

Edward P. Yankelunas



▶ ATTORNEY OVERVIEW

Contact Information

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Concentrations

Commercial, Surety &

Construction Litigation

Insurance Defense Litigation

Products Liability Defense

Education

State University of New York at
Geneseo - B.A., 1978

State University of New York at
Buffalo - J.D., 1982 (Senior
Editor, Buffalo Law Review,
1981-1982)

Mr. Yankelunas is a Partner at Damon & Morey LLP, practicing in the firm's Business Litigation and Insolvency Department. He works primarily with corporate and business clients on complex construction litigation and commercial litigation involving a variety of business disputes and has extensive litigation experience in both state and federal courts. His construction litigation experience includes cases handled on behalf of public and private owners, developers, prime contractors and subcontractors. He is also involved in the defense of claims against sureties on payment and performance bonds and other litigation involving bonding issues. He is currently handling a matter which involves the prosecution of claims on behalf of a water district relating to defective vertical turbine water pumps. Other significant construction-related matters include:

- The recent settlement of a \$1.2 million claim in U.S. District Court in Cleveland involving a \$40 million Tandem Cold Mill Project in Alabama.
- A \$325,000 settlement obtained on behalf of a plumbing contractor on a claim against a public owner after developing evidence of intentional concealment of asbestos contamination that impeded the contractor's work.
- The defense of a major construction company from Boston and its surety in litigation involving construction of the School of Medicine Building at SUNY of Buffalo; settled claims by eight sub-subcontractors at a significant discount and obtained summary judgment dismissing a payment bond claim asserted by one sub-subcontractor and the claims of the defaulting subcontractor.
- An action in state court in Michigan involving claims of an asbestos abatement contractor against a steel manufacturer concerning asbestos abatement work performed in main utility tunnel servicing the steel manufacturer's facilities and the Ford Motor Company assembly plant in Dearborn, Michigan. Obtained a settlement involving a net recovery.

Mr. Yankelunas is also involved in the negotiation and drafting of construction contracts and liquidating agreements and has handled the filing of numerous mechanic's liens.

He recently presented a lecture to the Construction Exchange of Buffalo and Western New York on "Extra Work, Changed Conditions and Delay Claims" and to members of the National Association of Women in Construction on "Construction Safety." He has lectured members of the Erie County Bar Association on the West-Fair v. Aetna case relative to the enforceability of "pay-if-paid" clauses in construction contracts and obtained the first reported federal trial court ruling applying the Hague Evidence Convention to a discovery dispute after the U.S. Supreme Court's decision in the Societe Nationale Industrielle Aerospatiale case in which the Court prescribed guidelines for the Convention's application in the United States.

Mr. Yankelunas is a member of the Erie County Bar Association and is admitted to practice in all New York State Courts, U.S. District Court and U.S. Bankruptcy Court.