

# A. WAYNE LALLE, JR.

## OF COUNSEL



### Professional Accolades

Chambers USA, Construction,  
2005-2012  
Listed in The Best Lawyers in America,  
Construction Law, 2007-2019  
AV® Preeminent Martindale-Hubbell  
U.S. Navy, 1969-1970

### Education

J.D., *cum laude*, George Washington  
University Law School, 1974  
Order of the Coif  
Phi Delta Phi  
Associate Editor, *George Washington  
Law Review*  
B.A., University of Virginia, 1968

### Licenses & Admissions

Commonwealth of Virginia  
District of Columbia  
U.S. Court of Appeals for the  
Fourth Circuit  
U.S. Court of Appeals for the  
Ninth Circuit  
U.S. Court of Appeals for the  
Eleventh Circuit  
U.S. Court of Federal Claims  
U.S. District Court for the District  
of Columbia  
U.S. District Court for the Eastern  
District of Virginia  
U.S. District Court for the Western  
District of Virginia  
Virginia Supreme Court

### Professional Affiliations

District of Columbia Bar Association  
Virginia State Bar Association  
American Bar Association, Section on  
Public Contract Law; Committee on  
Alternative Dispute Resolution  
American Bar Association, Forum Committee  
on the Construction Industry; Committee  
on Dispute Avoidance and Resolution



Wayne Lalle focuses his practice on construction infrastructure projects. He has extensive experience representing both contractors and public owners. He is well-versed in project development and contract formation for infrastructure projects including public private partnerships.

Recent work in the infrastructure area includes contract preparation for design-build, operate and maintain projects such as toll roads, bridges and tunnel complexes. His work also includes litigation, arbitration, ADR and claims regarding bridges, nuclear waste remediation, refineries, wastewater treatment plants, nuclear power plants, dams, missile assembly facilities, communication towers, coal-fired power plants, tunnels, highways, and numerous other projects. These disputes addressed myriad issues such as: constructive changes and differing site conditions, terminations for convenience and default, substantial and final completion and bank guarantees and letters of credit.



## Some of the construction and government contracts matters Wayne has handled include:

- Represented international contractor in connection with preparation and negotiation of design-build contract involving a tunnel complex for a hydroelectric project in Chile.
- Represented a joint venture design-build contractor in connection with construction of light rail project.
- Represented design-build contractors and operation and maintenance contractors in connection with preparation and negotiation of design-build contracts for public private partnerships in the infrastructure sector. Projects included bridges and toll roads.
- Represented international contractor in the successful resolution of a major arbitration in Denmark regarding alleged cost overruns on EPC Contract in connection with a refinery constructed for Statoil A/S, the Danish subsidiary of the Norwegian state-owned oil company.
- Represented contractor in connection with design-build contract for the Coalfields Expressway Project, a public private partnership with the Virginia Department of Transportation (VDOT). The project involved the design and construction of approximately 50 miles of roadway in Southwest Virginia. The representation included the preparation and negotiation of the contracts with VDOT and other entities.
- Defended construction engineer in cases brought by construction contractor involving design-build contracts for precast segmental bridge projects in Florida. Amount in controversy exceeded \$30 million.
- Represented a logistics contractor in a breach of contract action against General Electric arising from defective generators delivered by GE to a U.S. project in Iraq. The amount in controversy exceeded \$8 million and was resolved in favor of client.
- Prepared and negotiated EPC and equipment supply contracts (gas turbine generator system, heat recovery steam generator system, and steam turbine generator system) for combined-cycle cogeneration facility.



- Represented international contractor in connection with claims and disputes arising from new construction and renovation of electric power plant in Croatia.
- Represented U.S. based prime contractor litigation with its subcontractor involving termination for convenience on a prime contract with USAID for housing projects in Russia.
- Represented contractor in the resolution of change orders and claims on missile launch facilities constructed for the Corps of Engineers and subcontractor disputes on a contract with NASA.
- Part of a multi-firm trial team which represented contractor in federal court in Idaho. The case involved termination of a contract for nuclear waste remediation at the Department of Energy facilities in Idaho. Primarily responsible for damages portion of case, including changes, differing site conditions, cost and scheduling.
- Represented the U.S. subsidiary of a British company in connection with a trial in the Federal Claims Court. The case involved the termination for convenience of a subcontract for a computerized steering control system on a ship constructed for the U.S. Navy.
- Represented contractor in a successful trial against the U.S. Army arising out of a license agreement and patent for reprogrammable microprocessors on the Stinger Missile System.
- Successfully prosecuted a contractor claim in Arizona state court arising out of the construction of a co-generation facility.
- Represented a U.S. subsidiary of a Brazilian construction company, in connection with a successful resolution at GAO and in Federal District Court for the District of Columbia on a bid protest involving Seven Oaks Dam in California for the Corps of Engineers, and on an ADR resolution with the Corps of Engineers of substantial claims for delay and disruption on the project.

- Represented a Swedish company in the successful defense of a suit in Federal Court arising out of construction of a compost facility in Richmond, Virginia.
- Represented a Japanese construction company regarding a GAO bid protest on a contract for the U.S. Ambassador's residence in Tokyo, Japan.
- Represented a Korean construction company in a major claim against the Saudi Arabian government arising out of the construction of university facilities near Riyadh, Saudi Arabia.
- Successfully represented public owner on a claim brought by a contractor with regard to an advanced wastewater treatment plant. Case involved litigation of a nine-month jury trial in federal court in Nevada.
- Successfully defended public owner against a contractor's claim regarding a wastewater treatment facility. The six-month arbitration in San Francisco resulted in a substantial award in favor of the public owner.

## Pro-Bono Services

- American Bar Association, International Senior Lawyers Project ("ISLP").
- Through ISLP participated in Workshops with Department of Commerce, Commercial Law Development Program ("CLDP") and USAID regarding government procurement, infrastructure projects and public private partnerships. Workshops included programs for Iraqi Government in Istanbul, Turkey (2016, 2017) and Tbilisi, Georgia (2017). Workshops also conducted for Kosovo Government officials in Pristina, Kosovo (2018).
- Attended Voter Protection training sessions and served as Poll Observer in 2008-2012 United States Presidential and 2010, 2018 Congressional Elections.
- Through ISLP prepared and reviewed contracts involving infrastructure projects and public private partnerships for government of The Gambia.
- Represented Veterans in disability claims before Veterans Administration and Veterans Court of Appeals.
- Represented juveniles in Removal proceedings in Immigration Court.

## Publications & Presentations

Author and panelist, 2006 Construction SuperConference, "Public Private Partnerships: A U.S. Perspective."

Co-author and speaker, "Developments in Design-Build Procurement", sponsored by American Bar Association, Forum on the Construction Industry.

Author and panelist, Construction SuperConference, "Environmental Liabilities."

Author and panelist, ABA Annual Meeting, Contractual Assurances in International Construction Contracting.

Panelist, ABA Mid-Year Meeting, Public Contracts Section, Trends in Dispute Resolution.

Panelist, London International Construction SuperConference, Problems in International Construction Contracting.



1600 Tysons Boulevard | Suite 250  
 McLean, Virginia 22102  
 703.873.5500 | Telephone  
 703.873.5519 | Facsimile  
 walle@kraftsoncaudle.com  
 www.kraftsoncaudle.com