

Brian Donnell

Partner

New Haven
P: 203.672.2655
bdonnell@barclaydamon.com

Education

- Boston College Law School, *Cum Laude*; *Uniform Commercial Code Reporter-Digest*, Editor-in-Chief, JD
- Trinity College, Faculty of Economics Award, BA

Practices & Industries

- Construction & Surety
- Commercial Litigation & Complex Trials
- Professional Liability
- Tax Credits
- Health Care Controversies

Admitted to Practice

- Connecticut

Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the District of Connecticut
- US Supreme Court

Biography

With over 35 years of legal experience, Brian primarily concentrates his practice on design, construction, and business litigation in state and federal courts as well as jury and non-jury matters and class-action and multi-party matters. He is certified by the American College of e-Neutrals and has extensive experience handling appeals, administrative proceedings, arbitrations, mediations, and ADR procedures.

Brian routinely handles matters involving breach of contract, fraud, tortious interference with business expectancy, negligence, misrepresentation, products liability, design professional liability, franchise terminations, civil RICO, unfair trade practices, and equitable causes of action and remedies, such as injunctions. He also serves as outside counsel to numerous business and public and charitable entities on a broad range of corporate, contract, and trade regulation issues and advises companies on electronic document retention and forensic recovery matters. He also engineers and negotiates integrated design and construction contract silos, including CM GMP, design build, GC, hybrid-IPD, and owner-customized project delivery systems, for institutional owners like hospitals and universities.

Bar Associations

- American Bar Association, Construction Industry Forum Member
- Connecticut Bar Association, Commercial Law and Bankruptcy Section Member and Former Construction Law Section Executive Committee Chair

Selected Memberships & Affiliations

- American Arbitration Association, Commercial and Construction Panels of Neutrals, Member; Former Appointed Arbitrator Faculty for “Best Practices for New Arbitrators” and “Managing the Arbitration Process” Training Seminars

Representative Experience

- Represents hospitals, universities, and institutional clients in crafting silos of coordinated contractual agreements for both designers and constructors in new construction and renovations utilizing CM GMP, CMA, general contractor, design builder, hybrid IPD, and owner-customized models for hospital towers, hospital campuses, medical offices, infrastructure, parking garages, and site improvements for projects ranging up to $450 million.
- Represented a health care insurer in challenging $100 million worth of health care charges assessed against payors.
- Represented a health care insurer in defeating claims by a pharmacy chain of antitrust and unfair competition violations in an expedited injunction hearing in federal court.
- Represented an owner as a plaintiff in a five-week jury trial against a City and its Building Official and obtained for the owner a $17 million jury verdict and final judgment for their reckless disregard for the health and safety of the public under municipal statutes and in violation of the Building Code.
- Represented a phenolic foam roof-insulation manufacturer in defending RICO and products liability claims of over $1 billion to reach a nationwide federal court class settlement.
- Represented a curtain wall and window manufacturer in successfully defending against $4 million of multi-party claims of defective design and manufacturing.
- Represented a university in pursuing and collecting over $1 million for a design-defect claim for a failed natatorium roof and curtain wall connection system.
- Represented a hospital in defeating multiple claims for delay and extra work on a $90 million new facility.
- Represented a municipality in defeating a bid challenge by a disappointed bidder and making a new law on appeal.
- Represented an owner of a new retail store in defeating a contractor’s claims for extra work in excavating a 200-foot rock face. Prevailed on counterclaims for twice as much as the original claims based on a geotechnical battle of the experts.
- Represented many architectural and engineering design firms in defeating claims of professional negligence across a wide range of projects and circumstances in jury and court-side cases.

- Represented a mechanical engineer in defeating claims over $10 million by way of winning a motion to strike the expert testimony and affidavit of the plaintiffs' proposed expert witness for the HVAC and snowmelt system after a *Daubert-Lanigan* hearing under Evidence Rule 702, thus winning a motion for summary judgment by eliminating the plaintiffs' expert witness on the standard of care for a professional engineer for design or construction observation duties.
- Represented an architect against a municipality that breached a mediation settlement in bad faith. Recovered for the architect the full amount of the settlement plus interest, attorney's fees, expert's fees, and arbitration costs.
- Represented a disappointed bidder in a four-week jury trial, obtaining recovery of all its projected lost profits and overhead against another bidder on an airport runway project where "sham" employees were utilized to evade subcontractor listing requirements and that tortiously interfered with business expectancies.
- Represented a specialty trade contractor against a general contractor in collecting a $2 million arbitration award for extra and delayed work on a health care project.
- Represented a specialty trade contractor against a construction manager in collecting a $2 million arbitration award for unforeseen conditions and engineering deficiencies on a large "fast track" site contract.
- Represented a general contractor against a municipal owner in obtaining a $1.5 million arbitration award for extra and delayed work.

Prior Experience

- LeClairRyan, Member
- Thelen LLP, Member
- Halloran & Sage LLP, Partner

Selected Honors

- *The Best Lawyers in America*®: Commercial Litigation, 2013–2023; Construction Law, 2010–2027; Litigation – Construction, 2011–2027
- Martindale-Hubbell AV Preeminent Peer Review–Rated for Preeminent Ethical Standards and Legal Ability, 2003–2025
- Selected to *Super Lawyers* Connecticut: Construction Litigation, Business Litigation, and Business/Corporate, 2006–2019

Selected Speaking Engagements

- Connecticut Bar Association Construction Law Section, "Tips and Tools for Jury Trials of Construction Cases on the Complex Litigation Docket"

Selected Media

- *Connecticut Law Tribune*, "Tips on Trying to Jury a Large Business Case in Connecticut on the Complex Litigation Docket, Part 2"
- *Connecticut Law Tribune*, "Tips on Trying to Jury a Large Business Case in Connecticut on the Complex Litigation Docket, Part 1"
- *News-Times*, "Judge Upholds $16.8M Verdict Against Danbury in Party Depot Case, Orders City to Pay Interest"
- *Connecticut Law Tribune*, "$17 Million Danbury Verdict Survives Motion to Set Aside"
- *Connecticut Lawyer Magazine*, Advisory Committee Member

Selected Press Releases

- Barclay Damon Client Party Depot Awarded Nearly $17 Million by Jury in Construction Trial