



## Hayley R. Ambler

### Partner

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### Services

Complex Commercial Litigation  
Construction & Infrastructure  
Construction Litigation  
Litigation

### Industries

Construction & Infrastructure

Hayley Ambler focuses her practice on litigating construction disputes and alternative disputes resolution. She has represented owners, EPC contractors, and original equipment manufacturers in connection with a variety of domestic and international disputes arising from the construction of power plants. Ms. Ambler has handled disputes involving nuclear and coal-fired power plants, Heat Recovery Steam Generators, wastewater treatment facilities, and chemical production facilities, as well as a wide spectrum of other heavy industrial projects. She has been instrumental in achieving many successful results for clients, including obtaining a \$26.3 million arbitration award for one of the largest contractors in the United States, which represented 100% of the contractor's damages, interest, and attorneys' fees. Ms. Ambler has extensive experience with arbitrations, mediations, and state and federal court trials.

In addition to disputes resolution, a significant portion of Ms. Ambler's practice involves front-end claims avoidance, including effective contract drafting and negotiation, contract management and administration, and project execution. She has served as project counsel for a major oil and gas exploration and production services company during its construction of an offshore production and storage unit. As project counsel, Ms. Ambler was the prime contact for the project team regarding compliance with the contract, disputes, and claims resolution. A primary part of Ms. Ambler's role was to facilitate the claims resolution process, including the development of a secure client web portal where questions about claims could be posed from the project team for early intervention by counsel.

Ms. Ambler's previous experience includes serving as a judicial clerk to the Honorable W. Eugene Davis of the United States Court of Appeals for the Fifth Circuit. She was recognized in 2022 and the three years immediately preceding by *The Best Lawyers in America*® for Construction Litigation. Ms. Ambler was named a 2007, 2008 and 2009 Georgia "Rising Star" in the areas of Construction Litigation, Business Litigation, and International by *Super Lawyers* magazine. She was recommended in 2022 by *Legal 500 US* for Construction.

### Experience



Represented an EPC Contractor involving disputes surrounding the design and construction of four new U.S. nuclear units at two sites. Claims on the projects have totaled over \$4 billion and involved substantial federal court litigation. Some claims have been favorably resolved.

Represented a California-based utility company against an equipment manufacturer in litigation over claims for breach of warranty and breach of contract. Resolved all disputes through settlement on terms favorable to the utility company.

Represented one of the largest general contractors in the United States in a four week arbitration arising out of the construction of a hydrogen plant for an international producer of industrial and medical gases. Our client suffered millions of dollars in damages due to scope changes, delays and disruptions caused by the owner, combined with repeated acceleration directives. Because of the multitude of changes, over 1,000 Requests for Information were issued on this project, as well as almost 800 Requests for Change Orders, totaling 40% of the contract value. The Panel awarded our client 90% of its damages, interest and attorneys' fees.

Represented Coryton Energy Co. Ltd., a subsidiary of InterGen, in resolving claims and negotiating a project closeout agreement with Bechtel and Alstom related to the construction of a 700 MW combined cycle power plant. In addition to typical project counsel advice, this engagement required renegotiating the EPC contract to allow the plant to achieve commercial operation while construction work continued to remedy significant performance shortfalls. Further, we advised the owner regarding numerous disputed post-construction warranty claims against Bechtel.

Represent a major oil and gas exploration and production services company in an early dispute mitigation regarding an offshore Brazil oil and gas production platform construction risk management.

Represented a city to defend against \$34 million dollars in contractor claims on several waste water treatment plants. The case against the city had been pending in Federal Court for over 19 months. Also represented the city in a \$24 million dollar counterclaim related to this matter. The city's motion for summary judgment was granted in connection with the \$34 million in contractor claims, and the firm has been retained to represent the city in connection with any appeals to the summary judgment decision.

Represented one of the largest general contractors in the United States in a four week arbitration arising out of the construction of a Heat Recovery Steam Generator (HRSG). Our client suffered millions of dollars in damages due to Owner-initiated changes and acceleration directives. The Panel awarded our client over \$26 million, representing all damages incurred, interest and attorneys' fees.

Represented Rocksavage Power Co. Ltd., a subsidiary of InterGen, against Bechtel for the construction of a 700 MW combined cycle power plant. We worked directly with the owner concerning numerous disputed



post-construction warranty claims against Bechtel and in a contract dispute regarding responsibility for the cost of commissioning gas. The commissioning gas dispute was settled just prior to the commencement of arbitration.

Represented an EPC contractor, which was a limited partnership comprised of three international design and construction firms, in litigation in Kansas state court concerning the design and construction of a coal-fired boiler for a new power plant in Texas. Millions of dollars in claims against the designer/manufacture of the coal-fired boiler were successfully resolved by designer/manufacture's payment of a mid-eight-figure amount.

The firm served as lead counsel to an international EPC contractor/OEM in multiparty disputes arising out of the construction of an \$800 million coal-fired power generation facility. All disputes were ultimately settled through two separate structured settlement processes – one for disputes among the employer, the client and the clients consortium partner; and the other for disputes between the client and its subcontractors.

### **Education**

Louisiana State University School of Law J.D. (1998)

Louisiana State University B.S. (1995) *summa cum laude*

### **Admissions**

Georgia (2000)

Louisiana (1998)

### **Insights**

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Kilpatrick Townsend Receives Top Rankings in 2022 Legal 500 US

June 14, 2022

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Kilpatrick Townsend Attorneys Honored in the 2022 Edition of The Best Lawyers in America

August 19, 2021

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August 20, 2020

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019  
August 20, 2018