



FABYANSKE  
WESTRA  
HART &  
THOMSON

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## Hugh D. Brown

*Shareholder*



Hugh Brown is a shareholder at Fabyanske, Westra, Hart & Thomson, P.A. He represents contractors, subcontractors and owners in construction disputes in federal and state court, and in arbitration. Hugh is experienced in delay, disruption, and acceleration claims, bond and mechanics' lien claims and in the drafting and negotiating of construction and design contracts. He also advises participants in the construction industry in regulatory issues. Hugh was named to the Minnesota Super Lawyers' Rising Stars list every year since 2014, and is the Past Chair of the Minnesota State Bar Association's Construction Law Section Council. Hugh is also a Contributing Editor to the American Bar Association Construction Law Forum's preeminent construction-related journal, the Construction Lawyer.

### Practice Areas

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- Contract Drafting, Review, and Negotiation
- Commercial Litigation
- Mechanic's Lien Claims
- Construction
- Bond Claims

# Representative Experience

## Construction

- Represented concrete subcontractor on defect and insurance coverage claims related to new hospital in Minot, North Dakota.
- Successfully recovered over \$1m on behalf of large civil and energy contractor on delay and disruption claims related to taxiway construction on new Williston Airport.
- Defeated \$9 million Constructive Acceleration and Force Majeure Claim on a wind turbine project.
- Represented large electrical subcontractor in successful \$30 million mechanics lien arbitration on 150MW solar project
- Represented large civil and energy contractor on differing site condition claim on municipal landfill project
- Represented a supplier in claims arising from an 850 mw natural gas power generation plant in Brazil.
- Represented an EPC contractor in arbitration concerning a 700 megawatt supercritical coal fired power plant.
- Represented contractor on multi-party claim related to beam collapse at Mall of America.
- Represented owners and contractors in review and negotiation of construction and design contracts worth billions of dollars.
- Successfully defended seller in arbitration arising out of alleged nondisclosure in sale of million dollar residence
- Defended several property owners in ADA claims

## Energy

- Represented intervenor group in rate case filed by major Midwest electric utility.
- Represented coalition of electric utilities before Minnesota Public Utilities Commission in contested case to set environmental externality values for resource planning.

## Publications and Speaking Engagements

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Speaker, Construction Law: Ultimate Boot Camp, National Business Institute (2023)

Speaker, Construction Law Hot Topics, National Business Institute (2022)

Speaker, Construction Law 101 for Paralegals: From Contracts to Litigation, Institute for Paralegal Education (2022)

Speaker, "MnDOT Standard Specifications Update," 65th Annual Minnesota Asphalt Paving Association Construction & Quality Workshop, February 15, 2022

Speaker, Indemnification Clause Strategies, National Business Institute (2021)

Speaker, Killer Sub-Contracts & Employee Leave and Accommodation, Minnesota Subcontractors' Association, May 20, 2021

Speaker, Construction Risk Seminar, AGC of Minnesota, December 20, 2018

Speaker, Risk Strategies for Opioids and Marijuana on the Construction Site, Minnesota Subcontractors' Association, April 2, 2019

Significant Changes to the AIA Document A201-2017, 11 Journal of the ACCL 19 (2017)

Questions Answered, Others Raised, on Minnesota's Construction Time Bar Statute, May 7, 2019

OSHA's Revised Stance on Workplace Drug Testing and Safety Incentive Programs, January 29, 2019

The New 2017 AIA A201 General Conditions, June 15, 2017

## Professional Organizations & Achievements

**Minnesota Super Lawyers, “Rising Star” (2014-2020)**

**Past Chair, Construction Law Section Council, Minnesota Bar Association**

**Minnesota Supreme Court Historical Society**

**Member, American Bar Association, Forum on the Construction Industry**

**Contributing Editor, The Construction Lawyer**

## Judicial Clerkship

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Law Clerk, Justice Paul H. Anderson, Supreme Court of Minnesota, 2010-2011

## Education

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- J.D., University of Minnesota Law School, *magna cum laude*, Order of the Coif, 2010
- B.A., Carleton College, 2006

## Admissions

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- Eighth Circuit Court of Appeals
- State of Minnesota
- United States District Court, District of Minnesota
- United States District Court, District of North Dakota
- United States District Court, Western District of Wisconsin
- United States District Court, Eastern District of Wisconsin