

Résumé



L. TYRONE "TY" HOLT, ESQUIRE
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www.mediator.org
www.imimmediation.org

PERSONAL

Date of Birth: July 28, 1949
Place of Birth: Mebane, North Carolina
Citizenship: United States of America

Marital Status: Married Wife: Mary
Daughter: Kathie Reno Bohn

EDUCATIONAL BACKGROUND

DEGREES AWARDED:

Master of Theology (1997)	Peace Theological Seminary and College of Philosophy Santa Monica, California
Juris Doctor (1974)	The Law School Stanford University Palo Alto, California
Bachelor of Arts (1971)	Morehouse College Atlanta, Georgia

ADDITIONAL INSTITUTIONAL STUDY AND FORMAL COURSE WORK:

September 2009	Chartered Institute of Arbitrators Keble College, Oxford, University, Oxford, England, UK The Diploma Course in International Commercial Arbitration
Summer School (1970)	University of North Carolina Chapel Hill, North Carolina
Special Study (9/69-6/70)	University of Madrid Institute for European Studies Madrid, Spain (Morehouse College Merrill Scholarship)
Special Study (Summer 1969)	University of Ghana, Ghana, West Africa (Morehouse College – Summer Merrill Scholarship)

BAR AND COURT ADMISSIONS

Licensed in Colorado: 1974

Registration No: 005779

COURT ADMISSIONS

Supreme Court of Colorado and all subordinate Courts
United States District Court for the District of Colorado
United States Court of Appeals for the Eighth, Ninth & Tenth Circuits
The United States Supreme Court
Superior Court, Los Angeles County, California (Pro Hac Vice)
Circuit Court of the First Circuit, State of Hawaii (Pro Hac Vice)
United States District Court for the Western District of Texas (Pro Hac Vice)
United States District Court for the Northern District of Georgia (Pro Hac Vice)
United States District Court for the District of Utah (Pro Hac Vice)
United States District Court for the District of Nebraska (Pro Hac Vice)
United States District Court for the Eastern District of Virginia (Pro Hac Vice)

JUDICIAL CLERKSHIP

1974 (Spring) Law Clerk to The Honorable Preston Devine, Presiding Justice, California First District Court of Appeals, San Francisco, California (Stanford Law School Externship Program)

PROFESSIONAL, CIVIC AND COMMUNITY ORGANIZATIONS, ASSOCIATIONS AND SOCIETIES

Fellow, College of Commercial Arbitrators ("CCA"), Past-President, Contributing Author, *CCA Guide to Best Practices for Commercial Arbitrators*
Contributor, *ABA Dispute Resolution Magazine's*, "On Professional Practice" Column (2016-2018)
Former Chair, Litigation Council, Colorado Bar Association
Past Member, Governing Committee, American Bar Association, Forum on Construction Law, 2007-2010
Certified Mediator, International Mediation Institute, <http://www.imimmediation.org/ityrone-holt>
Member, National Academy of Distinguished Neutrals (Arbitration and Mediation Panels), <http://www.nadn.org/colorado>
Member, American Arbitration Association ("AAA"), Counsel-rated Panel for Mega Construction Project Claims.
Member, American Arbitration Association ("AAA"), Master Mediator Panel – Construction [Colorado, Idaho, Montana, Nevada, Utah and Wyoming Region]
Member, International Institute for Conflict Prevention and Resolution ("CPR") Construction Industry Mediation and Arbitration Neutrals Panels; and CPR Construction Industry Advisory Committee
Adjunct Professor, University of Colorado, Civil, Environmental and Architectural Engineering Department (2017)
Member, Dean's Advisory Council, The Stanford Law School
Member, Leadership Circle, Morehouse College, Inducted 2018
Life Fellow, American and Colorado Bar Foundations
Member, Phi Beta Kappa National Honor Society, Delta of Georgia Chapter (Since 1971)
Member, Board of Directors, Colorado Golf Association
Past Vice Chair, Board of Directors, Urban Leadership Foundation of Colorado.

Listed in the “Red Book” of public finance professionals as Co-bond counsel for the City & County of Denver and Co-underwriter’s Counsel for Park Creek Metropolitan District, Denver, Colorado.

EMPLOYMENT HISTORY

(Location is Denver, Colorado, unless otherwise specifically noted)

- 1974-79 Associate, Holland & Hart LLP, Attorneys
- 1979-81 Associate/Partner, Shank, Irwin & Holmes; Shank, Irwin, Conant, Williamson & Grevelle (Dallas and Washington, D.C.)
- 1981-84 Partner, Durham, Gassman & Holt
- 1984-88 Principal, Holt & Gebow, P.C.
- 1988-91 Principal, Holt & Associates, P.C.
- 1991-92 Principal, Bookhardt, O’Toole & Holt, P.C.
- 1992-94 Director, PMCA, S.A., Geneva, Switzerland¹
- 1993-94 Member and Committee Secretary, Site Selection Committee for the Headquarters (Cairo, Egypt) and Regional Branch Offices, (Harare, Zimbabwe) of The African Export Import Bank World, African Development Bank, Adijan, Cote D’Ivoire, Western Africa
- 1994-95 Vice President & General Counsel, CMTS, Inc. [national construction management firm]
- 1995-2000 President, Holt Professional Corporation
- 2/00-9/01/03 Officer, Director & Shareholder, Ireland, Stapleton, Pryor & Pascoe, P.C.
- 9/1/03 - Managing Principal, THE HOLT GROUP LLC, Attorneys & Counselors at Law
- 03/01/05 - President, Western Neutral Services, LLC [professional arbitration and mediation services]

