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KIRWIN NORRIS WINS 5 DAY TRIAL FOR TWO SEPARATE CLIENTS

Attorneys Brian P. Kirwin and Leanne E. Palmer represented both a general contractor and an assisted living facility owner in a trial against two project subcontractors, prevailing on the general contractor's entire affirmative claim against the roofing subcontractor, while simultaneously successfully defeating the drywall subcontractor's suit against the owner.



Lamm & Company Partners constructed a new 80,000 square foot assisted living facility for Avalon Seniors Housing in Orange County, Florida. The project, known as *Park Tower at Avalon*, finished late as a result of delays which Lamm attributed in part to its roofing subcontractor for allegedly failing to provide sufficient manpower and for failing to weatherproof its work which caused damage to interior finishes. After a five day trial before Orange County Business Court Judge Donald Myers, Lamm was awarded 100% of its damages against the subcontractor, including repair costs, extended general conditions, and liquidated damages. The Court also found Lamm to be the prevailing party for the assessment of attorney's fees and costs.

Lamm's drywall subcontractor for the project alleged that it had entered into an "oral contract" with the project owner during construction and further claimed that it had unjustly enriched the owner with its "extra" work on the project. At trial, the subcontractor demanded several hundred thousand dollars in alleged damages from the owner. Attorneys Kirwin and Palmer aggressively defended Avalon and Final Judgment after trial was entered in favor of Avalon and against the subcontractor on all counts.

Kirwin Norris concentrates its legal practice in construction law and is pleased to have successfully represented both Lamm & Company and Avalon Seniors Housing in this matter.

Kirwin Norris, P.A., with offices in Orlando and Fort Lauderdale, is a boutique law firm established in 1997 to serve the construction industry. For more information about the firm, please visit their website at www.kirwinnorris.com.

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