



Jack R. Dodson, III

Partner

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OVERVIEW

Rob Dodson is a partner at the firm's Nashville office and is a member of the Construction and Commercial Litigation practice groups. Rob has more than 25 years of experience in the construction, energy, and health care sectors. Rob has represented his clients in courtrooms across the U.S. and has tried numerous cases to verdict. He also has extensive experience representing clients in arbitration, and as a result of his depth of knowledge and experience, the American Arbitration Association place Rob on its panel of arbitrators for construction and commercial disputes.

Rob represents owners and contractors in disputes regarding all aspects of construction and business disputes. He has represented clients in claims for construction defects, delays, regulatory compliance, bid protests, changes, termination, indemnity, extra work, shareholder disputes, real estate disputes, land use and zoning, and numerous other issues. Rob thoroughly understands the complex, contractual relationships between the stakeholders in a construction project, and he is able to use this knowledge to provide effective advice and achieve better-than-expected outcomes for his clients. As a result of his advocacy for his clients, Rob has been recognized as a leader in construction and commercial dispute resolution.

Rob's practice is focused on healthcare, energy, and hospitality industry projects. This focus provides a depth of understanding of industry specific issues face by his clients which is of great value to his clients. He recognizes his client's business goals and tailors the legal strategy to effectively achieve those goals as efficiently as possible.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Rob was the construction law practice chair at a full-service U.S. law firm. He represented clients across the United States and Canada, including developers, general contractors, subcontractors, and health care owners.

ACHIEVEMENTS

- Recognized by *Chambers USA* - Construction in Tennessee, 2022–2023

- Listed in the *Best Lawyers in America*® - Construction Law and Commercial Litigation, 2020–2023
- Named to the Mid-South Super Lawyers list - Construction Litigation, 2019–2021
- Recognized by *The Legal 500 United States* as a Recommended Lawyer, 2019–2020

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association, Forum on the Construction Industry
- Tennessee Bar Association
- Nashville Bar Association
- Mississippi Bar Association
- Alabama Bar Association
- Associated Builders' and Contractors
- Tennessee Association of Construction Counsel
- Associated General Contractors of Middle Tennessee, Regulatory Advisory Committee
- Arbitrator with the American Arbitration Association (AAA)
- Fellow, Construction Law Society of America

EDUCATION

- J.D., University of Mississippi School of Law, 1996 (*cum laude*)
- B.Accy, University of Mississippi, 1993

ADMISSIONS

- Bar of Alabama
- Bar of Mississippi
- Bar of Tennessee
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Fifth Circuit
- United States District Court for the Eastern District of Tennessee
- United States District Court for the Middle District of Alabama
- United States District Court for the Middle District of Tennessee

- United States District Court for the Northern District of Alabama
- United States District Court for the Northern District of Mississippi
- United States District Court for the Southern District of Alabama
- United States District Court for the Southern District of Mississippi
- United States District Court for the Western District of Tennessee

OTHER PUBLICATIONS

- Author, "What You Need to Know About Nashville's Equal Business Opportunity Program," Dickinson Wright Client Alert, January 2019

NEWS & EVENTS

- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 3 February 2021, K&L Gates Launches Nashville Office with Hire of 25+ Lawyers

AREAS OF FOCUS

- Construction and Infrastructure
- Commercial Disputes
- Construction and Infrastructure Dispute Resolution
- Financial Institutions and Services Litigation
- Insurance Recovery and Counseling
- Real Estate Litigation
- Securities and Transactional Litigation

