



Bill Toliopoulos

PARTNER

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Bill Toliopoulos practices in the areas of construction law, commercial litigation and commercial real estate leasing. His construction law practice includes representing owners, developers, design professionals, contractors and subcontractors from the early stages of contract negotiations, to real-time project counseling such as dispute avoidance advice and also dispute resolution proceedings on public and private projects throughout the country. In the commercial litigation context, he has successfully represented numerous entities and individuals in various complex business disputes such as corporate dissolution and shareholder matters, real estate disputes, insurance litigation and various statutory claims and equity court causes of action. Bill also represents various landlords and tenants in commercial and retail lease negotiations throughout the country.

Bill is a life-long Chicago resident, residing in Elmhurst with his wife and three children. For anyone who knows him, Bill faithfully relies on Mark Twain's words of wisdom: "When angry, count to four; when very angry, swear."

Awards and Honors



- ▶ Recognized by Leading Lawyers (2015 – present)
- ▶ Rated "AV Preeminent" by Martindale-Hubbell

Professional Organizations



- ▶ American Bar Association
 - Forum on Construction Law
 - Section of Public Contract Law
- ▶ Construction Financial Management Association
- ▶ Chicago Bar Association
- ▶ Hellenic Bar Association
- ▶ Hellenic American Leadership Council
- ▶ International Council of Shopping Centers
- ▶ Society of Illinois Construction Attorneys
- ▶ Urban Land Institute

Representative Matters



Bill's recent representations of clients in construction dispute matters include the following:

- ▶ A luxury multi-family developer relating to delay, disruption and acceleration claims by various contractors.
- ▶ Specialty contractors in claims against governmental agencies for delays, inefficiencies and disruption-related damages.
- ▶ A developer in the design and construction of numerous luxury residential and mixed use projects nationwide.
- ▶ A prime contractor to the U.S. Department of Energy in a delay and cost overrun dispute involving the decommissioning and demolition of a nuclear reactor facility.
- ▶ A Chicago-based developer in the design, redevelopment and adaptive reuse of numerous warehouse and industrial properties into luxury residential apartments and condominiums.

EDUCATION

- ▶ DePaul University School of Law, J.D., 2001
- ▶ Loyola University, B.A., 1998



RECENT NEWS

- ▶ Bill Toliopoulos Writes On Design Build in the High-Technology Market
- ▶ Bill Toliopoulos to Moderate "The New 'Green' Retail Initiative" at ICSC + Centerbuild Conference
- ▶ Bill Toliopoulos to Lead Construction Insurance, Indemnity and Risk Management Strategies Panel in ICSC+U.S. Law Convention
- ▶ Bill Toliopoulos Inducted into the Society of Illinois Construction Attorneys
- ▶ Bill Toliopoulos Leads Construction Contracting & COVID-19 Discussions
- ▶ Bill Toliopoulos to Discuss Construction Risks at 2020 ICSC U.S. Law Conference
- ▶ Bill Toliopoulos Contributes to *Construction Litigation: Representing the Owner*

- ▶ A developer of a luxury residential apartment building against claims by its mechanical contractor for delay, disruption and inefficiency.
- ▶ A developer of a 5-star hotel and luxury private residence project in Chicago relating to several construction delay cost overrun and design error claims.
- ▶ A professional hockey franchise in a dispute with its project architect relating to the design errors and omissions in construction of a \$375 million arena complex.
- ▶ An Illinois university in a dispute over various design deficiencies and construction defects associated with a new NCAA-approved sports field and a state-of-the-art parking pavement system.
- ▶ A national power generation and development company in a bankruptcy court adversary action based on an EPC agreement involving cost overrun and construction delays in a \$250 million electric power plant.
- ▶ A curtain wall subcontractor in a payment dispute involving the construction of a \$68 million hospital in Chicago.
- ▶ An owner of a professional baseball team against a nationally-known architectural firm for design errors and omissions relating to the development of a new stadium.
- ▶ A California-based real estate developer in a construction delay dispute with its general contractor over construction of public improvements for a 2,000 unit residential development.
- ▶ A developer of a 200+ unit, multi-phase, residential condominium project in defense of construction defect claims by unit purchasers and a condominium association, totaling more than \$8 million.
- ▶ A specialty public contractor/manufacturer in breach of contract and tort claim against a governmental transportation agency.
- ▶ A Chicago-based residential developer of three separate condominium tower projects relating to various common law and statutory claims, including UFTA, fraud and consumer fraud claims based on alleged design deficiency and construction defects by individual unit owners and condominium boards.
- ▶ An 88-unit residential condominium developer in Chicago against its general contractor for cost overruns, delay claims and construction defects.
- ▶ A multi-million dollar luxury home builder in various construction delay and design error claims.
- ▶ An international mechanical subcontractor in the prosecution of its claims against a national mechanical engineering firm and architect caused by the design professionals' failure to provide buildable plans for a life sciences building located on the campus of a local university.
- ▶ A graduate school in negotiating a termination agreement with an architectural firm hired to design and provide construction administration of a new multi-million satellite campus in downtown Chicago.
- ▶ Various owners, contractors and design professionals in insurance coverage tenders, disputes and litigation.
- ▶ Condominium unit purchasers and condominium associations in construction defect, fraud and accounting actions against a real estate developer and its contractors.
- ▶ Numerous owners, contractors and subcontractors in mechanics lien litigation and related claims in both private and public construction projects.
- ▶ Numerous property owners, developers, businesses and individuals in administrative disputes and litigation matters against municipalities involving licensing, zoning, land use and various code violations.
- ▶ Concert venue operators, concert arena owners and promoters in internal investigations, dispute avoidance and litigation of construction-related ADA issues.