EXHIBITS TO RESUME (ATTACHED)

EXHIBIT A ALTERNATIVE DISPUTE RESOLUTION BACKGROUND

EXHIBIT B REPRESENTATIVE PUBLISHED ARTICLES, PAPERS AND PRESENTATIONS

EXHIBIT C ILLUSTRATIVE CASES WHERE MR. HOLT HAS SERVED AS LEAD COUNSEL

¹ Managed Geneva office operations, handled communications interface with American, German and French shareholders, negotiated currency expatriation and transactional documents for soft commodities price “hedge” financing instrument between PMCA, S.A., and various African governmental entities, e.g., African Development Bank, Central Bank of Nigeria, Central Bank of Namibia, Central Bank of South Africa, Central Bank of Zimbabwe, Central Bank of Tanzania and Central Bank of Egypt.

**EXHIBIT A
TO
RESUME OF**

L. TYRONE HOLT, ESQUIRE

**MATTERS ILLUSTRATING MR. HOLT'S ADR BACKGROUND AS MEDIATOR/FACILITATOR
AND ARBITRATOR¹**

Ty has been a commercial arbitrator since 1983 and has served as a commercial mediator and facilitator since 1985. He has served on the American Arbitration Association Neutrals Panels for over thirty-five years. Mr. Holt provides direct neutral services through CPR, and on a private ad hoc basis. He has worked on a wide variety of commercial and construction cases and is familiar with various construction procurement methods; vertical and horizontal construction projects; and has worked with owners, general contractors, subcontractors and suppliers, design professionals, construction and program managers, insurers and sureties. Mr. Holt also serves as a mediator in certain long term care health insurance contract disputes.

Ty has served as a Neutral in many arbitrations involving commercial and construction disputes in numerous states, including Arizona, California, Colorado, Idaho, Iowa, Kansas, Missouri, Nebraska, New Mexico, Ohio, Oregon, Texas, Utah, Washington, West Virginia and Wyoming. He has also served as an advocate in over 250 arbitration and mediation proceedings in more than twenty states, including Alabama, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Missouri, New Mexico, Oregon, Utah, Washington and Wyoming. Ty's experience includes federal, state and local governmental disputes as well as, various private section matters, including breach of contract, equitable adjustment, delay, impact, productivity and scheduling disputes.

EXAMPLES OF CASES MEDIATED BY MR. HOLT: 2000 – 2019

Ty has served as the facilitator/mediator in over three hundred construction disputes over the last fifteen years, involving public, public-private and private parties. Examples are as follows:

Mediation among general contractor, design professional team and various subcontractors on construction defects, payment and performance issues on a commercial project, involving contract balance, retention, back charges, quality of work and breach of contract claims. Matter was successfully resolved in mediation.

Mediation between general contractor and mechanical subcontractor on payment and performance issues on a federal government, involving a domestic military facility with retention, back charges, quality of work, delay, impact and loss of productivity claims. Matter was successfully resolved in mediation.

Mediation between general contractor and design engineer subcontractor to the general contractor on a federal government, design-build project on a domestic military base with issues involving professional fees due, delay, impact and loss of productivity claims. Matter was successfully resolved in mediation.

Mediation between general contractor and dry wall subcontractor to the general contractor on a hospital addition and renovation project with issues involving alleged delay, impact, loss of productivity and equitable adjustment claims.

¹ This is an illustrative listing and is not intended to be an exhaustive listing of all matters ever handled by Mr. Holt. However, all pending matters, past and present representations and proceedings (including those not listed here) have been considered for purposes of evaluating conflicts and making disclosures as appropriate, in accordance with the applicable ethical rules, guidelines and terms of applicable engagement agreements.

Mediation between general contractor and international airport authority over general contract, payment dispute, delay, impact, differing site conditions and loss of productivity claims. Matter was successfully resolved in mediation.

Mediation between general contractor and earthwork and paving subcontractor to the general contractor on an interstate highway with issues involving rejected change order, quality of work, alleged delay, impact, loss of productivity and equitable adjustment claims.

Mediation between horizontal construction general contractor and paving subcontractor over dispute regarding construction of section of interstate highway in mountainous terrain.

Mediation among mechanical subcontractor, general contractor and owner over subcontract and payment dispute on construction of addition and remodel of public school project.

Mediation between mechanical subcontractor and general contractor over subcontract and payment dispute on construction of addition and remodel of hospital.

Mediation with nine parties (City & County of Denver, General Contractor, Design Engineer, Inspector, Fabrication Subcontractor and Coatings Supplier), including large city, general contractor, four subcontractors, architect, engineer, and product vendor, with respect to the design, construction and construction inspection of two large steel bridges. The parties resolved their respective monetary claims and thereafter, the matter proceeded to decision in the appellate court on legal issues only.

Mediation with three parties of a construction dispute in Wyoming among the general contractor against airport authority and the authority's project architect. The mediation lasted two days and resulted in a resolution of all claims. The claims asserted included delay, acceleration, loss of productivity; damages for failure to approve change orders; and issues associated with liquidated damages provisions of the contract between the owner and the general contractor. The claimed amount was \$1,400,000.

Mediation of disputes among Missouri Highways and Transportation Commission, a national highway general contractor and its excavation subcontractor with respect to issues associated with the calculation of amounts claimed to be owed to the general contractor under the *Spearin* doctrine for fill dirt supplied in connection with the construction of a highway interchange and bridge. The amount of the claims was a \$2,990,000 negotiation and execution of liquidation and common interest agreements. Following the successful mediation, the settlement was approved by MoDOT and matter was resolved.

