



**Aaron A. Dean** | Shareholder  
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## Practice Areas

- Construction
- Surety Claims and Workouts
- Public Bidding and Procurement
- Mediation and Alternative Dispute Resolution
- Real Estate Litigation
- Construction Litigation
- Mechanic's Lien Foreclosure
- OSHA Defense

## Education

J.D., summa cum laude, William

Mitchell College of Law, 1994

- Class Salutatorian
- National Moot Court Team, Rosalie Wahl Moot Court

B.A., Lafayette College, 1990, Marquis Scholar

- Double Major: Economics and Government

## Contact

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## Representative Matters

**Mechanic's Lien Foreclosure.** Foreclosed hundreds of mechanic's liens on commercial and residential projects in Minnesota and Wisconsin.

- *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 May 19, 2009) (unpublished).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.
- *Stiglich Construction, Inc. v. Larson*, 621 N.W.2d 801 (Minn. Ct. App. 2001). Represented contractor on appeal. Contractor did not waive right to seek attorneys' fees by prosecuting mechanic's lien and breach of contract claims in arbitration.
- *Woodside 5 Partnership, LLC et al. v. Interspace-West, Inc. et al.*, Court File No.: AC99-14328 (Henn. Cty. Dist. Ct. 2000) (Hon. Cara Lee Neville). Represented building owner. Obtained dismissal of mechanic's liens for failing to provide lienable services and intentionally overstating lien amounts.

**Procurement.** Represent contractors in dozens of bid protests in Minnesota, North Dakota, and Wisconsin.

- Represented contractor joint venture in the largest successful bid protest in Minnesota history related to the Hiawatha Light Rail project. *Raytheon, Ames, Kraemer v. MnDOT*.
- Represented DBE Contractor in an administrative contested case hearing following MnDOT's first-ever attempt to decertify a DBE company. Stopped decertification.

**Construction Defect.** Defended construction defect claims asserted against general contractors, subcontractors, building materials suppliers, and window suppliers.

- *Washington County v. Knutson Construction Services* (Washington Cty. Dist. Ct.) Complete dismissal of County's \$2.0+ million claim for alleged defects to repair the County's Law Enforcement Center.
- Represented window supplier since 2000, including defense of construction defect and mold claims.

**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 federal OSHA and MnOSHA cases, including multiple fatality cases and scores of 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.** 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 and material suppliers on appeal after replacing their district court counsel.

**Alternative Dispute Resolution.** Mediated (as counsel for a party) hundreds of construction cases. Represented public owners, general contractors, and subcontractors in binding arbitrations.

**Other.**

- *Kraus-Anderson v. City of Chanhassen* (Carver Cty. Dist. Ct. 2006). Bench trial. Successful defense of 98+% of contractor's claims against the City related to construction of \$5.1 million public library. *De minimis* award below settlement offer.
- *M.N. v. D.S.* (Minn. Ct. App. 2000). Successfully defended and obtained dismissal of breach of contract, emotional distress, fraud and "heart balm" claims arising from alleged breaches of promises to marry and to have children.

## **Publications and Speeches**

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

Speaker, "OSHA Inspections and OSHA Citations," Associated General Contractors, Minnesota Chapter, 25th Annual Safety Day (Minneapolis Convention Center, February 23, 2010)

Speaker, "Insurance and Indemnity from the Subcontractors' Perspective," American Subcontractors Association, hosted at the University of Minnesota's Continuing Education Conference Center, St. Paul, Minnesota (February 18, 2010)

Speaker, "Show Me How to Keep, How to Avoid Losing, and How to Collect the Money" (speech to 50+ project managers and construction executives in Otsego, Minnesota, on January 28, 2010)

Speaker, "Looking for Money in All the Wrong Places: How Does a Contractor Get Paid in an

Economy Like This?" (December 11, 2009, Minnesota State Bar Association's Office in downtown Minneapolis, Minnesota) (presentation to the Construction Law Section of the Minnesota State Bar)

