



# Spencer L. Sears

Partner

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Spencer's practice concentrates on complex litigation with an emphasis on construction related matters.

Spencer provides strategic legal advice to construction clients, ranging from contract drafting and negotiation to workouts and dispute resolution, including bid disputes, acceleration, lost productivity, delay, termination, scope of work, differing site condition, defective design and workmanship; prompt payment, trust fund violation and mechanic's lien foreclosure; performance and payment bond, insurance and reinsurance issues; employment related disputes; and product liability, property damage, personal injury and wrongful death actions.

Spencer has acted as first chair litigator before state and federal courts, arbitration panels and alternative dispute resolution forums. Spencer is a past member of the Downtown Denver Partnership Leadership Program and the Association of General Contractors Future Leaders Forum.

## Representative Matters

- Represented a national general contractor in prosecuting a \$14 million claim against subcontractors and design professionals for construction and design defects involving two multifamily condominium buildings.
- Represented a national golf course developer and general contractor in obtaining judgment (for total claim and penalty interest) in favor of the contractor in a mechanic's lien action.
- Represented a developer in a \$6.4 million claim by a homeowners association for construction defects involving multifamily condominium buildings.
- Represented a national general contractor in a \$4 million claim by a homeowners association for construction defects involving a high-rise condominium project and the general contractor's subrogation of the claims against subcontractors.
- Represented a national heavy civil general contractor in a condemnation proceeding involving a public utility company.
- Represented a heavy civil contractor in a delay claim and payment dispute.
- Represented architectural/engineering firms with design liability issues related to infrastructure projects such as highways, bridges and water and wastewater treatment.

## Services

- Litigation
- Construction
- Labor & Employment
- Entertainment & Sports Law

## Before Fox Rothschild

Prior to joining Fox, Spencer practiced at Lottner Rubin Fishman Saul.

## Bar Admissions

- Colorado

## Court Admissions

- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Tenth Circuit

## Education

- University of Denver Sturm College of Law (J.D.)
- University of Montana (B.S.)
  - Resource Conservation

## Memberships

- American Bar Association, Construction Section
- Denver Bar Association
- Colorado Bar Association

## Honors & Awards

- Named to *Colorado SuperLawyers* Rising Stars for construction litigation (2009-2013)