Five-day mediation in Idaho, with seven parties (Owner, General Contractor, Design Engineer, Clerk of the Works On-Site Engineer, Materials Testing Subcontractor, Excavation Subcontractor and Specialty Liner Subcontractor), including design and construction of railroad facility. Owner claims exceeded \$25,000,000. All disputes involving the Owner, General Contractor, "Clerk of the Works" - On-Site Engineer, Excavation Subcontractor and Specialty Liner Subcontractor were resolved. A unique aspect of this mediation was that over ten insurance companies were involved, with coverage and excess coverage issues.

Two party mediation of \$13,000,000 claims relating to "differing site conditions" and related time based claims arising out of a subcontract, where prime contract was with federal government.

Mediation of disputes between national highway general contractor and its excavation subcontractor with respect to issues associated with the negotiation and execution of liquidation and common interest agreements. Following the successful mediation, the two parties jointly pursued the prosecution of a claim against a state highway department.

Mediation of a construction dispute among a general contractor, owner and “dirt work” subcontractor over excavation contract, on a bonded (payment and performance) job. Claims involved delay, impact and loss of productivity claims, along with breach of contract and claim on performance and payment bond. The claim exceeded \$1,000,000 was involved a bridge on I-25 in Colorado.

Two-day mediation in Southern California, with three parties (Owner, General Contractor and Subcontractor), including claims in excess of \$5,000,000, based upon design, construction and project close-out issues on high luxury condominium, in Los Angeles, California. All disputes involving the Owner and General Contractor were resolved.

Two-day mediation in Southern California, with three parties (Owner, General Contractor and Subcontractor), including design, construction and project close-out issues on a high luxury condominium, in Los Angeles, California. All disputes involving the Owner and General Contractor were resolved.

One-day mediation conference, in Phoenix, AZ, with three parties (Owner, General Contractor and Subcontractor), involving project close-out issues on major sports facility and subcontractor equitable adjustment claim.

Two party mediation of \$6,000,000 claim relating to design, construction and performance of a water treatment facility. The two parties were the design engineer and the owner/municipality.

Four party mediation involving a public utility in the electrical general and transmission business, the design-build engineer/contractor and several subcontractors with respect to the design, construction, commissioning and performance of a chilled water plant.

Five party mediation involving a dispute of large condominium/mixed use residential project involving claims for delay, loss of productivity, back-charges and claims for additional compensation.

Multi-party construction mediation among general contractor, mechanical subcontractor, electrical subcontractor, and fire insulation subcontractor involving claims and counterclaims for extended general conditions, loss of productivity and unpaid proposed change orders.

Mediation between large residential home developer/builder and single family homeowner involving claims for alleged construction defects and soil movement claims, under the Colorado Construction Defect Action Reform Act (“CDARA”).

EXAMPLES OF CONSTRUCTION CASES WHERE MR. HOLT HAS SERVED AS ARBITRATOR:

2000 – 2019

[All pending matters within last twelve months omitted due to privacy and confidentiality]

MULTI-FAMILY AND RESIDENTIAL DISPUTES:

144-Unit Condominium Project

Sole Arbitrator in multi-party arbitration involving a \$25,000,000 condominium project in the Western United States. Ten (10) days of hearing, with claims totaling in excess of \$7,000,000. Claims included breach of contract, design professional liability, subcontractor design-build, construction defect and warranty claims.

120-Unit Condominium Project

Chair of three-arbitration panel between owner/developer and general contractor following completion of condominium project, where owner had failed to pay for contract balance, delay and impact claim. Award for

general contractor for \$945,000, following three (3) weeks of hearings.

Single Family Residence Remodel

Single arbitrator case, involving dispute between remodeling contractor and couple who owned home over cost of remodeling and performance of windows and doors. Award of \$50,000 to homeowners, after three (3) days of hearings.

Single Family Residence – New Construction in Residential Subdivision by National Builder

Single arbitrator case, involving dispute between developer/builder and homeowner over alleged construction defects in home. Case settled after discovery and before hearing on the merits.

Multi-family Development in Caribbean

ICDR Rules dispute involving the development of a multi-family residential project. Member of three-person arbitration panel for construction contract dispute between developer and general contractor.

TRANSPORTATION INDUSTRY CASES:

Case 1

Served as Chair of three-arbitrator panel. Claim: \$768,310.00. Two Parties: General contractor sued by assignee of subcontractor. Three (3) weeks of hearings, resulted in a lengthy written opinion and award for the general contractor, plus attorneys' fees, costs and expenses.

Case 2

Chair of three-person panel involving protracted construction dispute among the general contractor, an assignee of one of its subcontractors who defaulted, and three other subcontractors who were brought into the dispute on a third-party basis by the general contractor on theories of indemnity and contribution. Three weeks of hearings, with award for general contractor, plus subsequent three days of hearings on attorneys' fees. Award was confirmed by the United States District Court for the District of Colorado and subsequently affirmed in an opinion of the Tenth Circuit Court of Appeals.

Case 3

Mr. Holt served as the single Arbitrator. The arbitration involved a general contractor and subcontractor with respect to an earthwork dispute between general contractor and subcontractor over qualities, change order and claims for additional compensation. The claims exceeded \$250,000. An award was rendered in 2011.

