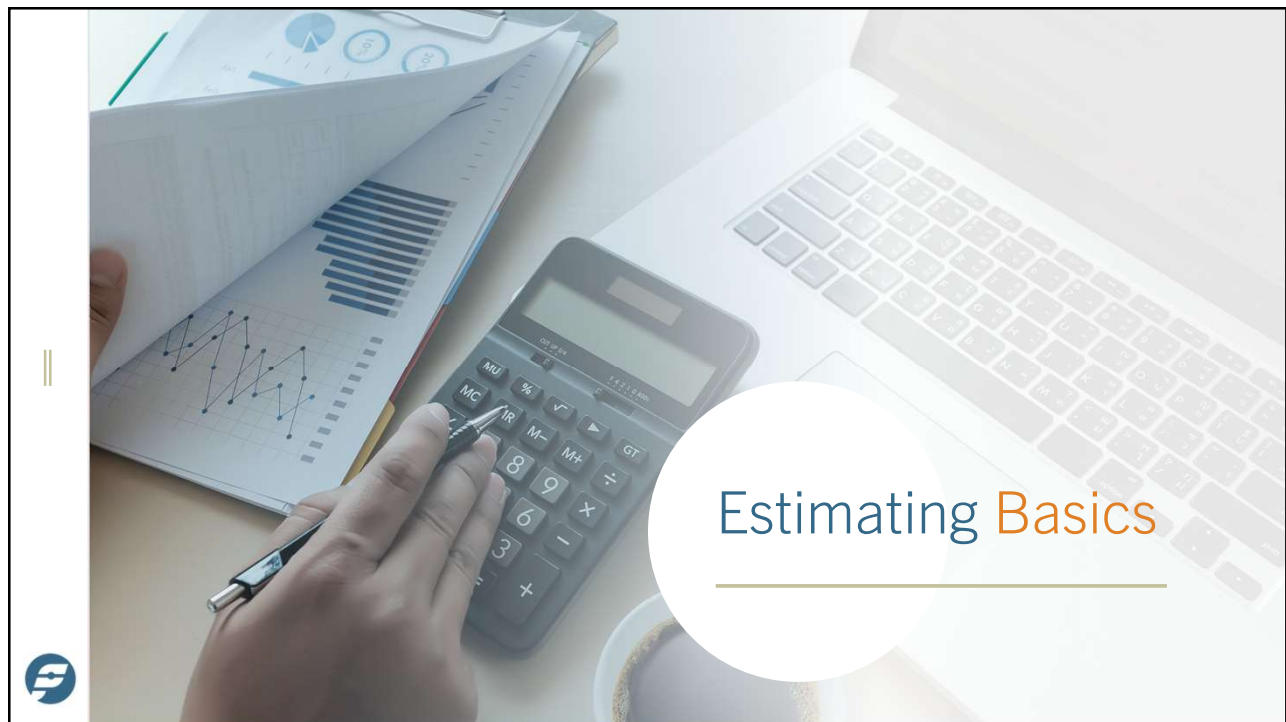


Detailed Analysis

- Combine Allegations and Subcontractor Matrix and Unit Matrix: Understanding this will be the basis for allocation of responsibility
- Prepare inspection/testing summaries
- Correlate photos and issues, begin count of issue occurrences
- Begin quantity take offs, identify finishes per address/location
- Prepare preliminary response to allegations









