



## **David A. Buls**

Of Counsel

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David Buls practices in the areas of construction, labor, contract and business law. Mr. Buls regularly serves as lead counsel in state, federal and arbitration proceedings involving public and private construction projects, complex litigation, labor disputes, fringe benefit audits, public bid challenges, acceleration and delay claims, mechanic's liens, bond claims and breach of contract actions. Mr. Buls counsels contractors, subcontractors, suppliers, project owners, manufacturers, retailers and businesses in drafting and negotiating contracts, avoiding labor disputes, complying with regulations and structuring business organizations.

### **Education**

- J.D., University of Notre Dame Law School, Notre Dame, Indiana, 1994
  - American Jurisprudence Academic Award
- B.S., Indiana University, School of Business, Bloomington, Indiana, 1986

### **Bar & Court Admissions**

- Indiana, 1994
- U.S. District Court for the Northern District of Indiana, 1994
- U.S. District Court for the Southern District of Indiana, 1994
- U.S. District Court for the Northern District of Illinois (General Bar), 2001
- U.S. Court of Appeals 7th Circuit, 2002
- U.S. District Court for the Northern District of Illinois (Trial Bar), 2008

### **Certifications**

- Legal Lean Sigma® White Belt

### **Practices**

- Construction Litigation
- Litigation and Dispute Resolution
- Business Services
- Labor and Employment

## Industries

- Construction

## Litigation and Arbitration

- Obtained full payment for general contractor in multi-party mechanic's lien foreclosure lawsuit involving \$32MM private church and school project
- Represented public owner of water park project on lawsuit for defective construction and related bad faith claims against insurance carrier
- Obtained arbitration award for general contractor in arbitration proceeding initiated by subcontractor on hospital project
- Obtained full payment for general contractor in multi-party lawsuit involving defective construction claims on \$16.6MM high school renovation project
- Prevailed for general contractor and surety in arbitration proceeding on \$9.5MM construction project owned by national "big box" retailer
- Successfully defended corporation in bankruptcy proceeding where debtor sought recovery on accounts receivable totalling \$1.4MM
- Successfully defended developer against breach of fiduciary duty claims brought by business partner
- Prevailed for general contractor in multi-party mechanic's lien foreclosure lawsuit on \$12.1MM private high school renovation project
- Obtained judgment for general contractor in lawsuit challenging debarment from public bidding process on high school project
- Obtained favorable settlement for subcontractor in multi-party lawsuit on construction of Veterans Administration Hospital

## Business Transactions

- Represented developer in all phases of acquisition, construction and lease negotiations on \$50MM retail shopping mall project
- Represented design-builder in contract negotiations and drafting of contract to construct \$325MM roadway on public-private partnership project
- Represented Chinese company in all phases of due diligence and acquisition of foundry operation

## Labor Law

- Represented national labor union in drafting and negotiating terms of collective bargaining agreement adverse to Gary, Indiana
- Represented trucking company in drafting and negotiating terms of collective bargaining agreement adverse to Teamsters

- Represented abatement contractor in drafting and negotiating exclusion of managers and warehouse workers from terms of collective bargaining agreement adverse to Laborers
- Prevailed for environmental contractor in grievance hearing adverse to Operators involving union access to U.S. Naval Base
- Represented general contractor in compliance with Davis-Bacon Act on federal multi-unit housing project
- Prevailed for contractor in federal lawsuit brought by Painters Fringe Benefit Fund seeking \$165K in unpaid benefits
- Represented employee marketing group departing from international steel mill supplier to competing employer while avoiding lawsuit on non-compete agreement
- Regularly represent corporations in establishing double-breasted (one union entity and one nonunion entity) operations
- Regularly counsel corporations in compliance with Indiana Right-to-Work Law

### Seminars & Presentations

- "Nuts & Bolts of Construction, Managers as Constructors", Construction Advancement Foundation, June 2023
- "Dealing with Substandard Plans, Drawings, and Specifications for Contractors", Construction Advancement Foundation of Northwest Indiana, October 2018

### Published Appellate Court Opinions

- *Gary Community School Corporation v. Gariup Construction Company, Inc.*, 722 N.E.2d 834 (Ind.Ct.App. 2000)
- *Poznic v. Porter County Development Corp.*, 779 N.E.2d 1185 (Ind.Ct.App. 2002)
- *McLinden v. Coco*, 765 N.E.2d 606 (Ind.Ct.App. 2002)
- *Frederiksen v. City of Lockport*, 384 F.3d 473 (7th Cir.2004)
- *Troutwine Estates Development Company, LLC v. ComSub Design and Engineering, Inc.*, 854 N.E.2d 890 (Ind.Ct.App. 2007)
- *Gariup Construction Company, Inc. v. Carras-Szany-Kuhn & Associates, P.C.*, 945 N.E.2d 227 (Ind.Ct.App. 2011)

### Professional Associations

- Member, Lake County Bar Association
- Member, Indiana State Bar Association
- Member, American Bar Association

### Civic Involvement

- Former Board of Directors, Lake County Public Library Foundation

### Publications

- Co-Author, "NLRB Reports Significant Surges in Union Election Petitions and Unfair Labor Practice Charges", October 31, 2024