UTILITY INDUSTRY CASE

Mr. Holt served as one member of a three (3) member arbitration panel. The dispute involved claims by the general contractor against electric utility seeking \$4,000,000, arising out of the construction of a major addition to a power plant in the Midwestern U.S. The claims asserted included delay, acceleration, loss of productivity; damages for failure to approve change orders; and issues associated with various provisions of the contract between the owner and the general contractor.

HOTELS:

Case 1

Member of three-member panel, for four-week arbitration hearing on a 400-room new hotel project. Dispute was between owner and general contractor on design-build procurement. Claim of \$3,000,000 by general contractor; counterclaim of \$2,000,000 from Owner. Decision and Award following hearing, with net award of \$1,300,000 to general contractor.

Case 2

Served as single arbitrator for eight (8) weeks of arbitration hearings over 18 months on a luxury hotel, involving eight parties, including individual unit owners, condo association, general contractor, architect, mechanical design-build subcontractor, electrical subcontractor, roofing subcontractor, and developer. Claim of \$2,500,000. Decision and award to condominium owners and its homeowners' association.

Case 3

Mr. Holt served as one member of a three (3) member arbitration panel. The claims involved claims of breach of construction contract, wherein \$9,000,000 in damages were requested. Panel has heard legal arguments and ruled on certain dispositive motion.

TELECOMMUNICATIONS INDUSTRY/FIBER OPTIC CABLE CASES:

Case 1

Single arbitrator in a case between a major telephone company and a general contractor, claiming \$2,400,000 in damages for additional work and out of scope work on the installation of a fiber optic telephone cable in northern Arizona. Award rendered for telecommunications company.

Case 2

Single arbitrator in dispute between telecommunications company, general contractor and its subcontractor over additional unit costs and charges on multi-state fiber optic cable installation in southwestern United States. Decision and award for general contractor and subcontractor for \$1,400,000.

RETAIL, SHOPPING CENTER/LAND DEVELOPMENT CASES:

Case 1

Dispute among shopping center developer/owner/operator, general contractor and three subcontractors, including delay, impact, loss of productivity, construction defects and contract balance claims. Five insurance carriers were involved in mediation representing prior and excess insurance policies.

Case 2

Arbitration between mechanical subcontractor and general contractor subcontract and payment dispute on construction of Walmart Store project.

EXHIBIT B
TO
RESUME
OF
L. TYRONE HOLT, ESQUIRE
(Effective: December 31, 2019)

REPRESENTATIVE EXAMPLES OF PUBLISHED ARTICLES, PAPERS AND PRESENTATIONS

- December 18, 2019 Construction SuperConference 2019, Rancho Palos Verdes, CA, “*S31 In Search of Neutrality: Ethical Questions for Neutrals and for the Advocates Who Select Them*”, David Waddell, ProActive Arbitration, Sara Beiro Farabow, Partner, Seyfarth Shaw LLP, L. Tyrone Holt, Managing Principal, The Holt Group LLC, Denver, CO.
- December 17, 2019 Construction SuperConference 2019, Rancho Palos Verdes, CA, American Arbitration Association, Construction Panel Member: “*S12 Customizing Mediation Techniques for Complex Construction Disputes and Avoiding the Mediator Shuffle*”, Michael A. Marra, Vice President Construction Division, American Arbitration Association, Robyn Miller, Senior Vice President and General Counsel, Callison/RTKL, Inc., L. Tyrone Holt, Managing Principal, The Holt Group LLC, Giovanni Ruscitti, Esquire, Founding/Managing Partner, Berg Hill Greenleaf Ruscitti LLP.
- December 13, 2019 Practising Law Institute©, Building Better Construction Contracts 2019, “Arbitrator Ethics: The “Neutral” Neutral”. Paper and Presentation, December 13, 2019, New York, New York
- February 1, 2019 Speaker: American Bar Association, Forum on the Construction Industry, 2019 Midwinter Meeting, Los Angeles, California, Plenary 5 - 2019 Midwinter Meeting “*Prosecuting and Defending Construction Claims on Public Works Projects*”, L. Tyrone Holt, Esq., with Michael Cowan, Esquire.
- December 14, 2018 Presentation: Practising Law Institute©, Building Better Construction Contracts, “*Ethical Challenges and Duties of the Construction Mediator*”.
- December 10-12, 2018 Construction Super Conference 2018, Las Vegas, Nevada, December 10-12, 2018, American Arbitration Association, Construction Panel Member: “Project Data and E-Discovery in the Arbitration Process: How to Pro-Actively Collect and Manage the Presentation of Evidence”, Michael A. Marra, Vice President Construction Division, American Arbitration Association, Todd Bressler, General Counsel, West Region, Suffolk Construction Company, Inc., Los Angeles, CA, L. Tyrone Holt, Managing Principal, The Holt Group LLC, Denver, CO, Wendy K. Venoit, Esquire, Hinckley Allen; Boston, MA, and Christopher C. Whitney, Esquire, Pierce Atwood LLP; Providence, RI.
- 2016 -2018 Regular Contributor to the “*On Professional Practice*” column, Dispute Resolution Magazine, American Bar Association, Dispute Resolution Section.
- December 2017 Practising Law Institute©, Building Better Construction Contracts, “*Ethical Challenges and Duties of the Construction Mediator*”, December 15, 2017, New York, New York.
- 2016-2017 Lecturer, University of Colorado, School of Engineering, Course of Undergraduate and Graduate Students, “CVEN 5246 - Legal Aspects of Construction”, 2016-17 Semester.

