

# VIRGINIA LAWYERS WEEKLY

Vol. 25, No. 32

January 10, 2011

www.valawyersweekly.com

## VIRGINIA'S LARGEST VERDICTS OF 2010

### CONSTRUCTION CONTRACT

# #20                      \$1.87 million

#### Attard Industries Inc. v. United States Fire Insurance Company

**Type of Case:** Claim on payment bond

**Court:** U.S. District Court, Alexandria

**Attorneys:** David Hilton Wise and Jamie P. Lukes, Fairfax

**Summary:** Attard Industries Inc., a sheet metal sub-subcontractor on a project at Dulles International Airport, alleged it was wrongfully terminated by Jett Mechanical Inc., the plumbing and HVAC subcontractor, after complaining about lack of payment for change orders that had been issued by the owner of the project, Metropolitan Washington Airport Authority (MWAA).

Jett told Attard prior to termination that Jett had not yet been paid by the general contractor, Turner Construction Co. Inc., for these changes. In early 2008, Attard learned this statement was not correct. When Attard complained to Turner and requested joint checks, Jett responded by issuing a notice of termination on June 20, 2008.

Attard filed suit to recover under a payment bond, and the jury agreed it was entitled to the amount due it under the change orders.

The verdict is on appeal to the 4th US. Circuit Court of Appeals.



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