

Jason L. Richey

Partner

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OVERVIEW

Jason Richey's legal practice is concentrated in the areas of dispute resolution with an emphasis on the construction and engineering industry, complex commercial disputes, energy disputes, and state and local bid protests. For almost a quarter century, Jason has focused his energy on winning litigations, arbitrations, and mediations for his clients. During this time, he has worked on local engagements as well as matters in over 35 different states, Asia, Africa, Europe, Australia, and South America representing companies both large and small.

Construction and Engineering

Jason has worked on disputes and contracts involving multimillion and billion-dollar construction projects, including material handling systems, renewables (wind and solar), petrochemical, methane, LNG, polypropylene, polyethylene (low and high density), ammonia and urea plants, transportation (rail, road and air), power generation (including coal fired power plants), healthcare, civil construction, airports, and sewage treatment plants.

Bid Protests

Jason has a unique focus on bid protest related to state and local government contracts throughout the country. Perhaps no practitioner in the country has been involved in handling more bid protests in as many jurisdictions as Jason and his team.

Complex Commercial

Jason's experience in commercial litigation has occurred through his work in representing World Wrestling Entertainment, Inc., PPG Industries, Inc., and other commercial clients. This work has involved dealing with breach of contract, real estate, Article 2 of the Uniform Commercial Code (sale of goods), civil rights, tort, consumer protection act, employment, defamation, and wrongful death litigations and arbitrations.

Energy

Jason has been at the forefront of dealing with dynamic legal issues involved in the wind and solar industries in both dispute resolution and contract drafting. Additionally, he has been involved in disputes regarding oil and gas pipelines, off shore oil and gas rigs (FPSOs), welding issues, pipelines, mid-stream processing, and the supply of line heaters and separators.

Above all else, Jason, a former NCAA wrestler, prides himself on his (i) hard work ethic, (ii) ability to provide cost effective legal services to clients no matter how small or large the legal matter, and (iii) overall determination to bring his clients' legal matters to a successful conclusion.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Construction in Pennsylvania, 2023-2026
- Recognized by *The Legal 500 United States* as a Recommended Lawyer for Construction (Including Construction Litigation), 2024-2026
- Recognized by *The Best Lawyers in America*® for Energy Law in Pittsburgh, PA, 2026-2027
- Listed in *Pittsburgh Magazine* as a Top Attorney in Pittsburgh, 2019
- Named to the Pennsylvania Super Lawyers list, 2013-2019, 2026
- Named in Philadelphia magazine as part of Pennsylvania Rising Stars list, 2006-2008

PROFESSIONAL / CIVIC ACTIVITIES

- Pennsylvania Attorney General David Sunday Transition Committee on Energy and the Environment
- Certified Arbitrator for the American Arbitration Association (AAA); Attended the AAA University for Arbitrators
- Member of AWEA
- Former candidate for Governor of Pennsylvania

SPEAKING ENGAGEMENTS

- “Construction Contracts: Termination for Convenience v. Termination for Cause,' presented for Strafford Publication (2023)
- “Be Prepared! Best Practices to Deal with Disrupted or Terminated Construction Projects Due to “Black Swan” Events” presented at the Construction SuperConference, San Diego, CA (2015)
- “Common Contractual and Legal Issues Arising Under EPC Contracts for Onshore and Offshore Oil & Gas Projects” presented at Joint Marsh/K&L Gates Seminar - EPC Contracting Issues in the Oil and Gas Industry, Houston, TX (2015)
- “Not All Construction Damage Recoveries Are Created Equal” presented at the Construction SuperConference, San Francisco, CA (2010)
- “Sale of Goods Battle of the Forms Under UCC and CISG – A Practical Perspective”, Presentation for the ACC of Western Pennsylvania (2010)

- “International Arbitration – Know What You Are Getting Into,” presented at the Engineer's Society of Western Pennsylvania, Pittsburgh, PA (2010)
- “Allocating Risk in Today's Marketplace” presented at the Construction SuperConference, San Francisco, CA (2007)
- “The Effective Expert Witness – What Compels an Arbitrator, Judge and/or Jury” presented at the Construction SuperConference, San Francisco, CA (2007)
- "Contractor Strategies for Dealing with the Financially Troubled Project” presented at the Construction SuperConference, San Francisco, CA (2005)
- “Legal Causation” presented at the Association for Advancement of Cost Engineering, Washington, D.C. (2005)
- "Proving Cause and Effect in Construction Cases," presented at the Association for the Advancement of Cost Engineering, 14 June 2004
- "Recovering Construction Contract Damages Using the Total Cost Method, the Modified Total Cost Method, or the Abandonment of Contract/Cardinal Change Doctrines," presented at the 'Contractor's' Construction Superconference (12-13 December 2002)
- "Pennsylvania Construction Payment Remedies," prepared for one-day K&L Gates Seminar (3 October 2001)