- March 2017 Colorado Bar Association, “Colorado and Federal Arbitration Law”, Live Program and Simultaneous Live Webcast, March 30, 2017, Denver, Colorado, Co-Presenters: Robert E. Benson, L. Tyrone Holt and Mark E. Lassiter.
- March 2017 State Bar of Texas, Construction Law Section, 30th Annual Construction Law Conference, March 2 & 3, 2017, La Cantera Hill Country Resort, San Antonio, Texas, “Defining and Properly Performing as Arbitrator and Advocate to deliver the Promises of Construction Arbitration.”
- March 2016 American Arbitration Association/College of Commercial Arbitration Association Program, “A Matter of Perspective: ‘Addressing Contemporary Issues in Construction Arbitration from the Perspectives of Both the Skilled Construction Arbitration Counsel and the Experienced Construction Arbitrator.’”, Paper and Presentation by William K. “Bill” Andrews, Esquire and L. Tyrone “Ty” Holt, Esquire, Dallas, Texas, March 22, 2016.
- December 2015 Practising Law Institute (“PLI”), Building Better Construction Contracts 2015 Program, “*Above All, Do No Harm: The Mediators’ Ethical Obligation to both the Parties and the Profession*”, PLI - Paper by L. Tyrone Holt, Esquire and Kevin P. Walsh, Esquire; Presentation by L. Tyrone Holt, Esquire: December 11, 2015, New York, New York.
- October 8, 2015 American Bar Association, Forum on the Construction Industry, 2015 Fall Meeting, Austin, TX, Plenary I “Ted Talk Format”: “*What to Do (and What Not to Do) to Maximimize the ‘Promise’ of Arbitration*”, L. Tyrone Holt, Esq., with Kevin P. Walsh, Esq. on the paper regarding how to make arbitration fair, expeditious and cost effective; presentation by William K. “Bill” Andrews, Esquire, Shelly Ewald, Esquire and L. Tyrone “Ty” Holt, Esquire.
- July 2015 American Arbitration Association, AAA Handbook on Mediation, 3rd Edition, Juris Publishing (2015): “*Large, Complex Construction Disputes: The Dynamics of Multi-Party Mediation*”, L. Tyrone Holt, Esquire and Alan Bates, Esquire.
- March 27, 2015 American Arbitration Association, 2015 Construction Conference, “*Keeping Arbitration Lean: How and why construction arbitration is different from litigation*”, with Wendy Kennedy Venoit, Esquire, McElroy, Deutsch, Mulvaney & Carpenter, LLP (Hartford, CT) and Robert Brown, General Counsel, McKenney’s (Atlanta, Georgia), Santa Monica, California.
- March 2, 2015 Stanford University, “*What is Wrong with Arbitration and How to Fix It*”, with Professor Thomas J. Stipanowich, William H. Webster Chair in Dispute Resolution, Pepperdine University School of Law and Abraham Sofaer, George P. Shultz Senior Fellow, The Hoover Institution, Stanford University, Palo Alto, California.
- February 20, 2015 International Institute for Conflict Prevention and Resolution, 2015 Annual Meeting, Forging the Future, Moderator for Panel on “*Leveraging Diversity to Enhance Dispute Resolution*”, The Lodge at Torrey Pines, La Jolla, California.
- January 30, 2015 Colorado Contractors’ Association, Annual Meeting, “*Techniques and Skills to Minimize, Manage, and Resolve Construction Disputes and to Reduce Expenses from Claims*”, Westin Hotel, Westminster, Colorado.
- January 29, 2015 American Bar Association, Forum on the Construction Industry, January 2015 Midwinter Meeting: “*Nightmares – Mistakes Attorneys Make in Complex Litigation and How to*

- Deal with Them*”, L. Tyrone Holt, Esq., with Kevin P. Walsh, Esq. of The Holt Group LLC, on the paper. Westin Kierland Resort, Scottsdale, Arizona, January 29-30, 2015.
- August 2014 Georgia Bar Association, 8th Annual Arbitration Institute, “*Ethics for Participants in Arbitration as Compared to Litigation*”. Paper and Presentation, August 8, 2014, Atlanta, Georgia.
- June 2014 Faculty member, American Bar Association, Dispute Resolution Section, Annual Arbitration Institute, “A Comprehensive Training in Commercial Arbitration”, Washington, D.C., June 6-7, 2014.
- May 2014 Ohio State Bar Association, Advising Corporate Directors and Officers Seminar, “Getting The Arbitration Process You Want: Predictability, Efficiency and Economy in Commercial Arbitration”. Paper and Presentation, May 16, 2014, Columbus, Ohio.
- January 2014 American Bar Association, Forum on the Construction Industry, January 2014 Midwinter Meeting: Unveiling the Mysteries, Atlantis Paradise Island, Bahamas. Paper (November 2013) and Presentation (January 2014) “*Demystifying the Arbitrator’s Expectations: Best Practices for Promoting Efficiency and Economy in Arbitration*”, L. Tyrone Holt, Esq., with Kevin P. Walsh, Esq. of The Holt Group LLC, on the paper.
- October 2013 American Bar Association, Forum on the Construction Industry, Fundamentals of Construction, Second Edition, Chapter 2 - *The Design Professional*”, L. Tyrone Holt, Esq., with Co-authors: Matthew Ninneman, Esq. and Carrie L. Okizaki, Esq., © 2013 ABA Publications, Inc.
- September 2013 American Bar Association, Forum on the Construction Industry, Construction ADR Handbook Chapter 32 - The Design Professional’s Perspective on ADR - L. Tyrone Holt, Esq., with Co-authors: Kevin P. Walsh, Esq., Carrie L. Okizaki, Esq., the Honorable Raymond D. Jones (Ret.), and Cornelius “Kin” DuBois, FAIA, © 2014 ABA Publications, Inc.
- September 25, 2013 Practising Law Institute (“PLI”), Building Better Construction Contracts 2013 Program, “*Ethical Issues in Mediation*”, © PLI - Paper by L. Tyrone Holt, Esquire and Kevin P. Walsh, Esquire; Presentation by L. Tyrone Holt, Esquire: September 25, 2013, New York, New York).
- April 5, 2013 American Bar Association, Dispute Resolution Section, 15th Annual Spring Conference, Fairmont Chicago Millennium Park, Chicago, Illinois “*Best Commercial Arbitration Practices*”, Edna Sussman, College of Commercial Arbitrators, Scarsdale, NY Tyrone Holt, College of Commercial Arbitrators, Denver, CO, Eugene Farber, Farber, Pappalardo & Carbonari, White Plains, NY.
- January 2013 American Bar Association, Tort Trial & Insurance Practice Section, 2013 Annual Meeting, New York, New York, 2012 Fidelity and Surety Law Committee, “Recovery of Fees and Costs in Construction Litigation and Arbitration”, Jennifer W. Fletcher, Esquire, L. Tyrone Holt, Esquire, and Margery S. Bronster, Esquire.
- December 2011 American Arbitration Association, AAA University Webinar “*Large, Complex Construction Disputes: The Dynamics of Multi-Member Mediation Teams*”, L. Tyrone Holt, Esquire and Alan Bates, Esquire.

