

MICHAEL W. LEARY, P.E.
BERKELEY RESEARCH GROUP, LLC
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SUMMARY

Michael Leary is an Associate Director based in the Atlanta Office of the Berkeley Research Group ("BRG"). Michael has over 33 years of extensive Project Claims / Management / Controls experience on a variety of large and often complex construction projects working with Owners, Contractors, Utilities, Politicians, Vendors/Suppliers, Architects, Engineers and Attorneys to successfully construct projects, meet strategic objectives, and minimize the time and cost of construction.

EDUCATION

BS, Civil Engineering	Case Western Reserve University (Specializing in Construction Management)
B.A. Engineering	Baldwin Wallace College

PROFESSIONAL AFFILIATIONS

Registered Professional Engineer, Ohio
Certified Project Manager (ABB)

PROFESSIONAL AFFILIATIONS / MEMBERSHIPS

American Arbitration Association, Panel of Arbitrators
AACE International
American Society of Civil Engineers (ASCE)
AIC, AGC and DFI (former member)
Former State and BOCA Certified Building Code Inspector
Former Service Committee Member for the City of Aurora, Ohio

SPECIALIZED SOFTWARE EXPERTISE

Primavera P3, P6
Microsoft Project

PROFESSIONAL EXPERIENCE

- Mr. Leary has significant and relative experience as a certified Project Manager including experience in Construction/Project Management/Controls/CPM scheduling for numerous and often large/multi-million dollar projects located throughout the United States and abroad.
- He has proven experience in construction claims/project management/ Controls, CPM Scheduling, customer relations, negotiations, development and interpretation of

contracts, bidding and awarding contracts, marketing, cost control/reporting, bidding/estimating, negotiations, training industry professionals, presentations, claims/dispute resolution, preparing expert reports and providing expert testimony.

- Mr. Leary has achieved successes through strong management and leadership skills with projects and personnel, fiscal P&L accountability/ reporting (company profitable during his employment and while under his management), and company growth (over 500% revenue increase) through business development.
- Mr. Leary has excellent communication skills with customers/clients/ engineers/subcontractors/suppliers - including both written (technical reports and professional publications) and oral (sought after speaker participating in over 50 classes and/or seminars presented on a wide variety of projects, regarding construction management, claims, and/or scheduling related topics).

ABB, Inc. - Wickliffe, Ohio

- Senior Project Manager

Mr. Leary worked for a large public company operating in about 100 countries with about 145,000 employees in the power and automation technologies industry. He was responsible for project execution, CPM scheduling, contract compliance, customer satisfaction and financial return for simultaneously performed large, and often complex, multi-million dollar DCS (Distributed Control Systems) construction projects for the North American Power generation business unit.

He managed work/contracts and relationships with Engineers, suppliers, subcontractors, utilities, attorneys and Owners. Work included turnkey and retro-fitted Power Plant Projects that are normally performed under tight schedule/Outage restrictions requiring constant attention to risk mitigation/opportunity management, customer satisfaction and adherence to company objectives.

R.V. BURIC CMC, INC. – Chagrin Falls, Ohio

- Senior Vice President
- District Manager
- Senior Project Consultant
- Project Consultant

Mr. Leary worked directly with clients regarding construction/project management, scheduling and cost controls, analysis of contracts and change orders, and/or analyzing/defending construction claims (up to \$25 million in claim value) on a wide variety of large construction projects in both the public and private sectors. He also performed as a construction manager and CPM scheduler on various projects. Related experience includes managing projects and staff, directing financial accounting/reports, interpreting/preparing contracts and plans, estimating and researching project records/data bases, conducting forensic schedule impact analysis, issuing project status/expert reports - including providing expert testimony on at least twenty (20) occasions for negotiations, mediation, arbitration and/or trials. Using these skills, he determined the schedule and cost impact on labor, material, equipment and general conditions. Mr. Leary also managed the entire multi-million dollar office/claims /dispute

resolution division for the company with direct P&L responsibility including supervision of company personnel, business development, developing/implementing QA/QC policies, and introducing new company protocols. He was named the “Dispute Resolution Specialist” to the Dispute Resolution Board (DRB) on the new \$288 million construction of the Cleveland I-90 Inner-Belt Bridge Project for ODOT.

