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## WYATT A. HOCH, *Partner*

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### PRACTICE AREAS

- Construction
- Commercial & Complex Litigation
- Water Rights
- Mediation & Dispute Resolution
- Energy

### PRACTICE EMPHASIS

Foulston Siefkin partner Wyatt Hoch is an accomplished construction lawyer who is sought after by project owners, architects, engineers, and contractors for projects across the country. Wyatt combines nearly 35 years of experience in construction law with five years of undergraduate study in architecture and hands-on work in the residential home-building industry to provide his clients with practical, goal-oriented counsel. The leader of the firm's Construction team, his transactional and litigation practice encompasses drafting design/build contracts, preparing development agreements, negotiating claims, and resolving disputes through the courts and in arbitration forums. As a member of the American Arbitration Association's national panel for construction industry cases, he frequently serves as a mediator and arbitrator in AAA proceedings.

Named by *Best Lawyers* as the "Lawyer of the Year" for Construction (2011, 2016, 2019) and Construction Litigation (2013, 2017) in Wichita, Kansas, Wyatt stays on the cutting edge of industry developments and loves discovering why designs and products don't work in particular contexts. He is particularly attuned to the drawbacks associated with relying solely on technology.

Wyatt has been involved in some of the most significant commercial, industrial, cultural, and educational projects that have changed the landscape of Kansas over the last three decades. His reputation for excellence also attracts clients with projects all over the nation. In addition to identifying what is – and what is not – crucial in contract negotiations to achieve successful projects, Wyatt is equally practical when advising clients on matters involving construction disputes. A veteran of bet-the-company, multimillion-dollar cases, he understands the unpredictability of trials and juries, and explores all the alternatives with clients in order to determine the best avenue to achieve their goals. He served as lead counsel for a major aircraft manufacturer in a complex construction defect and schedule dispute over its Florida service center; as co-counsel to a Fortune 500 health care company in a 24-day arbitration over the construction of its Ohio headquarters; and secured a favorable verdict for the plaintiff in a 23-day federal court jury trial involving the expansion of a municipal electrical generating plant.

### WICHITA

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### ADMITTED TO PRACTICE

- Kansas, 1983
- U.S. District Court for the District of Kansas, 1983
- United States Court of Appeals for the Tenth Circuit, 1985
- United States Court of Federal Claims, 1986

### EDUCATION

- Kansas State University
  - B.Arch., *magna cum laude*, 1980
- University of Kansas School of Law
  - J.D., *Order of the Coif*, 1983
  - Editor, Kansas Law Review

## LEGAL EXPERIENCE

- Arbitration counsel to the EPC contractor for a \$40 million anaerobic-digester project in western Kansas (2014-15).
- Counsel to Kansas State Athletics for drafting and negotiation of design and construction-management contracts for the West Stadium and North End Zone stadium-expansion projects (2012-15).
- Owner's counsel for hotel building-envelope design/construction defect claims in Austin, TX, and Pensacola, FL (2013).
- Arbitration counsel to the owner in a successful multi-million dollar claim over the blown structural design for the Cessna Mesa (AZ) Citation Service Center (2011).
- Counsel for a piping subcontractor in a cost and schedule dispute with the design-builder of two Iowa ethanol plants (2008–14).
- Arbitration counsel for the sellers of a privately-held regional corrugating and packaging business (2008–09).
- Successfully defended a design defect and construction administration claim against the architect for a medical office building in *Newman Memorial Hospital v. Walton Construction Co., et al*, 37 Kan. App. 2d 46, 149 P.3d 525 (2007), rev. denied.
- Counsel for the owner in an arbitration over construction of a luxury yacht (2006–07).
- Counsel for the owner in a construction defect and schedule dispute arising from the construction of the Cessna Orlando Citation Service Center (2003–06).
- Co-counsel to the owner in a cost and schedule dispute over the construction of the Cardinal Health corporate headquarters in Dublin, OH (1999–2001).
- Plaintiff's counsel in the successful 1998 federal court trial in *Hatch & Kirk Power Services Corp. v. City of Girard*, involving the expansion of a municipal electrical generating plant.
- Plaintiff's counsel in the successful challenge to an administrative regulation taking plaintiff's intellectual property in *National Council on Compensation Insurance v. Todd*, 258 Kan. 535, 905 P.2d 114 (1995).
- Special counsel to the utility owners for evaluation of construction at the Wolf Creek Nuclear Generating Station (1985–86).
- Converted a government termination for default to a termination for convenience, then established the basis for a bad faith termination claim, in *Industrial Coatings, Inc. v. United States*, 11 Cl.Ct. 161, 33 Cont.Cas.Fed. (CCH) P 74,722 (settlement of bad faith claim in 1992).
- Established the scope of judicial review of arbitration awards in Kansas, in *Jackson Trak Group v. Mid States Port Authority*, 242 Kan. 683 (1988).
- Established the scope of Kansas statutory payment bonds in *J.W. Thompson Co. v. Welles Products Corp.*, 243 Kan. 503, 758 P.2d 738 (1988).
- Successfully defended antitrust essential facilities claims in the first hospital staff privilege case to reach the circuit courts of appeal on the merits, in *McKenzie v. Mercy Hospital of Kansas*, 854F.2d 365 (10th Cir. 1988).