



PERRY INTERNATIONAL, LTD.

CHRISTOPHER J. MATHER

EXECUTIVE ADVISOR AND DAMAGES EXPERT

- Mr. Mather has over 41 years of international project experience.
- His specialty expertise is complex damages disputes. He focuses on complex, high value, construction contract disputes with an emphasis on demonstration of entitlement and terminations.
- He has represented governments, stakeholders, owners, and international contractors with very difficult construction project disputes. His work has included contractor disputes on national security sensitive and technically complex government projects.
- As a Damages Expert, he has testified in the USA and Europe in ICC arbitrations and trials before the US Federal Court of Claims.
- His construction project experience includes a wide range of heavy civil EPC projects, infrastructure projects, large building projects, specialty construction projects, heavy industry manufacturing, and classified government projects.

EDUCATION

- B.S. in Education, Pennsylvania State University. August 1978

PROFESSIONAL AFFILIATIONS

- Martindale American Arbitration Association (“AAA”)
 - National Construction Dispute Resolution Committee
 - Construction Financial Management Association
 - Advisory Cloud – On Miles Mediation Advisory Board
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DEPOSITION AND TRIAL OR ARBITRATION TESTIMONY

- All cases since 2017 have settled after publication of expert report before arbitrations or deposition testimony. Mr. Mather has given testimony at mediations, arbitrations, in US District and Federal Courts, and at a jury trial before the Supreme Court of the State of New York.
- Jervis B. Webb Company v. Skanska USA Building, Inc., L3 Communications Holdings, Inc., t/a L3 Communications, L3 Communications Security & Detection Systems, Inc., HNTB Rhode Island, Inc., Travelers Casualty & Surety Co. of America, Fidelity & Deposit Company of Maryland, Federal Insurance Company and Liberty Mutual Insurance Co. – Case No. CA09 – 5525 - Mediation Testimony – November 10 & 11, 2010.
- Belt Maintenance Midwest, Inc. v. Jervis B. Webb Company – Case No. 06 – 1227 – CK Deposition Testimony – December 5, 2007.
- E & H Construction, LLC v. Regional School District No.16 – Mediation Testimony – July 2006.
- EPC Estate Services, Inc. (f/k/a NEPCO Energy Production Corp. v. HSB Engineering Limited and HSM Engineering Insurance Limited – Mediation Testimony – November 15, 2005.
- Dick Corporation v. Limbach Company – Mediation Testimony – January 2004.
- National Surety Specialists, Inc., et al v. Star Insurance Company, et al - Deposition Testimony – December 2001.
- Erkiletian Construction Corporation, et al., v. The Insurance Company of the State of Pennsylvania, et al., Arbitration Testimony (AAA No. 16 Y 110 00146 99) - November 2001.
- MacQuesten General Contracting, Inc. v. HCE, INC and John J. Hildreth – United States District Court Southern District of New York (Index # 99Civ.8598 (VM)), Deposition Testimony - January 2001.
- Reclamation District of Greater Chicago United States District Court – Northern District of Illinois (Case No. 97 C 2246), Deposition Testimony - February 1999.
- National Shipbuilding Company v. United States of America – United Court of Claims (Case No. 99 - 112C), Deposition Testimony - December 1997.
- Black & McDonald Limited v. Durr Automation – Mediation, Milton, Ontario, Canada, Mediation Testimony - June 1996.
- Ministry of Defense and Support for Armed Forces of the Islamic Republic of Iran vs. Cubic Defense Systems – ICC Court of Arbitration, Zurich, Switzerland, Arbitration Testimony - October 1995.



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- Prudential Property Associates vs. Turner Construction Company – Circuit Court of Cook County, Illinois, Deposition Testimony - November 1994.
- Novak & Co., Inc. vs. New York Convention Center Development Corporation – Supreme Court of the State of New York, City of New York, Trial Testimony - May 1994.

THIRD PARTY COMMENDATIONS

- Andrew S. Illingworth, Senior Director, Construction Contract Solutions at Altus Group
“... Pity many clients don’t yet see value in deploying consultants like my friend Christopher J. Mather to advise on risk mitigation and apportionment in early stages of projects, rather than sorting matters after disputes have arisen. Ultimately, if they did, we would all see more projects finish on schedule, to budget and to quality.”[August 5, 2017.]
- Craig Silcock, President, The Americas for Systech International
"Mr. Mather is eminently qualified to provide this analysis and provide expert witness testimony. He has over 35 years of professional experience in contract disputes claims analysis and investigation in the construction and engineering industries. He has extensive experience in conducting forensic and investigatory reports in connection with judicial claims and dispute resolution. Mr. Mather has published a number of articles on construction claims and alternative dispute resolution and conducts training seminars for professionals on claims analysis and mitigation. ... He is a member of the American Arbitration Association." [February 16, 2016.]
- Barry Fullarton, Fullarton Consulting – RICS Expert Witness – RSA (Medupi Power Plant)
“To be around Chris and see and learn the professional way he strategically and effectively manages a Team and Claim has been a wonderful experience. Whilst I wish I had the opportunity to have worked with him, the short time I was with in his company was inspirational and given me new drive and ambition to be the best once can be and to be a complete Professional that can strategize effectively, know the end game, evaluate situations and think out the box, these are skills Chris possess and much more, just wish I could have spent more time in his presence to have been mentored from him.”[January 22, 2016.]