May 2011	<u>ASCE Journal of Legal Affairs & Dispute Resolution in Engineering and Construction</u> , Co-author of Chapter 63, “ <i>Large, Complex Construction Disputes: The Dynamics of Multi-Member Mediation Teams</i> ”, L. Tyrone Holt, Esquire and Alan Bates, Esquire.
September 2010	<u>AAA Handbook on Mediation</u> , 2 nd Edition, Juris Publishing (2010), Co-author of Chapter 63, “ <i>Large, Complex Construction Disputes: The Dynamics of Multi-Member Mediation Teams</i> ”, L. Tyrone Holt, Esquire and Alan Bates, Esquire.
September 2010	American Arbitration Association, fall 2010 Construction Program, “ <i>Construction Conference: Planning Resolution Strategies</i> ”, Allen Overcash, Esquire and L. Tyrone Holt, Esquire (Paper and Presentation).
April 9, 2010	American Bar Association, Section of Dispute Resolution, 12 th Annual Spring Conference, San Francisco, CA, “ <i>Six Deadly Behaviors to Avoid in Mediating the Complex Multi-Party Case</i> ”, L. Tyrone Holt, The Holt Group, LLC, Denver, CO; Dave Rudy, Just Accord, Inc., Black Forest, CO; William Peters, Esquire, Gordon & Rees LLP, San Francisco, CA (Paper and Presentation).
February 2010	American Arbitration Association, AAA University Webinar – “ <i>Five Steps to Fast-Track the Large Complex Construction Case</i> ”, Allen Overcash, Esquire and L. Tyrone Holt, Esquire (February 25, 2010) (Paper, Presentation and National Webinar).
September 2009	DePaul University, College of Law School, <u>DePaul Business & Commercial Law Journal</u> , Spring 2009, “ <i>Whither Arbitration? What Can Be Done to Improve Arbitration and Keep Out Litigation’s Ill-Affects?</i> ” L. Tyrone Holt, with Raymond Dean Jones, Esquire, (Judge Ret.), Daniel J. Hillis, Esquire and Felicia G. Euell, Esquire.
April 16, 2009	American Bar Association, Section of Dispute Resolution, 11 th Annual Spring Conference, Sheraton New York Hotel & Towers, New York, New York, “ <i>Mediating Large and Complex Construction Disputes</i> ”, L. Tyrone Holt, Esquire and Mark J. Heley, Esquire April 2009 (Paper, Presentation and National Teleconference).
March 2009	DePaul University Law School, 2009 Arbitration Symposium “ <i>Winds of Change: Solutions to Causes of Dissatisfaction with Arbitration</i> ”, Chicago, Illinois, Presentation by L. Tyrone Holt, Esquire.
February 2009	American Arbitration Association, 2009 AAA and ICDR Neutrals Conference – Coronado Island Marriott Resort & Spa, San Diego, California, “ <i>Advanced Mediation – Large and Complex Construction Disputes</i> ”, L. Tyrone Holt, Esquire and Alan Bates, Esquire (February 2009).
Oct 31/Nov 1, 2007	Design Build Institute of America, 2007 Design-Build Conference & Exposition, Dallas, Texas, “ <i>Bridging Documents - How Do They Alter the Liability of Design-Build Participants</i> ”, G. William Quatman, Esquire, L. Tyrone Holt, Esquire and Bennett Greenberg, Esquire (Paper and Presentations).
May-July 2007	<u>Dispute Resolution Journal</u> , “ <i>Large, Complex Construction Disputes: The Dynamics of Multi-Party Mediation</i> ”, American Arbitration Association © 2007.
March 2007	Practising Law Institute (“PLI”), “ <i>Making Construction Arbitration ‘Better, Cheaper and Faster’</i> ”, © PLI - Paper and Presentation: March 2, 2007, New York, New York).
January 2007	Co-Editor <u>Design Professional/Construction Manager Liability Law</u> , © ABA Press, January 2007.