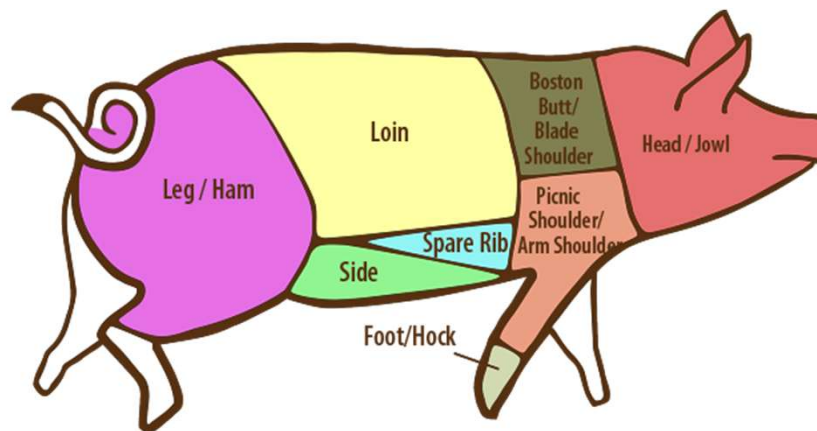


Allocation of Responsibility: Basics

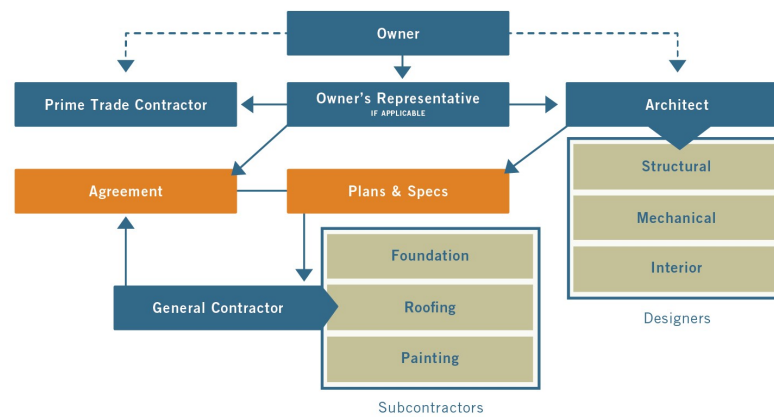
ISSUES			VALUE	PARTIES		
#	CODE	DESCRIPTION	\$	#	WHO	WHAT & WHERE
1				A		
2				B		
3				C		
4				D		
5				E		
6				F		
7				G		
8				H		
9				I		
10				J		
11				K		
		TOTAL	\$			



Allocation of Responsibility: Basics




Contracting 101




10/3/2024 Copyright Pete Fowler Construction Consultants



A close-up photograph of a person's hand holding a silver pen, poised to write on a document. The document features several colorful pie charts and some text, though it is slightly out of focus. The background is a soft, blurred light blue.

A Real, Professional Allocation

- You have a sensible issues list
- You have realistic values assigned to each issue, including O&P and all “Other Project Costs”
- You allocated each value fairly to an applicable party
- The total of the allocated amounts add up to the total value of the issues (to the penny)
- The only things people can argue are the values and percentages allocated

A circular logo with a stylized blue 'F' inside.









Learning Objectives



Gain a big-picture perspective on handling construction defect litigation from a developer or general contractor perspective.



Review Case Studies of numerous project types.



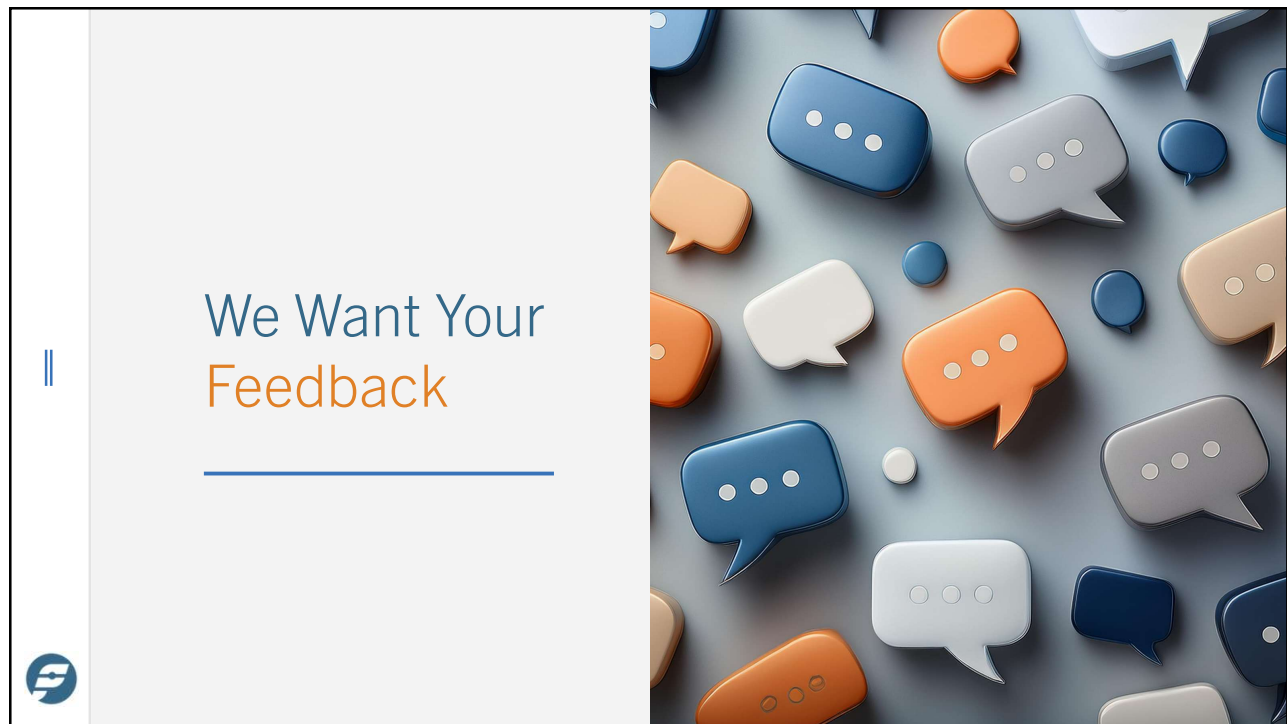
Look at actual project deliverables.