S&M CONSTRUCTORS, INC. – Solon, Ohio

- Engineer/Estimator

Mr. Leary was responsible for the preparation of computer generated construction estimates for large underground and tunneling projects up to \$150 million in value (in current dollars). He reviewed/analyzed plans and specifications, take-off quantities from drawings, applied production rates, identified/optimized/sized construction crews, determined wage/escalation rates from union agreements, reconciled scope/negotiated with suppliers/subcontractors/Joint Venture partners, prepared/revised/updated CPM schedules (including implementation of the company’s use of computerized scheduling software), prepared engineering drawings, calculated project cash flow, determined general and administrative costs, assisted with bid closings, and established/monitored budgets. Increased competitive bidding successes by analyzing job cost reports, documenting jobsite conditions and production rates, and tracking construction means and methods on over \$300 Million (in current dollars) of ongoing work in Canada and the United States, and then applied this data to future and lower bids.

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TESTIMONY EXPERIENCE

Case Name	Project Description	Legal Forum	Area of Testimony	Client
The Millgard Corporation v. EE. Cruz I NAB I Frontier - Kemper, a Joint Venture, et al. Case No.: 99.civ.2952 (LBS)	Flushing Bay combined Sewer Outfall - New York	Bench Trial (Federal Court)	Cost/Damage Analysis	Paykin Greenblatt Lesser & Kreig LLP (attorney for The Millgard Corporation)
The CONTI Corporation v. City of Farrell, PA Case No.: 53 110 00276 02	Farrell Water Pollution Control Plan Improvements, Pennsylvania	Arbitration	Schedule Delay and Cost/Damage Analysis	The CONTI Corporation
York Hunter, Inc. and AIG v. Avalon Properties, Inc. Case No.: 99CIV11572	Avalon Willow Apartment Complex, New York	Bench Trial	Delay and Cost/Damage Analysis	Ross & Cohen, LLP (Attorneys for York Hunter, Inc.)
Springboro Community School District and Fanning/Howey Associates v. Black Electric and Dugan and Meyers Construction Company Case No.: 998-CIV-48	New Springboro High School, Ohio	Jury Trial	Construction Claim and Delay Analysis	Bieser, Greer & Landis LLP (Attorneys for Springboro Community School District)
American Marietta Corp. v. Essroc Cement Corp. Case No.: 35 110 0037 99	New Cement Silos, Ohio	Arbitration	Contract, Delay, Schedule and Cost/Damage Analysis	American Marietta Corporation
Ellis-don Michigan Inc. v. Wayne State University Case No.: 54 Y 110 00457 96	Renovation of Old Main at Wayne State Univ., Michigan	Arbitration	Delay Analysis	Ellis-Don Michigan, Inc.
Bogner Construction Co. v. Board of Commissioners of Crawford County, OH Case No.: 53 110 00151 96	Crawford County Justice Center, Ohio	Arbitration	Schedule Delay and Cost/Damage Analysis	Bogner Construction Company
Field and Associates, Inc. v. Ohio Dept. of Administrative Services, et al Case No.: 95-05439	Dept. of Mental Health, Rollman Psychiatric Hospital, Cincinnati, Ohio	Bench Trial	Schedule Delay and Cost/Damage Analysis	Field and Associates, Inc.
C. R. Meyer & Sons Company v. Kasdorf, Lewis & Swetlick, S.C. Case No.: 51Y-110-433-96P	Wastewater Treatment Facility, City of Appleton, Wisconsin	Arbitration	Loss of Productivity and Delay Analysis	Kasdorf, Lewis & Swetlick, S.C.
The Great Lakes Construction Co. v. Commonwealth of PA, Dept. of Transportation Case No.: Docket No. 1311	PennDot Legislative Route 1126, Section C05, Traffic Route 17, Erie County PA and Chautauqua County NY	Bench Trial	Schedule Analysis	The Great Lakes Construction Company
Tower City Hotel Associates (an Ohio Partnership) v. W.A. Wilson & Sons, Inc. Case No.: 53 110 00061 91	Tower City, Ritz Carlton and Skylight Office Tower, Cleveland OH	Arbitration	Delay Analysis	W. A. Wilson & Sons, Inc.
Jim and Carol Freitag v. T&T Builders, Inc. Case No.: 53 110 00092 89	New Home Construction, Parma, Ohio	Arbitration	Defective construction and/or code errors with the home	Jim and Carol Freitag

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TEACHING/LECTURING EXPERIENCE

Michael Leary teaches and lectures on a variety of construction related topics including scheduling, construction delays, damages and delay costs, and loss of productivity. The following is a listing of seminars Mr. Leary has presented.