- January 25, 2007 American Bar Association, Forum on the Construction Industry, 2007 Mid-Winter Meeting, *“Use of Bridging Consultants in Design-Build”*, © 2007 ABA Publications, Inc., G. William Quatman, Esquire and L. Tyrone Holt, Esquire (Paper and Presentation).
- January 2007 American Bar Association, Forum on the Construction Industry, Construction Manager – Design Professional Liability Handbook, Chapter 15, *“Considerations for Subconsultant and Subcontract Agreements for Design Professionals and Construction Managers”*, , Co-author with Carrie L. Okizaki, Esquire, , © ABA Press - January 2007.
- April 21, 2006 Practising Law Institute (“PLI”), *“Mediate, Arbitrate or Litigate—Proper Forum Selection for Construction Disputes”*, © L. Tyrone Holt, Esquire - Paper and Presentation: April 21, 2006, New York, New York).
- November 2005 American Bar Association, Sections of Dispute Resolution and Litigation, 2005 Joint CLE Program, *“Structuring and Formatting the Mediation of Complex, Multi-Party, Multi-Issue Construction Disputes”*, © 2005 ABA Publications, Inc. and L. Tyrone Holt, Esquire (Panel Presentation: Las Vegas, Nevada, November 11, 2005).
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- October 2003 Continuing Legal Education of Colorado, Inc., *“Representing Design Professionals”*, © L. Tyrone Holt, Esquire and William H. Knapp, Esquire (Paper Published October 2003 by CLE of Colorado, Inc.; Presentation: October 2003).
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- April 2002 American Bar Association, Forum on the Construction Industry, 2002 Annual Meeting, “*Understanding, Negotiating and Documenting the Relationships Between and Among Prime Design Professionals and Their Consultants*,” © 2002 ABA Publications, Inc.
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**EXHIBIT C
TO
RESUME
OF
L. TYRONE HOLT, ESQUIRE
(December 31, 2019)**

**EXAMPLES OF COMMERCIAL DISPUTES IN WHICH MR. HOLT SERVED AS LEAD COUNSEL
(LITIGATED OR ARBITRATED DISPUTES) - REPRESENTATIVE CASES**

Wrights Heerema Architects, Ltd. v. Vail Hotel Owner ESHV, LLC, Alpine Engineering, Inc., Layton Construction Company, LLC and Cesare, Inc., Case No. 2018 CV 30046, Eagle County Colorado District Court (2018-2019)

Counsel for general contractor in mechanic's lien foreclosure and accounts receivable collection action.

City of Benkelman, Nebraska v. Baseline Engineering Corporation and Layne Christiansen Company, United States District Court for the District of Nebraska, Civil Action No. 7:15-CV-5003 (2014-2018)

Lead counsel for Defendant Prime Civil Engineering Defendant in multi-party breach of contract, professional liability and breach of warranty actions consisting of arbitration, civil lawsuit in federal district court and related appeal to the Eighth Circuit Court of Appeal. Action settled after multiple years of proceedings in three different forums.

BMP Metro – Dakota Outfall Project – Differing Site Conditions (Type I and Type II) and Equitable Adjustment Claim by PCL Construction and Belair Builders (2014-2015)

Lead counsel for Owner in defense of claim by general contractor and its excavation subcontractor. Matter resolved through the use of mediation.

Layton Construction Co Inc. v. Neils Lunceford Inc., Case No. 12-CV-3039, Eagle County Colorado District Court (2014-2015)

Lead counsel for plaintiff general contractor in contractual indemnification and breach of contraction action. Matter resolved through the use of mediation.

The Estate of Bruce Everett Walker v. Harris, Case Number: Denver District Court, 2013 CV 33682 (2013)

Lead counsel for buyer in real property purchase contract dispute. Hearing before Denver District Court to enforce mediation requirement won and case settled in mediation before JAMS appointed mediator.

Harvestime Construction v. St. Stephen Baptist Church (2013)

Lead counsel for owner in arbitration between owner and design/builder defending breach of contract claims, before JAMS single arbitrator. An award for owner for damages, attorney's fees and interest was made by the arbitrator.

Layton Construction Co., Inc. v. Barclays Capital Real Estate Inc., et al., Eagle County, Colorado, Case Number 2009CV609 (2009 – 2017)

Mr. Holt served as lead counsel for the Plaintiff, general contractor, in this matter. The litigation involved the construction of a luxury hotel in Vail, Colorado and at its beginning had more than twenty parties. Layton sought recovery of \$27 million in damages and defended \$135,000,000 in counterclaims. Pertinent issues in the case involved construction budgeting, scheduling, architectural and mechanical design issues, construction contract interpretation, and various construction issues. After a seventy-eight day trial, judgment in excess of \$5 million was entered in favor of the Plaintiff, which was appealed to the Colorado Court of Appeals. As the prevailing party, Plaintiff filed a petition for attorney's fees which resulted in a week long hearing. The Defendant eventually settled the judgment, appeal and attorney's fee petition with Plaintiff.

