



Jesse R. Orman | Associate
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Practice Areas

- Construction
- Property and Liability Insurance Claims
- Surety Claims and Workouts
- Mediation and Alternative Dispute Resolution
- Real Estate Litigation
- Insurance Coverage
- Construction Litigation
- Mechanic's Lien Foreclosure
- OSHA Defense
- Minority Shareholder Litigation

Education

J.D., magna cum laude, University of Minnesota Law School, 2001

B.A., University of Minnesota, College of Liberal Arts, 1998

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Representative Matters

Mechanic's Lien Foreclosure. Foreclosed dozens of mechanic's liens on commercial and residential projects in Minnesota and Wisconsin on behalf of contractors, subcontractors, and material suppliers. Also defended owners and general contractors against mechanic's lien foreclosure claims.

- *Premier Bank v. Becker Development et al.*, 767 N.W.2d 691 (Minn. Ct. App. 2009), pet. for review granted and pending. Site work contractor allowed to foreclose its blanket mechanic's lien for infrastructure work (street, sidewalk, curb, sanitary sewer, and storm sewer improvements) without apportioning its lien when foreclosing on less than all lots.
- *Eischen Cabinet v. Dan Happe Construction et al.*, A08-1016 (Minn. Ct. App. May 19, 2009) (unpublished). Represented material supplier. Affirm judgment in favor of mechanic's lien claimants and against lender regarding priority of various claims.
- *Eischen Cabinet Co. v. Happe, Isanti Co.* Dist. Ct. File No. 30-CV-07593, Appellate No. A08-1016 (Minn. Ct. App., May 19, 2009) (unpublished). Successfully defended default judgment on appeal against mortgagee's challenge.

Construction Defect. Defended construction defect and statutory warranty claims asserted against contractors, construction managers, and developers from small, residential claims to large multi-party litigation.

- *Vitelli, et al., v. Knudson, et al.*, Carver Co. Dist. Ct. File No. 10-CV-0758, Appellate No. A08-0353 (Minn. Ct. App., Apr. 7, 2009) (unpublished). Successfully defended summary judgment in favor of developer on appeal.

Transportation. Represented road and underground utility general contractors in disputes with public owners and developers, including prosecuting claims for differing site conditions and disputed change orders and defending termination claims, backcharges, offsets, and deductive change order claims by public owners.

OSHA Defense Work. Defended general contractors and subcontractors in Minnesota OSHA cases, including multiple fatality cases, serious injury cases, and non-injury cases.

- *Commissioner v. Michels Pipeline*, Dockets 8389 and 8640 (2009). Obtained dismissal of citations issued by MnOSHA following administrative contested case hearing based on employee misconduct defense.

Project Counseling and Dispute Mitigation. Regularly counsel construction industry clients while construction contracts are being performed to help manage risks and try to avoid disputes.

Contract Drafting and Negotiations. Drafted and negotiated construction contracts, change orders, and settlement agreements for clients working on construction projects.

Appellate Work. Represented contractors, material suppliers, individuals, and companies across many varied industries on appeal from adverse decisions in lower courts, defending favorable decisions, or replacing trial counsel. Argued cases before the Minnesota Court of Appeals and the Minnesota Supreme Court.

Alternative Dispute Resolution. Mediated (as counsel for parties) scores of construction and non-construction cases and engaged in binding arbitration.

Minority Shareholder Litigation. Represented shareholders in closely-held corporations in disputes with other shareholders in a variety of industries.

Other. Represented individuals and businesses in litigation, arbitration, and mediation, and on appeal, in state and federal court, on a broad range of issues, including complex commercial disputes, real estate disputes, products liability, personal injury (plaintiff and defense), medical malpractice defense, legal malpractice defense, insurance coverage, land use/nuisance, and employment.

- *Sather v. King*, Hennepin Co. Dist. Ct. File No. 27-CV-06-11227, Appellate No. A07-124 (Minn. Ct. App., Jan. 22, 2008) (unpublished). Obtained summary judgment for attorney dismissing malpractice claim related to construction litigation, successfully defended the summary judgment on appeal.

Speeches

Speaker, "Construction Contracts and Inherent Risks," National Business Institute (Bloomington, Minnesota, February 24, 2010)

Professional Organizations and Achievements

Member, Minnesota State Bar Association, Construction Law Section

Member, Hennepin County Bar Association

Member, American Bar Association

Named a Minnesota Law & Politics "Rising Star" in 2009

Judicial Clerkship

Law Clerk, Justice Paul H. Anderson, Minnesota Supreme Court, 2001-2002

Admissions

United States Court of Appeals, Eighth Circuit, 2004

United States District Court, Minnesota, 2001

United States District Court, Western District of Wisconsin, 2004

State of Minnesota, 2001