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- Lervin Adap, Document Control for Dragados Canada Inc. - (White River Project)
"I would like to extend my gratitude for everything that you have done with the group and the things that you have taught us at the personal and professional level. It's been an educational and life changing experience for all of us. ... Many thanks again and it's been an honour and privilege working with you." [May 28, 2015.]

- Trish Buller, QA/QC Manager for Dragados Canada Inc. - (White River Project)
"...thanks for teaching me to read differently. I am just going through the Project Agreement and I noticed that I have started reading contractual documents differently. I use to read them for information, now I read them to either see what I absolutely have to do or how I can save the company time and money. I also read them with the idea of knowing how much a client can push me around. Just so you know that is directly related to my time with you and what you taught me. I find reading contractual documents a lot more fun when you read them with that perspective. I just wanted to say thanks." [December 2014.]

- Andrew Scholeck, Project Manager at Marsulex Environmental Technologies Corp. – (3) EPC Power Plants
"Chris through his knowledge and experience provided guidance to the project team, helping us to navigate through some challenging commercial issues, ultimately resulting in a successful outcome to the project." [March 20, 2013.]

- Michael Walsh, Vice President Engineering at Marsulex Environmental Technologies - – (4) EPC Power Plants
"Chris is an extremely detail oriented individual who has analyzed information on many complex engineering and construction issues and then provided detailed support and guidance to MET management to resolve the issues in a favorable manner." [November 28, 2012.]

- John C. Emmert, Jr., Senior Vice President, American Arbitration Association (NCDRC Chair)
"I really enjoyed working with you. Thank you for all that you have done and the support that you have given me! You particularly served as a wonderful sounding board and provided valuable insight into the construction ADR market. Your work and support on the NCDRC (especially the focus on Industry Professionals), and efforts as a Construction Division Neutral were also important to our successes. I appreciate all your efforts, for that I am grateful."[November 3, 2011.]

- Jonathan Rosshandler, Partner, Speechly Bircham, LLP (London, England)
"I recommend Chris - always good to have him in your corner. His sensible thoughts and ability to see the wider picture are a great bonus!"[July 12, 2011.]



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- Brian Miller, Project Manager, Alberici Constructors

“Chris - I just wanted to take a second to say thank you for all of your efforts. I don't know if it has been said enough. Everyone is pleased with the outcome and a lot of thank yous have been thrown around the last few days, but probably not enough in your direction. No one has put in the time and effort that you have throughout this process and yesterday's results would not have been possible without you. You have taught me a lot in the years we have been working on this together. The lessons you provided to me will stay with me for the rest of my career. I hope that we never have to work together again, in a situation like this, but do hope our paths cross again sometime. Good luck with your new adventure and stay in touch!”[November 12, 2010.]
- Jim Hebb, Executive Director, Frank Crystal & Company

“Chris is a truly gifted individual with incredible attention to detail and someone to whom I would give an unqualified highest recommendation. His skill sets are multi-dimensional and has always been a true asset in several opportunities we have worked on together.”[February 11, 2009.]
- William Arthur Wheatley, Owner of Wheatley (US) Limited and Wheatley (UK) Limited

“I first worked alongside Chris in the early 1990's. Later, after acquiring with partners the division in which I worked and taking it private, I hired Chris to work on consulting assignments. After leaving that group and forming my own company I have retained him several times as a sub-consultant and have worked alongside him as a co-expert. He is the best financial analyst of construction problems that I know and is excellent at sorting out contract language and claims. I recommend him to contractors, owners, and their attorneys in resolving construction disputes.”[May 6, 2008.]
- Norman P. Salter, Director of Projects, Airports Authority of Jamaica

“The AAAJ wishes to thank you for your input as Facilitator in the discussions with the contractors over the period February 8 to 10, 2000. Your presence ensured cordial deliberations between both parties and your proposal formed the basis of the overall settlement; for that we are most grateful. We thank you for your assistance and look forward to working with you in the future, should the need arise.” [June 27, 2000.]
- Tedd Avey, Managing Director, Lindquist Avey Macdonald Baskerville Inc.

“I wish to thank you for your hard work and your contribution towards expanding the Construction Practice in the U.S.” [June 22, 1999.]