Golden Triangle Construction, Inc. and National Fire Insurance Company of Hartford v. Dynamic Sports Construction, Inc., Case Number 2009 CV 1425 Adams County Colorado District Court (2010)

This lawsuit was filed against our client the Defendant Dynamic Sports Construction, Inc. ("DSC"), by Plaintiffs, Golden Triangle Construction, Inc. ("GTC"), the general contractor and its insurer, National Fire Insurance Company of Hartford ("National Fire"). The Complaint alleged negligence and breach of contract arising out of the construction and renovation of the Adams County Waymire Dome & Conference Center in Adams County, Colorado (the "Project"). The Plaintiffs contended that an incident of alleged mercury contamination occurred during the performance of DSC's work on the Project, resulting in \$148,798.00 in damages allegedly resulting from the purported contamination. A four (4) day jury trial was held in August 2010, before Edward C. Moss, District Court Judge. The jury entered a verdict for the Defendant on all counts and the Court entered Order of Judgment in favor of DSC on September 14, 2010.

Zehren and Associates, Inc. and Monroe & Newell Engineers, Inc. v. Braeburn Real Estate Development, LLC, Braeburn Builders Ltd, Douglas Boyles, Individually and Timothy White, Individually v. The EP Boundary LLC and Michael Barry, Individually (2009)

Lead counsel for architect and engineering in arbitration to enforce their copyrights in drawings against developer and developer's architect. An award of \$565,211.00 in damages, attorney's fees and interest was made by the three-person arbitration panel, following eight (8) days of hearings. United States District Court for the District of Colorado confirmed arbitration award in 2009 WL 42690 (D.Colo.) Slip Opinion available in Westlaw only.

North Hills Company LLLP v. Martin/Martin, Inc., Wiss Janney, Elstner Associates, Inc., John Lund, P.E. and Gary Thomas, P.E., Jefferson County, Colorado, District Court Case No. 05 CV 1862 (2006)

Defense counsel for three (3) civil and structural engineering defendants (two individual and one corporate) in a breach of contract, negligence, negligent misrepresentation and breach of warranty case. The case was tried to a jury in June 2006, resulting in defense verdict.

Scholar Group Architects, P.C. v. Sooper Credit Union, 113 3d 768 (Colo. 2005)

Lead trial counsel and appellate counsel in construction arbitration. Appeal was necessary to obtain order directing the Denver District Court to enter order confirming arbitration award and the correction of a mathematical error in the award. Court Appeals decision was reversed by Colorado Supreme Court.

The Young Men's Christian Association ("YMCA") v. Liberty International Underwriters
US District Court, Civil Action No. 03-D-0760 (PAC) (2002-2004)

Lead trial counsel for Plaintiff, The YMCA of Metropolitan Denver, in a "first party" insurance bad faith and breach of contract action. The YMCA sought damages in excess of \$7,000,000. At the conclusion of discovery, the matter settled on terms that were acceptable to the YMCA. The terms of the settlement agreement are confidential.

Zimmerman Metals Inc. v. M.A. Mortenson Company; Keystone/ Intrawest L.L.C., d/b/a Keystone Real Estate Developments; Federal Insurance Company; and American Home Assurance Company, District Court, County of Summit, Colorado, Civil Action No. 98 CV 277, Division R

Lead defense counsel for one of Colorado's largest architectural firms against subcontractor and general contractor delay, impact, loss of productivity and acceleration, breach of contract and professional liability claims on \$40,000,000 mixed use project in the Colorado Mountains. Claim was settled during mediation after extensive discovery and motions practice.

City & County of Denver v. C.W. Fentress, J.H. Bradburn and Associates, P.C., et al., District Court, County of Denver, Colorado, Civil Action No. 94 CV 845, Division 2

Lead defense counsel for bifurcated multi-party professional liability and insurance coverage litigation arising out of the construction of the Denver International Airport Terminal Building and associated civil improvements.

Federal Deposit Insurance Corporation v. Mars, 821 P.2d 826 (Colo. App. 1991)

Lead trial counsel and appellate counsel for Plaintiff Federal Deposit Insurance Corporation in a quiet title action successfully tried to Court, which reversed in part and affirmed in part on appeal.

The May Department Stores Company v. University Hills, Inc., May Design and Construction Company, Al Cohen Construction Company, SLP, Inc. et al., 789 P. 2d 434 (Colo. App. 1989), Cert Denied 1990

Lead trial counsel and appellate counsel for the architect in a case tried to a jury before Judge Warren Martin of Denver District Court, where department store sued shopping center owner, its manager, general contractor and architect to recover damages sustained alleged to have resulted from a fire, which destroyed the University Hills Mall in 1983. Pre-trial motions for partial summary judgment eliminated certain legal issues and allowing more efficient presentation of evidence to the jury.

Jardell Enterprises, Inc. v. Tri-Consultants, Inc., 770 P.2d 1301 (Colo. App. 1988)

Lead trial counsel and appellate counsel for construction subcontractor interpretation of the first reported Colorado appellate decision on the economic loss rule.

Financial Associates, Ltd. v. G. E. Johnson Construction Company, Collins & Roberts, Architects, Lincoln-Devore Testing Laboratories, Inc. and Howard C. Dutzi & Associates, Inc. Structural Engineers, 723 P.2d 135 (Colo. 1986)

Lead trial counsel and appellate counsel for structural engineering defendant, in multi-party construction case involving claims relating to expansive soil damage in office building in Colorado Springs, Colorado. Appellate issues focused on interpretation of Colorado's two-year statute of limitations applicable to construction litigation. Case was bifurcated on remand, where jury verdict for defense was obtained after one-week trial.

A.T.E. Inc. v. Nelson West Constructors, Inc. and California Park Construction Company, 757 P.2d 151(Colo. App. 1988)

Lead trial counsel and appellate counsel for defendant general contractor in case involving the interpretation of a construction subcontract on construction of air cargo building at Stapleton International Airport.