Speaker, "OSHA," Safety Seminar Co-Sponsored by Travelers Insurance and Cobb Strecker Dunphy & Zimmermann (Travelers Insurance's corporate headquarters in St. Paul, Minnesota, November 5, 2009)

Speaker, "Payment Remedies for Contractors in a Bad Economy," Presentation to the Minnesota Chapter of the Construction Financial Management Association (Minneapolis, Minnesota, September 17, 2009)

Speaker, "Bid Terms, Contract Terms, and Chasing Money," (Speech to 30+ Controllers of local and national subcontractors, June 11, 2009)

Speaker, "Timely Topics in Construction Litigation: Economy Driven Litigation," (Minnesota CLE Conference Center, Minnesota State Bar Association, downtown Minneapolis, June 10, 2009)

Speaker, "Troublesome Contract Clauses and Payment Remedies," Plumbing, Heating and Cooling Contractors 2009 Annual Convention (Rochester, Minnesota, March 5, 2009)

Speaker, "Construction Defect Litigation," National Business Institute (Bloomington, Minnesota, February 25, 2009)

Speaker, "Bidding, Contract Issues and Payment Remedies," Ewald Conference Center, February 18, 2009. Seminar sponsored by the Minnesota Mechanical Contractors Association (MMCA), Sheet Metal, Air Conditioning & Roofing Contractors Association (SMARCA), National Electrical Contractors (NECA), and several other construction industry trade organizations

Speaker, "Payment Rights," Seminar sponsored by insurance/surety broker, Cobb, Strecker, Dunphy & Zimmermann (Midland Hills Country Club, February 12, 2009)

Speaker/Moderator, "Responding to a Catastrophic Accident - What You Need to Know About an OSHA Investigation," ABA Forum on the Construction Industry (January 6, 2009)

Speaker, "How to Get Paid," American Subcontractors Association (December 9, 2008)

Speaker/Moderator, "Failed Residential Developments," Minnesota State Bar Construction Law Section (November 14, 2008)

Speaker, "Responding to a Catastrophic Accident - What You Need to Know About an OSHA Investigation," American Bar Association Forum on the Construction Industry, 2008 Annual Meeting (La Quinta, California, April 24, 2008)

Speaker, "Dealing with MnOSHA," Associated General Contractors, Minnesota Chapter, Safety Committee (March 6, 2008) (spoke to Safety Directors of AGC members and other

members of AGC's Safety Committee)

Keynote Speaker, "Mechanic's Liens" and "Bidding" at the Minnesota Plumbing, Heating and Cooling Contractors 2008 Annual Convention in Duluth, Minnesota (February 29, 2008)

Speaker, "Defending and Managing OSHA Citations," MnAGC 2008 Annual Convention (January 10, 2008)

Speaker, "Construction Law, Mechanic's Liens, and Bid Issues," Multi-Association Seminar sponsored by Sheet Metal and Air Conditioning Contractors Association, Minnesota Mechanical Contractors Association and National Electrical Contractors Association at the Ewald Conference Center (December 14, 2007)

Speaker, "Construction Law and Liability for the Non-Specialist," Real Estate Institute, Minnesota State Bar Association (November 9, 2007)

Speaker, Minneapolis Construction Expo 2007, "Do's and Don'ts of Construction Contracts" (October 31, 2007)

Speaker, Minnesota State Bar Association Construction Law Section, "Bidding, Bid Mistakes, Bid Protests and Best Value Legislation" (October 12, 2007)

Host, Minnesota State Bar Association Construction Law Section's 2007 Symposium on Site Safety (June 8, 2007) and Speaker, "MnOSHA," Minnesota State Bar Association Construction Law Section's 2007 Symposium (June 8, 2007)

Speaker, "Using a Mechanic's Lien to Get Your Money," National Business Institute Seminar (June 11, 2007)

Speaker, "A Practical Guide to Bidding, Negotiating and Site Safety Issues," American Subcontractors Association (March 29, 2007)

