

LINDSAY G. MCCORMICK

SHAREHOLDER



AREAS OF PRACTICE

Architectural, Engineering & Construction
Defect Litigation
Real Estate E&O Liability
Miscellaneous Professional Liability

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201 E. Kennedy Boulevard
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ADMISSIONS

Florida
2010

U.S. District Court Middle District
of Florida
2011

EDUCATION

Florida State University College of
Law (J.D., cum laude, 2010)

Florida Gulf Coast University (B.A.,
magna cum laude, 2007)

HONORS & AWARDS

The Best Lawyers in America®,
Litigation - Construction
2023-2024

Florida Super Lawyers Rising Star
2014-2020

YEAR JOINED

2012

OVERVIEW

Lindsay is a member of the Professional Liability Department where the focus of her practice is construction defect litigation, architect and engineer defense and general professional liability defense. In this role, Lindsay provides counsel to general contractors, subcontractors, manufacturers, suppliers, architects and engineers in claims brought against them in a variety of construction projects and disputes, both individually and through insurance carriers.

Additionally, Lindsay is well-versed in the practice of pursuing affirmative claims against subcontractors and sub-subcontractors when appropriate, including pursuing tenders and additional insured obligations. Further, Lindsay assists clients through pre-suit investigations, mediations and arbitrations when appropriate. Lindsay is also experienced in handling condominium association claims, and directors' and officers' claims for real estate agents, brokers and appraisers.

In addition, Lindsay is also a member of the firm's Executive Committee Advisory Council, a distinguished group of firm leaders whose purpose is to enhance the communication between the Executive Committee and younger members of the firm's professional ranks, including associates, special counsel and junior shareholders.

Outside of her law practice, Lindsay is an active participant in various programs with local pet rescue groups in the Tampa Bay Area, where she works with animal rescues and serves as a foster caretaker for rescued dogs in transition, until they find adoptive homes.

THOUGHT LEADERSHIP

Competent, Substantial Evidence Is the Name of the Game in Construction Disputes

Tampa

Architectural, Engineering & Construction Defect Litigation

April 1, 2024

It is common in construction disputes between sophisticated parties for the parties to agree to engage in a bench trial, as opposed to a trial by jury.

Florida District Court Rules Four-Year Statute of Limitations Governs Construction-Based Malpractice Claims Against Design Professionals

Tampa

Architectural, Engineering & Construction Defect Litigation

October 1, 2023

Florida Statute § 95.11 sets the statutes of limitations for numerous claims, but as it relates to construction-related professional negligence claims, there has been a dispute and uncertainty as to whether the two-year or four-year limitation pro Case Law Alerts, 4th Quarter, October 2023 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

Proposed revision to Florida statute sits before the House that would require building code violations to be “material” to trigger claim under 553.84.

Tampa

Architectural, Engineering & Construction Defect Litigation

April 1, 2023

Florida Statute 553.84 creates a cause of action for any person damaged as a result of any building code violation against any party who committed that building code violation in the construction of the building. Case Law Alerts, 2nd Quarter, April 2023 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

Trial court rules a general contractor cannot delegate its obligation to comply with Florida Building Code to its subcontractors.

Tampa

Architectural, Engineering & Construction Defect Litigation

October 1, 2022

In a recent ruling in Florida's 18th Judicial Circuit, Judge Recksiedle Case Law Alerts, 4th Quarter, October 2022 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

FL appellate court reverses summary judgment in favor of general contractor because only a portion of work by defendant required specialty certificate.

Tampa

Architectural, Engineering & Construction Defect Litigation

April 1, 2022

The interesting aspect of this case is that we are not dealing with an issue of claimed defective work or resulting damages from the work. Case Law Alerts, 1st Quarter, April

PUBLISHED WORKS

Case Law Alerts, contributor, 2018

"Construction Defect Claims and the Role of the Insurer in Early Proceedings," *Insurance Journal - Focus on Florida*, November 21, 2016

"Chapter 558 Notice and the Duty to Defend," *Defense Digest*, Vol. 21, No. 3, September 2015

"Use of Case Management Orders in Construction Litigation," *Lawyer* magazine, publication of the Hillsborough County Bar Association, February 2015

SIGNIFICANT REPRESENTATIVE MATTERS

Represented a shell contractor in a large condominium project litigation that spanned more than 6 years. The representation included both defending claims asserted by the Condo Association, as well as the general contractor, and actively pursuing claims against more than a dozen sub-subcontractors. Through the use of detailed analysis, effective defenses, active tendering and additional insured tenders, and settlement negotiations with numerous parties, was able to obtain a valuable resolution in advance of what would have been a 3-month trial.

Represented framing contractor in binding arbitration initiated by a general contractor for both direct and consequential damages resulting from the construction of a multi-family building. Carried representation through issuance of Interim Award by the arbitration panel containing a favorable ruling for the client, which included a finding of waiver of all alleged consequential damages. The award spurred a reasonable settlement which the general contractor previously was not willing to consider.

Obtained a defense verdict at trial for an engineering client related to claims surrounding an alleged failed sinkhole repair. Claims included professional negligence for the design of the repair, as well as claims of fraud and negligent misrepresentation.

Defended subcontractors and material suppliers in numerous cases for both direct and third-party claims relating to alleged construction defects and including both contractual and statutory warranty claims.

Defended design professionals in both direct and third-party claims relating to allegations of design deficiencies, and/or failure to properly perform supervisory duties.