INDUSTRIES

- Automotive

- Energy
- Energy Disputes
- Health Care Sector
- Manufacturing

REPRESENTATIVE EXPERIENCE

- Represented an owner in a dispute with the general contractor regarding claims for cost of acceleration and unapproved change order requests arising from the construction of a music venue in Las Vegas.
- Lead trial counsel for a national owner of acute care hospital facilities in a dispute arising from the sale of five hospitals in Pennsylvania wherein the purchaser was seeking damages in excess of US\$150 million. After a four-week trial, the court ruled in favor of our client on all issues and awarded them attorneys' fees incurred to defend against the claims.
- Represented the general contractor in disputes with the owner of a luxury hotel development project. The claims involved over 15 separate occurrences of water leaks and water damage occurring during and after the completion of the project, and complex issues of insurance coverage under builders' risk and property insurance coverage.
- Represented a regional owner of acute care hospital facilities in a dispute with its general contractor arising from the construction of three separate facilities. Successfully negotiated a favorable resolution for the client.
- Represented two members of an LLC in a dispute with the third member over operation of the company and allegations of mismanagement. After significant discovery, we were able to negotiate the resolution of all issues, fully vindicating our clients.
- Represented a national general contractor in disputes with six different subcontractors, as well as assisting with claims against BBC's subcontractor default insurance carrier. We negotiated settlements with four subcontractors and successfully arbitrated the two remaining subcontractor claims.
- Represented a developer in a dispute with adjacent property owners regarding the ownership of a US\$5 million commercial property. The dispute involved a complex set of transactions resulting in the grant of title to the developer, as well as enforcement of easement rights burdening the property of the adjacent landowner. After two separate lawsuits and multiple appeals, we successfully prevailed on all claims, resulting in clear title to the property and easement held by the developer.
- Represents Messer Construction Co. ("Messer"), which was terminated by the owner of a construction project involving the historic renovation of a building in downtown Nashville, Tennessee. We were retained to represent Messer regarding its claim against the owner for wrongful termination, as well as payment for over US\$1.2 million of work performed prior to the termination.
- Advises the construction and development department of CHS on a national basis. CHS has an annual construction budget of approximately US\$1 billion, and we advise on all legal issues that arise from the initial

contract negotiation through the project closeout. 1) Representing a CHS subsidiary hospital in Virginia in a dispute over storm water management responsibilities with an adjacent property owner arising under a joint development agreement. 2) Representing a hospital in Venice, Florida, in a complicated dispute with a contractor. Our investigation revealed likely fraudulent collusion between the contractor and the hospital's local director of facility operations. 3) Representation of a subsidiary hospital in Indiana regarding the failure of flooring installed during renovation of the facility. 4) Analysis of contractual obligations and termination of contracts in conjunction with the divestiture of approximately 30 hospital facilities, along with complete overhaul of the contract documents used by the corporation with all vendors providing hospital materials, equipment, and construction services.

- Retained by Messer to represent its interests with regard to its award of the construction contract for a US\$275 million Major League Soccer stadium to be built in Nashville, Tennessee. Our initial engagement was to represent Messer in a bid protest filed by a competitor whose bid was unsuccessful. We appeared on behalf of the client at the bid protest hearing and argued against the protesting contractor's position. The Hearing Officer ruled in favor of our client, and no appeal was taken by the protesting contractor.
- Represented a large electrical subcontractor in a dispute with the owner of an automotive equipment manufacturing plant regarding claims in excess of US\$10 million. The owner refused to pay our client alleging extensive delays and cost overruns. After preparing and submitting the fully documented claim, we were able to negotiate the resolution of the client's claims and obtain full payment of all amounts due.
- Represented a general contractor in a dispute with a subcontractor regarding defective concrete slab installed for a hospital facility. After a five-day arbitration, the arbitrator ruled in favor of our client, awarding all damages claimed.
- Represented a general contractor in a dispute with an electrical subcontractor regarding claims for delay and impact totaling over US\$3 million, including Covid-19 delay claims. We successfully mediated the claims, with a very favorable outcome for our client.
- Represented a hospital owner in claims against a general contractor and multiple subcontractors arising from moisture intrusion at the hospital causing extensive damage. After a week-long jury trial, the jury awarded our client all damages it claimed, as well as its attorneys' fees incurred to prosecute the claim.
- Represented manufactured home company in claims of moisture intrusion resulting in property damage, as well as personal injuries from alleged exposure to toxic mold. After a four-week trial, the jury returned a verdict in favor of our client and rejected all claims asserted by the plaintiffs.
- Represented a commercial refrigeration manufacturer in claims against a contractor for failure to pay for refrigeration units installed for a restaurant project. The claim was successfully arbitrated with a favorable result for the client.
- Represented the owner of a hospital in a dispute with the owner of an assisted living facility adjacent to the hospital in a dispute regarding the subsidence of a hill on the hospital's property, which resulted in damage to the assisted living facility.