Keynote Speaker, PHCC's 2007 Annual Convention, Plumbing, Heating and Cooling Contractors' Convention, Minneapolis, Minnesota (February 9, 2007)

Speaker, "Managing Lien Rights, Retainage, and Payment," American Subcontractors Association Meeting (December 7, 2006)

Speaker, "Drafting Ironclad Construction Contracts," National Business Institute Seminar, Bloomington, Minnesota (June 26, 2006)

Speaker, "How to Get Paid," American Subcontractors' Association meeting (April 27, 2006)

Keynote Speaker, "Mechanic's Liens, Payment Bonds, Performance Bonds, Contractors' Rights, ADR, and Project Documentation," Plumbing, Heating, and Cooling Contractors' Convention, Alexandria, Minnesota (February 8, 2006)

Presenter, "10 Worst Things That Can Happen to a Contractor," MnAGC Annual Convention

(January 19, 2006)

Author/Lecturer, "Bid Protests," Minnesota State Bar Association, Construction Law Section (January 13, 2006) (invited to speak to 40+ construction lawyers)

Author/Lecturer, "Construction Lien Law in Minnesota," (Lorman Education Services 2005)

Author/Lecturer, "The Fundamentals of Construction Contracts in Minnesota," (Lorman Education Services 2004)

Author/Lecturer, "Construction Litigation: Claims, Damages & Contract Provisions," (Minnesota State Bar Association 2002)

Author/Lecturer, "Arbitrator Disclosure Requirements," (Minnesota Institute for Legal Education 2001)

Author/Lecturer, Minnesota Construction Law Seminar: Performance Bonds (Lorman Education Services 2001)

Co-Author/Lecturer, "Mechanic's Liens: Who May File and What is Covered" (Minnesota Institute for Legal Education 2001)

Contributor, Wiley Construction Law Update, Midwest Chapter (Wiley Law Publications, 2000)

Author/Lecturer, "Payment Bonds: Who and What are Covered," (Minnesota Institute of Legal Education 1999)

Co-Author, "Partnering for Construction Projects: Can Partnering Help Save the Job?" (Lorman Education Services 1999)

Co-Author, "Witnesses," The Minnesota Ultimate Trial Notebook II (Minnesota State Bar Association 1997 and 1998)

Research Assistant, Minnesota Practice Series: Civil Practice Forms, (West 1995)

Research Assistant, Fundamentals of Pretrial Litigation, Second Edition, (West 1992)

Speaker, "Insurance and Indemnity from the Subcontractors' Perspective," American Subcontractors Association, hosted at the University of Minnesota's Continuing Education Conference Center, St. Paul, Minnesota (February 18, 2010)

## **Professional Organizations and Achievements**

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Treasurer, Construction Law Section, Minnesota State Bar Association (2009-2010)

Secretary, Construction Law Section, Minnesota State Bar Association (2008-2009)

Council Member, Construction Law Section, Minnesota State Bar Association (2006-2009)

Selected as Super Lawyer in Minnesota by Minnesota Journal of Law and Politics (multiple years since 2003) and as a Rising Star in Minnesota's legal community (2000, 2001 and 2002)

Selected by Hennepin County District Court Judges to serve as Conciliation Court Judge and Arbitration Referee (2003-2008)

William Mitchell College of Law Alumni Board (2003-2008)

Member, Board of Directors, American Subcontractors Association, Minnesota Chapter (2008-2010)

Member, Minnesota State Bar Association and Construction Law Section

Member, American Bar Association

Member, ABA Forum on the Construction Industry

"AV" (highest) rating by Martindale-Hubbell Legal Directory

## **Clerkships**

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Law Clerk, Hon. James M. Rosenbaum, United States District Judge for the District of Minnesota, 1994-1996

Law Clerk, Hon. David S. Doty, United States District Judge for the District of Minnesota, 1994

## **Admissions**

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- Minnesota
- Wisconsin
- North Dakota
- USDC, District of Minnesota
- Eighth Circuit Court of Appeals