EDUCATION

- J.D., The Ohio State University Moritz College of Law, 1996
- B.A., Allegheny College, 1993 *(magna cum laude; Phi Beta Kappa, three-time NCAA Academic All American Wrestler)*

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 3 October 2023, Introduction to Government Procurement
- 2 November 2015, EPC Contracting Issues in the Oil & Gas Industry

OTHER PUBLICATIONS

- Co-author, "*Do Wind Farms Constitute a Nuisance or Trespass*?" (2013)
- Co-author, "*Supreme Court Ruling Impacts Arbitration Appeals*" (2011)
- Co-author, "*Are Pennsylvania Oil and Gas Wells Ripe Targets for Mechanics' Liens*?" (2011)
- Co-author, "*Consequential Damages in Today's Construction Industry*" Constructioneer (2008)
- "*Termination for Convenience Clause: A Powerful Weapon in Contract Disputes*" (2007)
- Co-author, "*Waiving Good-Bye to Consequential Damages: Drafting Effective Waivers in Today's Marketplace*" (2007)
- Co-author, "*Change Orders Can Create Unexpected Costs*," Construction Law and Business (2001)

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 5 June 2025, K&L Gates Receives More Than 240 Firm, Individual Rankings in 2025 *Chambers USA* Guide
- 6 June 2024, K&L Gates Receives More Than 200 Firm, Individual Rankings in 2024 *Chambers USA* Guide
- 3 October 2023, Introduction to Government Procurement
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide

AREAS OF FOCUS

- Construction and Infrastructure
- Commercial Disputes
- Construction and Infrastructure Dispute Resolution
- Government and Public Procurement
- Government Contracts and Procurement Policy
- International Arbitration
- Real Estate Litigation

INDUSTRIES

- Apparel and Footwear
- Consumer Goods and Services

- Energy
- Liquefied Natural Gas
- Offshore Construction
- Offshore Wind Energy
- Oil and Gas
- Power
- Rail and Roads
- Renewables
- Transportation and Logistics
- Water and Wastewater

REPRESENTATIVE EXPERIENCE

- Lead counsel for a diesel manufacturer in an ICC arbitration in New York brought with client's consortium partner and co-claimant against the project owner of five separate diesel-fired power plants in the Republic of Chile. The claims relate to a dispute over project delays and breach of the five EPC contracts. The matter value is US$17 million.
- Lead counsel for a synthetic rubber manufacturer regarding a US$40 million breach of contract dispute regarding a butyl synthetic rubber production facility in Canada. The matter is against the manufacturer of O-ring Seals which the client contracted for its refrigeration compressors; the seals ultimately failed, causing the client damage to its rubber production.
- Lead counsel to a global leader in the transportation sector regarding failure of Stage 1 guideway plates on the Phoenix Sky Train Project. The matter is currently in the US District Court for the District of Arizona.
- Lead counsel for natural gas operator in connection with a breach of contract and negligence action regarding the construction of a retaining wall at its facility in West Virginia. The retaining wall is one of the largest retaining walls in the Eastern United States. The client alleged that the wall has significant design and construction defects. Accordingly, the client filed a lawsuit for breach of contract and negligence seeking damages from the general contractor and its subcontractors.
- Lead counsel for a natural gas operator in connection with a breach of contract, negligence, and tort action regarding the construction for a number of gas processing facilities located in Ohio.
- Counsel for bidders in bid protests in over 40 states. In handling such representation over the past two decades, Mr. Richey has developed an extensive record of successes in resolving such bid protests in favor of his clients.