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- Ted Baskerville, London, Buchler Phillips

"Many thanks for taking the time and making the effort to give Shearson & Sterling what I found to be a first-class presentation and discussion You demonstrated a knowledge and experience that was impressive and clearly impressed them. It is a knowledge level we must develop further here in London." [March 10, 1999.]

- Paula A. Wristen, Editor, CFMA Building Profits

"The purpose of this letter is to thank you for your excellent article on "A New Approach to Building Construction Claims" that appeared in the January/February 1998 issue of CFMA Building Profits. Your article was comprehensive, thorough, and packed with essential information. You did a great job with a very important subject and made a significant contribution to the success of our "Coping with Change" issue." [February 26, 1998.]

- Randy S. Pardikes, Project Manager, Durr Industries Inc.

"I would like to take this time to thank you for your team's involvement in search of a resolution equitable for Durr Industries. Your team's response to short notification proved valuable throughout our journey. Your personal attention and your ability to accurately forecast an outcome months' in advance, has been a great asset to Durr Industries." [June 13, 1994.]

- Barry Montgomery, Partner, Williams & Montgomery Ltd

"Thanks again for your able assistance in the Turner case. You may be interested in knowing that the Turner case was selected as one of the outstanding defense verdicts in the country by The National Law Journal." [March 29, 1996.]

- Donald C. Holmes, Holmes, Schwartz & Gordon

"I wanted you to know that the HUD Assistant Regional Counsel was complimentary of your work and report. She specifically mentioned that it was nice to finally know with assurance what the facts were on the four issues that you dealt with. I think that you can be of substantial long-term assistance to Pavkov in helping them with their bidding and claim preparation activities." [November 21, 1994.]

- Allan T. O'Sullivan, Assistant Attorney General for the State of New York

"Chris provided critical testimony concerning the calculation of the plaintiff's damages which, in my opinion, led to a breakthrough in the negotiating process." [June 13, 1994.]



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- Martin Banks, Commercial Director, AMEC Holdings, Inc. - Princeton, NJ

"Now that all the dust has settled, I thought it appropriate to drop you a line and extend my thanks for the efforts expended by you and your team on the recent litigation ... Please convey my appreciation to the entire staff for their support during the last two years and in particular Bob and Chris for the many hours they spent burning the midnight oil." [July 31, 1992.]

- Allen P. Whitaker, FBI - Special Agent in Charge - Seattle Office

"Mr. Mather's willingness to work the hours necessary to complete these required tasks has been impressive. More important, however, has been the quality of his work. Mr. Mather's professionalism, analytical mind, accounting expertise and claims experience were valuable assets to the Government's defense against this claim." [May 9, 1983.]

- Alvin A. Schall, Attorney Civil Division - United States Department of Justice

"Without complaint, Mr. Mather worked extremely long hours...and endured the hardship of being away from his home for an extended period of time. In addition, and most importantly, through his thorough and skillful approach to the audit, he provided invaluable assistance to the FBI in the analysis of Shupe's claim and in the formulation and preparation of the Government's response to it." [January 3, 1983.]



EXPERT EXPERIENCE – INDUSTRIAL PROJECTS

The following are representative projects of Mr. Mather’s recent experience.

Manufacturing

USA – On behalf of a conveyor belt manufacturer in the automotive industry against a subcontractor. Retained by outside counsel to prepare a defensive strategy and damages claim. During mediation, the claim amicably settled.

USA – On behalf of a subcontractor with a US\$30 million claim on a US\$12 million expansion project of an ethylene plant in Louisiana. Retained by outside counsel to provide and assertive strategy and prepare a damages claim. Assisted client during settlement negotiations and the dispute was amicably resolved.

USA – On behalf of a subcontractor terminated for convenience from a project to build a metal finishing facility in California. Retained by outside counsel to provide assertive strategy and prepare a damages claim. Assisted client during settlement negotiations and the dispute was amicably resolved.

Puerto Rico – On behalf of the U.S Government (Defense Personnel Support Center) in litigation. Retained by government counsel to prepare a defense to a contractor’s US\$45 million claim for wrongful termination from a government project to build a facility for the manufacture of chemical protective suits. The case went to trial in the Federal Court of Claims where the government prevailed.

EXPERT EXPERIENCE – POWER PROJECTS

Power Transmission Line

Canada – On behalf of the EPC contractor, retained to assist in the closeout of the US\$700 million Eastern Alberta Transmission Line Project that was an Edmonton to Calgary 500kV HVDC two terminal, bipolar HVDC system between the two HVDC Converter Stations operating at +/-500 kV with a power transfer capacity of 2000 MW. Specifically worked on developing strategies to demonstrate contractor entitlement to additional labour escalation costs in excess of US\$10 million. Assisted client during settlement negotiations and the dispute was amicably resolved.



