



## Stephen K. Pudner

Shareholder

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Stephen Pudner is a shareholder based in Birmingham, Alabama and Richmond, Virginia and concentrates his practice in real estate and construction.

Stephen has a global background and a dual transactional and litigation focus that uniquely prepares him to proactively help his domestic and international clients avoid risks and reach creative solutions to their real estate and construction needs.

### Representative Matters

- Successfully represented Embassy of Asian nation in working with the U.S. State Department and multiple layers of Washington, D.C. government to obtain special zoning exception to allow the relocation of the Embassy's Chancery operations to a new location in a residential neighborhood.
- Served as lead negotiator and drafter of \$110 million design build contract and ancillary documents on behalf of health care REIT owner client regarding construction of health care facility in western U.S.
- Advised client in all aspects of acquisition, sale, and leasing of 49 acre retail and mixed use development in Birmingham, Alabama area.
- Successfully represented a design build contractor joint venture in a \$15 million dispute with an international auto manufacturer owner regarding the \$200 million design build contract for a new manufacturing facility in southeastern U.S., as well as multi-million dollar disputes with downstream subcontractors.
- Served as lead negotiator and drafter of a \$50 million construction contract involving multiple tax and other incentives on behalf of a Latin American client building a manufacturing facility in the southeastern U.S.
- Represented a real estate developer in all aspects of the sale of a \$20+ million student housing development, including related assumption and re-financing of existing loan.
- Managed all aspects of 100+ real property lawsuits in Alabama state and federal court for two NYSE-listed financial institutions relating to liens and redemptions resulting from unpaid property and sales tax assessments, survey and title disputes, and lien seniority and enforceability issues.
- Advised a NYSE-listed telecommunications construction company to ensure continued enforceability of hundreds of construction contracts and leases and to mitigate related risks in light of corporate conversion of 15 subsidiaries operating throughout the U.S.
- Successfully assisted a pro bono client from Afghanistan in obtaining a Special Immigrant Visa for his service as a translator helping the U.S. military and its contractors, allowing him to re-settle in the United States.
- Represented a national real estate developer and managed all aspects of more than 50 acquisitions annually throughout the United States for development as commercial retail stores, including handling all due diligence, negotiating and drafting documents, resolving title and survey issues, and negotiating tax and infrastructure incentives.
- Obtained an order dismissing a counterclaim asserted by an upstream contractor against a subcontractor client because the upstream contractor entered into the subcontract using a trade name that did not have a state contractor's license and therefore the subcontract was void as a matter of law even though that contractor had a state contractor's license under a different name.



## Professional Honors & Activities

- Member – Mensa
- Confirmed by the [U.S. Green Building Council](#) as a Leadership in Energy and Environmental Design Accredited Professional (LEED AP)
- Construction Law Adjunct Professor, University of Alabama School of Law, Fall 2020
- Listed as a "Rising Star" by *Mid-South Super Lawyers*, 2016 – 2021
- Listed as a "Rising Star" by *Alabama Super Lawyers*, 2014 – 2015
- Member – 2013 Birmingham Multiple Sclerosis Leadership Class Advisory Council



## Additional Background Information

Stephen has studied in Spain and Switzerland, taught and lived in China, Nepal and Nicaragua, traveled throughout Europe, Latin America, India, Israel, Mongolia, Morocco, South Africa, and Turkey, and is highly proficient in written and spoken Spanish. During law school, Stephen clerked for the U.S. Department of Justice's Office of International Affairs, the Inter-American Development Bank, and the Attorney General of Virginia.



## Publications

- "Wisconsin's Supreme Court Strikes Down Executive Branch's COVID-19 Stay-at-Home Order" (May 18, 2020)
- "Part 2: Can the Government Do That? – But I Own that Beach and It Is My Backyard!" (April 17, 2020)
- "Can the Government Do That? – New Class Action Challenges Pennsylvania's COVID-19 Order as Unconstitutional" (April 6, 2020)
- Co-author – "China's Belt and Road Initiative is Changing the World," American Bar Association, Division 10 Newsletter (Winter 2018)
- Co-author – "50 State Lien Law Handbook," Alabama Law Section, American Bar Association Forum on Construction Law (April 2018)
- "A Decade in the Making: The 2017 Revamp of the AIA's Construction Contract Documents," Virginia State Bar's *Virginia Lawyer Magazine* (February 2018)
- "Force Majeure Clauses: Protecting Against the Unforeseeable," Association of Corporate Counsel *Lexology* (April 2014)
- "No Need of Injury to Others' Property to be an 'Occurrence' under a CGL Insurance Policy," American Bar Association, Division 1 Newsletter (August 2013)
- "Can Cheap Natural Gas Save the U.S. Construction Industry?," American Bar Association, Division 10 Newsletter (Summer 2013)
- "Changes in Alabama's Retainage Laws," Alabama Utility Contractors Association Newsletter (February 2013)
- "The Future Of Green Skyscrapers," Environmental and Real Estate *Law360* (April 2012)
- "Stephen K. Pudner, Moving Forward from Dubai Ports World—The Foreign Investment and National Security Act of 2007," 59 *Alabama Law Review* 1277 (2008) (which has been cited in the *Harvard Business Law Review*, *Berkeley Business Law Journal*, *University of Pennsylvania Journal of International Law*, and other publications)



## Speaking Engagements

- "What do you do when the Contract is Changed?," 2017 National Business Institute Construction Law Seminar, Birmingham, Alabama (July 2017)
- Moderator – "The Beason-Hammon Alabama Taxpayer and Citizen Protection Act," Birmingham International Center's panel discussion of Alabama's new immigration law (July 2011)



## Education

- University of Alabama School of Law, J.D., 2008, cum laude
  - Senior Editor – *Alabama Law Review*
  - Full academic scholarship recipient each year
- Georgetown University Law Center, Visiting Law Student, Spring 2008
- University of Fribourg, Switzerland, Summer 2006
- University of Virginia, B.A., Economics, 2003
- University of Valencia, Spain, Fall 2002



## Admissions

- Alabama, 2008
- District of Columbia, 2011
- Virginia, 2015
- U.S. District Courts for the Northern, Middle and Southern Districts of Alabama
- U.S. Court of Appeals, Fifth and Eleventh Circuits