- Co-lead counsel to an international EPC contractor in connection with claims arising out of the construction of the largest oil refinery in South America. Claims and cross-claims exceeded US$2.2 billion in one of the largest ICC arbitrations.
- Counsel for a multinational contractor with respect to over US$1 billion in claims arising out of one of the world's largest offshore oil and gas projects with an initial contract price of over US$2.5 billion. The engagement spanned a period of three years. While all disputes were subject to ultimate resolution under the UNCITRAL Arbitration Rules (1976), all disputes were resolved through a series of settlements without the necessity of formal arbitration proceedings. The disputes involved issues concerning engineering and construction changes, claims of cardinal change, liquidated damages for delay, schedule analysis with claims for time and money entitlement, international letters of credit, value-added tax (VAT) claims, force majeure claims, and project finance issues in connection with a worldwide syndicate of commercial and national banks. The matter was settled before arbitration resulting in a nearly two-year time extension and additional compensation in excess of US$200 million.
- Counsel for a subcontractor in an ICC arbitration arising out of the design, supply, installation, commissioning, check-out, and testing of a two-stand reversing mill and equalizing furnace for a flat-roll products mini mill in Ostrava, Czech Republic. The subcontractor asserted claims in the aggregate amount of approximately US$20 million for unpaid invoices, additional work, and value-added tax. In addition, the contractor asserted counterclaims in the amount of approximately US$12 million. Following the hearings conducted in Vienna, Austria, the arbitration panel rendered an award favorable to the subcontractor.
- Successfully represented a large US contractor regarding claims from neighbors that the contractor negligently performed remediation of fly ash around their houses from slope failure and/or that remediation work somehow caused a nuisance. The case was litigated in Allegheny County, Pennsylvania Court of Common Pleas.
- Represented the largest roofing contractor in the United States in numerous roofing-related disputes around the country.
- Represented a large natural gas producer in jury trial in the Northern District of Ohio in dispute over whether supplier had produced defective line heaters and three-phase separators used in the Marcellus Shale.
- Counsel for the contractor in claim recovery action after the contractor had been terminated for convenience from a Texas State Highway contract.
- Counsel for owners in construction dispute in the Court of Common Pleas of Armstrong County, Pennsylvania. The action sought recovery of US$500,000 from the defendants as a result of their defective design and construction of a 138 KV power transmission line. Early on in the case K&L Gates obtained a default judgment against one of the defendants for its failure to answer the complaint. Later, the entire case was successfully mediated in one day, resulting in a favorable outcome for the client.
- Counsel for the owner of an 800 MW combined-cycle power plant, MEP Pleasant Hill LLC ("MEP"), in a dispute with the EPC contractor, Black & Veatch Corporation ("Black & Veatch"), arising out of a force majeure claim submitted by Black & Veatch. The claim arose when key HRSG components (worth about

US$30 million) were damaged when the ship carrying the parts got caught in a typhoon while en route from Japan to Houston, Texas. The dispute was settled amicably and the project was completed on time.

- Represented a nonprofit healthcare facility for the elderly and disabled against both the construction contractor and architect for extensive delays on the project, as well as defective work. The strategy involved successfully resolving AAA arbitration with contractor and then suing the architect in Pennsylvania State Court. Suit against architect resolved favorably after prevailing at the summary judgment phase of the litigation.
- Represented a construction manager on disputes regarding numerous hotel and hospitality construction projects in North America.
- Counsel for a contractor in dispute over whether contract for work at LAX airport had been properly terminated for convenience or whether the contract had been abandoned. The matter was resolved in the California state court system.
- Counsel for plaintiff in Weirton Steel Corporation v. TECO-Westinghouse Motor Company, Case No. 5:00CV-88-S in the United States District Court for the Northern District of West Virginia. We represented the owner of a steel mill, Weirton Steel Corporation, against defendant TECO-Westinghouse Motor Company. The case was a civil action wherein Weirton Steel sought damages from TECO arising out of the defective design and assembly of two 7,000 HP Reversing Rougher Mill motors. The case was settled with a nearly US$2 million payment made to Weirton Steel.
- Lead counsel for a US-based contractor in connection with claims arising out of the construction of a new 1.5 million TPY coke oven battery that was built in Vitoria, Brazil. Taggart provided all of the coal and coke handling equipment for the project. Mr. Richey is responsible for the prosecution of the claims against the owner, securing local counsel in Brazil, and managing a team of lawyers and client engineers who are working on the case. The matter is currently in ICC arbitration, with hearings to be held in Rio de Janeiro, Brazil, and conducted under Brazilian law.
- Counsel in five-year-long successful defense of PPG subsidiary against antitrust, consumer protection, and tort claims where plaintiffs claimed damages of approximately US$200 million. Plaintiffs filed a complaint in the United States District Court for the District of Colorado alleging that defendants violate the Sherman Act, committed unfair and deceptive trade practices in violation of Colorado's Consumer Protection Act ("CCPA"), and committed tortious interference with actual and prospective contractual relations. The court granted in part a motion to dismiss filed by K&L Gates, dismissed plaintiffs' Sherman Act claims, and allowed discovery to proceed on plaintiffs' CCPA and tort claims. After the conclusion of discovery, K&L Gates moved for summary judgment on the remaining claims. The court granted the motion and entered judgment in favor of our client. The Tenth Circuit affirmed the district court's dismissal of plaintiffs' antitrust, CCPA, and tort claims.
- Represented PPG, which was a subcontractor, in an arbitration proceeding filed with the American Arbitration Association regarding construction disputes related to the construction of a fiberglass facility located in Clarksville, Tennessee. PPG supplied technology and certain services to the general contractor and owner in connection with the facility. The matter resulted in a favorable outcome for PPG in part, as a result of K&L Gates' ability to obtain summary judgment and dismissal of a majority of owner's damages claim against PPG due to a consequential damages provision.