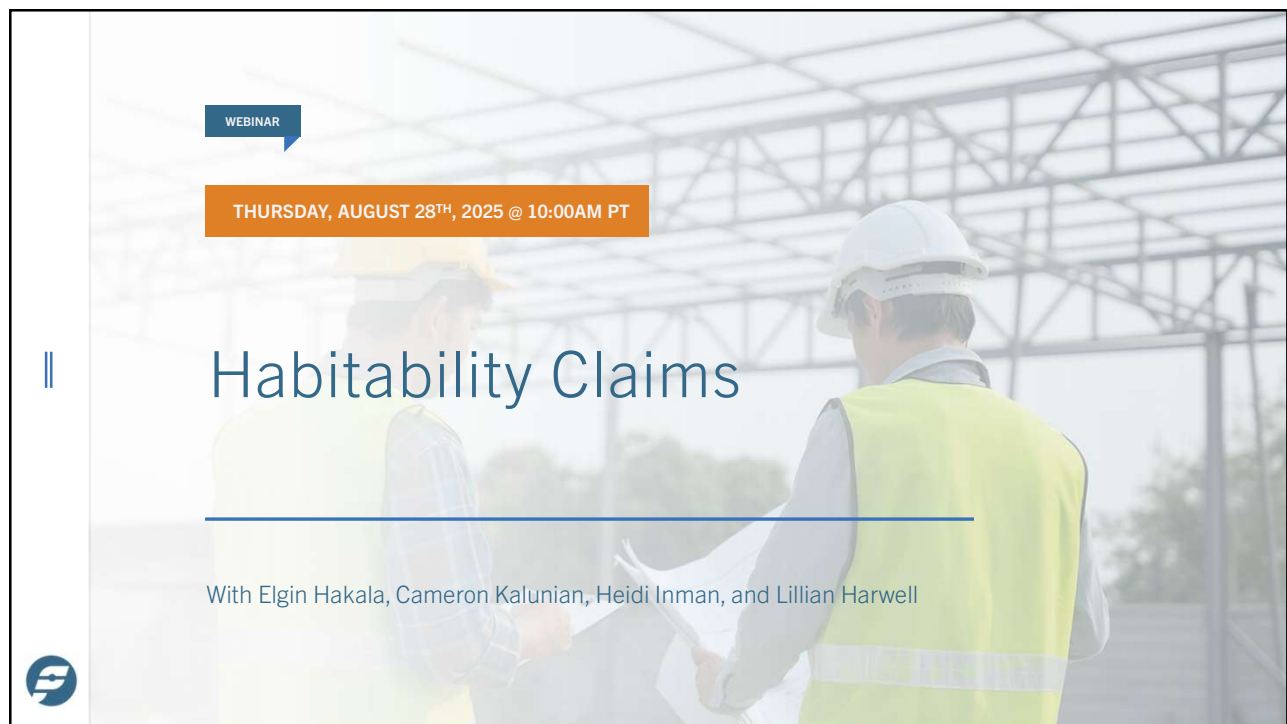
Continuing Education
Credit will be reported
within 10 business
days.



The illustration features a laptop with a dark screen. On the screen is a white document with a green border, an orange bookmark, and a large orange button. To the left of the document is a purple circular profile icon and a list of five horizontal lines. Above the laptop, a cluster of white line-art icons floats, including gears, a pencil, a paperclip, a globe, a location pin, a speech bubble, a hand cursor, a clock, and a document. The entire scene is set against a dark blue background.







WEBINAR

THURSDAY, AUGUST 28TH, 2025 @ 10:00AM PT

Habitability Claims

With Elgin Hakala, Cameron Kalunian, Heidi Inman, and Lillian Harwell

