



Christopher M. Caputo

Shareholder

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Christopher M. Caputo, resident in our Nashville office, serves as vice chair of Baker Donelson's Construction Group. He practices construction law and litigation with a particular emphasis on manufacturing, large infrastructure, and hospitality projects.

Mr. Caputo is the vice chair of Baker Donelson's Construction Group and leads the Firm's Manufacturing Initiative, one focus of which is the comprehensive representation of manufacturers in diverse industries, including automotive and electric vehicle production. He represents public and private owners, contractors and subcontractors and design professionals throughout the entire United States and abroad, serving his construction clients in contract negotiations and construction disputes wherever they arise. A specific focus of Mr. Caputo's practice involves the representation of owners and developers of advanced manufacturing, automotive, hospitality and health care facilities from project inception through the resolution of project-related disputes and during the ultimate operation of the facility.

Mr. Caputo counsels his construction clients through all stages of construction and development of a project, with extensive knowledge and experience in the negotiation and drafting of construction and development contracts and other supplemental agreements, including many of the standard construction forms used worldwide. He has litigated numerous complex construction claims related to the recovery of contract balances and defective work, as well as schedule-related claims, including liquidated damage claims arising out of delay, disruption or acceleration. In addition to his representation of construction clients in various state and federal courts, Mr. Caputo has participated in various forms of alternative dispute resolution, including arbitration and mediation.

Along with transactional and litigation work, he consults clients relative to licensing issues, the formation of joint-ventures and other special purpose entities, and in connection with bid protests and other public bidding issues.

Mr. Caputo has been named as a *SuperLawyer* and one of the *Best Lawyers in America*[®] (and three-time Lawyer of the Year) in the field of construction law.

A second element of his practice is the representation of Italian and other multinational corporations in the establishment and operation of their businesses in the Southeast. In this practice, he assists Italian and other foreign clients in all areas relevant to the commencement and operation of a business in the United States. Mr. Caputo provides counsel on corporate matters, mergers, acquisitions and transactional due diligence, immigration, labor and employment issues, commercial contracts, import/export issues, and in the financing, construction and development of corporate headquarters and manufacturing facilities, including the coordination of public incentives associated with capital investment. He is the author of "Constructing a Facility in the United States: Cosa Si Deve Sapere Prima."

Mr. Caputo is an Italian citizen, is proficient in the Italian language, and is the local representative of the American Chamber of Commerce in Italy for various states throughout the Southeast.



Representative Matters

- Lead counsel to an international contractor in multi-hearing arbitration of an approximately \$100 million dispute over design, construction scope, and delays encountered in the construction of an automotive manufacturing facility.
- Lead construction counsel for an electric vehicle battery manufacturer in the construction of a multibillion-dollar production facility.
- Local construction counsel to an automotive OEM in the construction of a multibillion-dollar assembly facility.
- Lead counsel to a home appliance manufacturer in connection with the design and construction of a production facility and in connection with arbitration and mediation of complex construction disputes arising out of the project.
- Represented an international EPC contractor in connection with a multibillion-dollar petrochemical project in Texas.
- Provided construction counsel in connection with \$80 million in delay and overhead claims associated with the allegedly defective design of a nuclear materials storage facility.
- Represented a global defense contractor in connection with contracts, subcontracts and claims on multibillion-dollar construction projects throughout the world.
- Lead counsel to a global automation contractor in connection with complex, multimillion-dollar litigation over improvements to a tier one automotive supplier's manufacturing facility.
- Represented various construction material suppliers as outside general counsel, navigating their legal affairs during historic COVID-related price fluctuations and handling arbitration and litigation matters across the country arising out of such fluctuations.
- Served as lead construction counsel for the developer of a high-rise office tower in Memphis, Tennessee.
- Represented a general contractor on a \$10 million dispute involving payment claims and project delays on a Nashville hotel project.
- Served as lead counsel in the prosecution of a multi-million-dollar claim for defective design and construction of a pharmaceutical laboratory facility on behalf of the project owner's insurance carrier.
- Represented a developer in the refinancing of a hotel in Tampa, Florida. The matter was complex due to the historical significance of the property, the ground lease from the U.S. government, and new market and historic tax credits that needed to be worked around the permanent financing.
- Successfully represented a national lender following a failed mixed retail and grocery store project in South Memphis, Tennessee. The representation involved potential foreclosure, resolution of property tax liens, a Chapter 11 proceeding with a court-ordered sale of the project and payment of net projects to the national lender, and a negotiation of a settlement of the general contractor's claims against the client as to the distribution of loans proceeds during construction.
- Represented an Italian contractor in obtaining contractor and business licenses and in commencement of commercial operations in the United States.
- Represented an Italian manufacturer in connection with negotiating construction financing for its United States industrial production facility.
- Assisted various Italian manufacturers in connection with the design and build-out of their United States plants.
- Drafted various contracts for a large, multinational Italian construction contractor for its U.S. projects.
- Served as lead construction counsel for a turnkey developer of a luxury hotel project in Philadelphia, Pennsylvania in connection with construction and design contract negotiation and construction arbitration.
- Represented an owner in a design-build project for the redevelopment of a former United States courthouse into a luxury hotel in Tampa, Florida.
- Represented an owner in connection with the design-build contract of a \$300 million manufacturing facility in Memphis, Tennessee.