Date	Topic
November 9, 2006	Brickler & Eckler LLP Top Gun Construction Claims Seminar - 4th Annual
May 22, 2006	Marous Brothers Construction Understanding Your Contract, Improving Documentation, and Introduction to Claims
December 7, 2005	Lorman Educations Services Seminar "Tricks, Traps And Ploys Used In Construction Scheduling In Ohio"
November 29, 2005	Thompson Hine LLP "How to Recover Delay Costs"
November 1, 2005	Brickler & Eckler LLP Top Gun Construction Claims Seminar - 3rd Annual
June 26, 2005	AACE 49th Annual International Convention "Does Sharing Project Data Create Claims?"
March 1, 2005	The Conti Corporation & The Murphy Contracting Company "The Importance of CPM Scheduling & Understanding Its Use"
February 22, 2005	Hazama "Project Management for Claims Avoidance"
February 9, 2005	Lorman Educations Services Seminar "Getting Paid For Your Work: Mechanic's Liens And Other Construction Claims in Ohio"
December 17, 2004	Lorman Educations Services Seminar "Tricks, Traps And Ploys Used In Construction Scheduling In Ohio"
October 12, 1004	Bricker & Eckler LLP Top Gun Construction Claims Seminar - 2nd Annual
November 12, 2003	Bricker & Eckler LLP Top Gun Construction Claims Seminar - 1st Annual
February 26, 2003	Lake Erie Electric "CPM Scheduling - Moving Your Time and Profits"
October 2002	Butzel Long "Proof of Damages Proximate Cause"
March 23, 2001	Lorman Education Services Ohio Construction Issues - Toledo, Ohio
January 27, 2000	"Understanding Construction Delay and Disruption Claims: Being Proactive Toward Resolution" - Cleveland, OH

January 25, 2000	"Understanding Construction Delay and Disruption Claims: Being Proactive Toward Resolution" - Columbus, OH
March 10, 1999	Bogner Construction Company "Understanding and Application of Construction Contracts"
April 17, 1998	Bogner Construction "CPM Scheduling; A Project Management Tool"
January 23, 1998	Rudolph/Libbe / GEM Industrial "Effective Management of Your Projects"
December 1997	RFP Presentation - Marysville Honda Plant - Kokosing Construction "Project Controls and Scheduling"
December 1997	Bogner Construction "Improving Daily Reports"
September 1997	American Arbitration Association (AAA), ADR Day "How to Demonstrate Claims & Use Documentation"
February 1997	CSI Sponsored Seminar "Construction Management: The Equitable Alternative - Importance of Schedule and Coordination"
January 1997	National Engineering & Construction Co. (NECCO) "Improving Project Scheduling and Training for Suretrak"
November 1996	Lockwood-Greene Engineers, Inc. "Preparation and Analysis of Project Time and Cost Impact"
April 1996	Bowling Green State University "Project Management - Claims Happen"
February 1996	AGC Sponsored Seminar "Preparing to Negotiate With the Owner"
October 1994	Ohio Construction Law Seminar "Proof of Damages"
March 1994	Bailey Controls Company Project Scheduling Seminar
February 1994	Ohio Construction Law seminar "Improving Project Scheduling"
February 1994	Great Lakes Construction Company "Improving Project Scheduling"
January 1994	1994 AGC of Ohio State Convention "Recovery of Construction Changes - Avoiding the Pitfalls"
November 1993	AGC Build Ohio Conference "Avoiding Disputes Through Early Recognition of Changes"
April 1993	Donley's Inc. "Increasing Profits Through Effective Scheduling & Avoiding Disputes"

November 1992	Rudolph/Libbe Inc. "Increasing Profits Through Effective Scheduling"
June 1990	Higley Summary of Expedition
March 1988	Cleveland State University "Schedules, Overall Project Controls & General Conditions Seminar"
October 1997	Case Western Reserve University "Schedules, Overall Project Controls & General Conditions Seminar"