- Counsel for an international EPC contractor with respect to claims arising out of the construction of two 370 MW coal-fired power plants currently under construction in Chile. We identified and presented contractor's claims against the project owners. A partial settlement with the owner recently resulted in a 28-month time extension for the client along with relief from all LD's and cash payments from owner to client totaling US$28 million. Any remaining disputes will be subject to ICC arbitration in Paris, France or Santiago, Chile, under Chilean law.
- Successfully represented a large United States EPC contractor related to dispute regarding delays and defective work in the Tren Urbano mass transit project in Puerto Rico.
- Represented a major Spanish contractor in Crescent Dunes Solar Project located in Tonopah, Nevada, in an action filed by a potential subcontractor where an ex parte injunction was issued halting contractor's progress prior to our retention. As a result of our representation, the lawsuit was dismissed and contractor's progress continued. The Crescent Dunes project will be the largest power plant of its kind in the world and be the nation's first commercial-scale solar power facility with fully integrated energy storage. It involves one 540-foot solar power tower and a field of thousands of large mirrors which reflect sunlight toward a receiver on the tower.
- Represented numerous clients in disputes and through consultation on matters related to the supply of goods and materials governed by Article 2 of the Uniform Commercial Code.
- Counsel to an Italian EPC contractor in connection with claims arising out of the construction of five (5) hydroelectric power plants in southwestern Brazil. The total project cost is approximately R$500 million and the amount in controversy exceeds R$250 million. The contractor terminated the contract for non-payment and the owner has counter-claimed for cost to complete, liquidated damages, lost revenue, and lost profits. There are two ongoing ICC arbitrations relating to the claims. The seat of both arbitrations is in Cuiaba, Brazil, and the governing law for both arbitrations is Brazilian law.
- Successfully represented a major US EPC contractor in dispute regarding whether it supplied a defective gas turbine transformer that had a catastrophic failure at a combined-cycle generation facility in the Dominican Republic. Owner complained that contractor and/or its suppliers provided a transformer not compatible with the tropic conditions found in the Caribbean. The matter was subject to ICC arbitration with the seat being in Miami.
- Represented numerous wind farm owners in disputes, including but not limited to disputes over the supply of defective turbines and other goods, whether the wind farm noise and flicker constituted a nuisance or trespass under the law, liability related to a weather event that decimated the wind farm, and disputes over the actual location of the wind turbines and which parties have entitlement to the corresponding royalties.
- Counsel to a scrap metal company in ICC arbitration involving a breach of contract dispute over the purchase of goods in Venezuela.
- Counsel to a large natural gas processor in connection with dispute against prime contractor for a natural gas pipeline project in West Virginia.
- Lead construction claims counsel to international EPC contractor in connection with claims arising out of the construction of an ammonia/urea fertilizer plant located in Iowa.

- Represented a company in the entertainment industry regarding various disputes over different leases of studios in New York City utilized for popular television shows.
- Part of legal team that obtained a jury verdict for compensatory and punitive damages on behalf of the estate of a young woman in a wrongful death action against her former fiancé, a municipal police officer. Focusing on the problem of domestic violence by a police officer, the trial team obtained what is believed to be the only jury verdict in American legal history holding another person responsible for causing a suicide.
- Part of legal team that obtained a defense verdict in proceedings before the American Arbitration Association on behalf of WWE in a case involving claims by an ex-performer that he was totally disabled as a result of post-concussion syndrome.
- Successfully represented WWE in the Delaware Chancery Court in an action brought by USA Network seeking to enjoin his client from accepting an offer for their programming from another network and obtained an affirmance before the Delaware Supreme Court of the trial court's decision permitting WWE to accept the competing offer.