- Negotiated construction and design contracts for the developer of internationally branded hotels throughout the United States.
- Served as lead construction counsel for the developer of major luxury multi-family projects in Nashville, Tennessee.
- Represented the renovation contractor in a multi-million dollar dispute arising out of costs incurred and delays suffered in the clean-up of a Formerly Utilized Sites Remedial Action Program (FUSRAP) site in Baltimore, Maryland.
- Represented an international contractor in a multi-million-dollar dispute involving the decommissioning of a nuclear power plant.
- Represented the design-builder of an aquarium facility in Taiwan.
- Served as lead counsel in connection with the prosecution of a multi-million-dollar claim to recover damages associated with the design and construction of a regional hospital in East Tennessee and the proper installation, coordination and layout of highly specialized equipment.
- Represented a mechanical contractor in a complex arbitration concerning the construction of a hospital facility in Middle Tennessee.
- Served as lead construction counsel for a major snack food company in connection with the design and construction of its principal manufacturing facility.



Professional Honors & Activities

- Member – American Bar Association (Forum on the Construction Industry; Membership Committee; Marketing Committee; Fidelity and Surety Law Committee; Division 8 Steering Committee for International Contracting; Division 5 Steering Committee for Contract Negotiation and Administration)
- Chairman – ABA Forum on the Construction Industry Young Lawyers Division, 2002 – 2004
- Board Member – Construction Law Section, Tennessee Bar Association
- Member – Political Action Committee Board, West Tennessee Associated Builders and Contractors
- Member – International, Massachusetts, Rhode Island, Tennessee and Memphis Bar Associations
- Member – Dispute Resolution Board Foundation
- Member – Tennessee Association of Construction Counsel
- Local Representative – American Chamber of Commerce in Italy for Alabama, Georgia, Louisiana, Mississippi and Tennessee
- Listed in *The Best Lawyers in America*® in the areas of Construction Law and Construction Litigation, 2013 – 2022; Arbitration, 2016 – 2022; Mediation, 2018 – 2022
- Named the *Best Lawyers'* 2022 Memphis Litigation - Construction "Lawyer of the Year"
- Named the *Best Lawyers'* 2017 and 2019 Memphis Construction Law "Lawyer of the Year"



Publications

- "Contract Diligence Is Key Amid EV Facility Construction Boom," *Law360* (June 2022)



Speaking Engagements

- "Arbitration: Lessons Learned from Trying a Megacase for International Clients During COVID," Tennessee Association of Construction Counsel Spring Meeting (May 2022)
- "The Tennessee World Affairs Council Presents Lunch with Senator Corker" (October 2018)
- "Developer Track: Hotel & Restaurant Development," Tennessee Hospitality & Tourism Law Symposium, Nashville, Tennessee (July 2016)
- "Opportunities for Collaboration and Investment in the Automotive Sector Between Italy and the Southeastern United States," Unione Industriale di Torino, Torino, Italy (June 2016)
- Program Chair – "The Lay of the Land Dictates the Strategy Employed," ABA Forum on the Construction Industry Fall Meeting, Atlanta, Georgia (October 2011)

- "Building Information Modeling: Risks and Rewards," with Kevin Bromenshenk of Flintco Constructive Solutions, West Tennessee Associated Builders and Contractors Monthly Luncheon (July 2011)



Education

- University of Miami School of Law, J.D., 1994
- Colgate University, B.A., 1991



Admissions

- Tennessee, 1999
- Massachusetts, 1995
- Rhode Island, 1994