KILPATRICK TOWNSEND

Edward J. Henderson

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Services

Contracts & Commercial Agreements; Real Estate Investment & Development; Litigation; Alternative Dispute Resolution; Construction Litigation; Construction & Infrastructure

Industries

Construction & Infrastructure; Government & Municipalities; Real Estate; Transportation

Ed Henderson has more than twenty-five years of experience representing clients in the construction industry. His clients include public and private owners, heavy construction contractors engaged in public works construction, building contractors on private developments, and design professionals. He has counseled clients during all phases of the construction process from the preparation and negotiation of contracts to dispute avoidance and resolution. His litigation experience includes mediation, arbitration, trials before state and federal courts, appeals to New York State appellate courts and the Second Circuit Court of Appeals, service as a party-appointed arbitrator, and as a member of a Disputes Review Board.

Mr. Henderson is a civil engineer. Before attending law school, he worked with one of the country's leading tunnel contractors, Maclean-Grove Company, building subway tunnels for the New York City Transit Authority and the Washington Metropolitan Area Transit Authority.

Experience Highlights

Arbitration and Litigation for a New York City developer *
Represented a New York City developer in connection with disputes arising on a residential condominium project, including arbitration against the general contractor, subcontractor mechanic's lien claims, and claims against the general contractor and its surety. The firm obtained a multi-million dollar award at arbitration against the general contractor, including an award of all attorneys' fees and costs, and then sought to collect the entire award from the general contractor's surety in litigation in federal court. After the court held that the surety could be held liable for the award of attorneys' fees in the arbitration, the case was successfully mediated to settlement on terms considered very favorable by our client.

Disputes Review Board
Service as a member of the Disputes Review Board for the 86th Street Station portion of the Second Avenue subway.

Litigation for international building contractor *
Represented international building contractor in litigation arising out of a $30 million renovation project in New York City, including prosecution and defense of breach of contract, fraud and RICO claims in an action in federal court and defense of a related mortgage foreclosure action.

Litigation for an international design-builder of light rail transit systems *
Represented an international design-builder of light rail transit systems in connection with an accident. Counseled design-builder during investigation into the accident and advised on related contract and coverage issues. Defended design-builder in litigation of claims arising from the accident, and procured the dismissal of a wrongful death action.

Insurance litigation for recognized leader in apartment development
Represented the owner and developer of a 400-unit apartment complex on Long Island in litigation seeking insurance coverage for losses resulting from water intrusion and entrapment.

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Insurance coverage litigation for Formosa Plastics Corporation for explosion and fire loss
The firm served as lead counsel for Formosa Plastics Corporation in litigation regarding coverage for property damage and other losses suffered at one of its operating plants as a result of an explosion and fire. We obtained a multimillion dollar settlement for our client.

Litigation for international building contractor *
Represented international building contractor and its surety in a multi-party $30 million litigation arising out of a failed condominium project and the termination of the contractor, culminating in a 60-day bench trial and an appeal in New York State court.

Litigation for a large international construction company *
Represented a large international construction company in a claim by a project lender (a consortium of six foreign banks) under a guarantee of performance of a contract for the construction of a $60 million waste-to-energy plant in North Carolina.

Arbitrator for a technology company *
Served as a party-appointed arbitrator for a technology company in an American Arbitration Association arbitration involving alleged fraud and breach of a high-technology licensing agreement.

Litigation for large building contractor *
Represented a large building contractor in disputes arising out of a multimillion dollar deconstruction project in lower Manhattan.

Mortgage foreclosure proceeding and bankruptcy sale involving rights of paper manufacturer as creditor *
Represented paper manufacturer as a creditor in a mortgage foreclosure proceeding arising out the bankruptcy sale of a paper plant. Resolved pursuant to court order.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

Construction Insurance Issues - It's Complicated
Kilpatrick Townsend & Stockton Client Seminar 2012, April 12, 2012

Dealing with Subcontractor Performance Disputes
Kilpatrick Townsend & Stockton Client Seminar 2011, May 04, 2011

Resolving Catastrophic Multi-Party Construction Insurance Cases — Is Mega-Million Dollar Litigation The Only Solution?
American Bar Association 2010 Midyear Meeting , August 10, 2010

Insights and Innovations: Construction Insurance
Kilpatrick Townsend & Stockton Client Seminar 2010, May 05, 2010

Engineer's Decision Provisions: A Summary
Construction Law Update, January 01, 2010

Professional & Community Activities

Fordham Law Review, Member

New York State Bar Association, Member

American Bar Association forum on the Construction Industry

The Association of the Bar of the City of New York

Incorporated Village of Plandome, Trustee (2004-present), Acting Justice (2002-2004), and Volunteer Firefighter (1998-present)

Education

Fordham University School of Law, J.D. (1981)
cum laude
Law Review, Member

Rensselaer Polytechnic Institute, B.S.C.E. (1974)

Bar Admissions

New York (1982)

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Connecticut (1985)

Admissions

U.S. Supreme Court

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of New York

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