Bill's experience includes the following complex business litigation and alternative dispute resolution matters:

- ▶ A joint venture partner in a fraud, accounting and corporate dissolution dispute.
- ▶ An international cosmetics company in litigation against its Chinese importer/supplier for breach of contract, delay, and lost profits.
- ▶ A commercial tenant in a constructive eviction and lost profits claim against its landlord on the basis of negligence, misrepresentation and breach of contract.
- ▶ A business purchaser in summarily rescinding an asset purchase agreement based on claims for breach of its non-competition and non-solicitation provisions.
- ▶ A professional services company in a corporate-raiding and intentional employment interference claim by its competitor, obtaining a denial of the competitor's TRO and preliminary injunction petitions.
- ▶ A business owner in a claim for intentional interference with contract against a former employee and manager.
- ▶ A brokerage firm in individual and class action lawsuits alleging various federal (TILA, RESPA, FHA, ECOA and FCRA) and state consumer protection statutes.
- ▶ Various businesses and individual policy holders in first and third party insurance coverage tenders, disputes and litigation.
- ▶ Numerous musicians, authors and other literary artists in contract negotiations and disputes regarding publishing, management and accounting matters.
- ▶ Individuals and corporations in administrative compliance and licensing actions brought by various governmental agencies.
- ▶ Numerous real estate appraisal and mortgage brokerage licensees in administrative disputes before the Illinois Department of Financial and Professional Regulation.

- ▶ Contributing Author, *The Pros and Cons of Standard Contract Forms*, Chapter 2, Fifth Edition, *Architect and Engineer Liability: Claims Against Design Professionals* (Wolters Kluwer 2020)
- ▶ Contributing Author, *Proving Liability and Damages*, Chapter 11, Third Edition, *Construction Litigation: Representing the Owner* (Wolters Kluwer 2020)
- ▶ Contributing Author, *Contemplating Litigation and its Alternatives*, Chapter 2, Fourth Edition, *Construction Disputes: Representing the Contractor* (Wolters Kluwer 2019)
- ▶ Contributing Author, "Illinois Construction Law Updates," ABA Forum on the Construction Industry (April 2014)
- ▶ Author, "Regulating Your Internet Diet: The Can Spam Act of 1999," 10 *DePaul Journal of Art & Entertainment Law*, 175 (1999)

Construction Law Corner – Laurie & Brennan Newsletter

- ▶ It's Not Me, It's You: Owner Considerations in Terminating a Contractor for Cause (Summer 2018)
- ▶ Illinois Legislature Dives into the Pool of Condominium Disputes (Winter 2015)
- ▶ Insurer's Duty To Defend Determination Includes Analysis of Insured's Own Counterclaim (Summer 2010)

Presentations



- ▶ Panelist, "What's More Dangerous Than Tiger Training with Carol Baskins? Construction Risks in Lease Work Letters", ICSC Law Conference (October 2020)
- ▶ Presenter, "The CARES ACT of 2020, Opportunities and Assistance for the Real Estate Industry", Urban Land Institute Chicago (May 2020)
- ▶ Roundtable Facilitator, "Managing Construction Risks", ICSC Centerbuild Conference (December 2019)
- ▶ Presenter, "Avoiding Unenforceable Terms in Your Construction Contracts", ICSC Centerbuild Conference (November 2019)
- ▶ Co-Presenter, "Out-Kicking Your Coverage: Construction Risk and Insurance Management Strategies", ICSC Law Conference (October 2018)
- ▶ Co-Presenter, "Avoiding Unenforceable Construction Contract Provisions", CFMA Midwest Regional Conference (September 2018)
- ▶ Speaker, "Claims Avoidance and Resolution Strategies", BKD LLP Construction & Development Executive Briefing (May 2018)
- ▶ Speaker, "Key Changes to the 2017 AIA Construction Contract Documents", Jones Lang LaSalle (January 2018)
- ▶ Co-Presenter, "The New 2017 AIA Contract Documents: What You Need to Know", Clifton Larsen Allen (November 2017)
- ▶ Co-Presenter, "Construction Contracts 101", National Electrical Contractors Association (February 2017)
- ▶ Presenter, "Avoiding Construction Contract Pitfalls", ICSC Centerbuild Conference (November 2017)
- ▶ Coordinator & Moderator, "Driverless Cities: Adapting Infrastructure for an Emerging Technology" Urban Land Institute Chicago (May 2017)
- ▶ Coordinator & Moderator, "New Development Along the "Hipster Highway" – Chicago's Logan Square", Urban Land Institute Chicago (September 2016)
- ▶ Contributing Author, "Illinois Construction Law Updates", ABA Forum on the Construction Industry (2014)
- ▶ Presenter, "One Size Fits All? Choosing a Project Delivery System that Meets Your Needs" ICSC Centerbuild Conference (November 2013)
- ▶ Lecturer, "Advanced Real Estate Transactions" DePaul University College of Law (2015 – Present)
- ▶ Frequent presenter at ICSC's Annual CenterBuild Conference and ICSC's Law Conference
- ▶ Lecturer, DePaul University College of Law

Bar and Court Admissions



- ▶ Illinois
- ▶ Illinois Supreme Court
- ▶ U.S. District Court for the Northern District of Illinois
- ▶ Trial Bar of the U.S. District Court for the Northern District of Illinois