Fossil Fuel

South Africa – On behalf of the EPC contractor, involved in a matter relating to a supercritical boiler that was commercially operational on one of the largest coal fired power stations in the world. [Medupi & Kusile Power Plants) Engaged to develop a process to assess the prior performance of a selected major installation subcontractor, and to develop internal procedures and provide strategies to mitigate on-going subcontractor disputes.

USA – On behalf of the contractor, defended the EPC contractor from claims asserted by its installation subcontractor during the construction of three (3) flue gas desulphurization systems at two multi-billion dollar power plant projects in Utah. Asserted claims against the EPC were (1) additional extra work costs; (2) loss of productivity costs; and (3) additional delay costs. Analyzed the submitted claims, prepared a defense strategy, and led settlement negotiations to an amicable settlement.

USA – On behalf of the EPC contractor of a multi-billion dollar, 730MW coal fired power plant in New Hampshire, defended the contractor from the owner's affirmative claim of US\$45 million on its original contract price of US\$156 million. The project consisted of two 501G-combustion engines, power generator, and two heat recovery steam generators, and one steam turbine generator. Prepared the defense and deposed as the damages expert following which the parties came to an amicable settlement.

Taiwan – On behalf of the EPC contractor to defend its interests in Taiwan against the owner on a US\$120 million contract for an FGD Scrubber. The owner issued a contract for the design, supply, delivery F.O.B. Port of Export for the foreign portion and F.O.B. Job Site for the local portion, with erection and commissioning advisory services of four (4) 550 MW Flue Gas Desulphurization (“FGD”) Plants at the owner's facility. Retained to assess and quantify the contractor’s additional costs incurred on its supply contract, and to evaluate and mitigate the owner's assessed liquidated damages. Identified and quantified the supplier contractor was entitled to claims of US\$20 million. Reviewed the owner’s assessed liquidated damages and determined the contractor’s obligation for liquidated damages was less than a million dollars based upon the terms of the negotiated contract. Developed and prepared the supplier OEM’s claims against the owner for argument before an ICC arbitration tribunal in Taiwan whereupon the parties reached an amicable settlement.



Saudi Arabia – On behalf of the EPC contractor of a refinery upgrade project, retained to determine the actual costs compensable by the owner for extra work and lost productivity. This entailed reviewing subcontractor claims. The contractor had entered into a contract to provide the owner with detailed engineering, procurement and construction (EPC) of the utilities for the refinery while other contractors provided the process system upgrades. Following submission of the contractor’s demonstration of entitlement for reimbursement of increased costs of performance, the parties agreed to an amicable settlement.

EXPERT EXPERIENCE – INFRASTRUCTURE PROEJCTS

Dams

USA – On behalf of the US Government (Department of the Interior) against contractor claims on a dam project in New Mexico. Retained by outside counsel to prepare defense strategy and prepare a counterclaim against the contractor. Validated the contractor’s actual incurred costs and submitted an amended claim response to the Court. Provided follow-on construction specialty consulting to the Federal Bureau of Investigation (FBI) in response to contractor related matters discovered during the dispute.

EXPERT EXPERIENCE – BUILDING PROJECTS

Airport

USA – On behalf of the Baggage System Handling subcontractor at the Theodore F. Green International Airport in Rhode Island, prepared a damages claim. At mediation, addressed timeline of major scheduling events resulting in extended general conditions costs and acceleration costs due to constructive acceleration whereupon the parties reached an amicable settlement.

Hospitality

Jamaica – On behalf of the Jamaican Ministry of Finance for its development of an office and hotel complex. Provided commercial management overseeing construction and defending the government against all claims.



Educational

USA – On behalf of a masonry subcontractor terminated for default on a school project. Retained by counsel to prepare an assertive claim and assist with settlement discussions.

Military Classified

Switzerland – On behalf of the contractor of an air defence system provided to the Iranian government, provided expert testimony at an ICC Arbitration in Zurich, Switzerland. The matter pertained to the residual value of an ACMR built but not installed. An ACMR is a highly sophisticated computer and electronic system designed to assist air combat personnel. Due to the revolution in Iran, the new government terminated the contract for convenience. The issue in dispute was the ACMR's residual value built upon its completion. At arbitration, the owner agreed to the breach of contract and the parties argued over the valuation of the residual value. The owner's damages expert agreed with the methodology provided by Mr. Mather and the contractor prevailed.

USA – On behalf of a company terminated for convenience by the United States Air Force on a project. Tasked with preparing the company's termination proposal and its subcontractor's termination proposal. Following submission of the contractor's demonstration of entitlement for reimbursement of costs, the parties agreed to an amicable settlement.

USA – On behalf of a contractor on a United States Air Force project to convert a termination for default into termination for convenience. Tasked with preparing the company's termination proposal including evaluation of technical and scheduling matters and assessment and computation of damages. Following submission of the contractor's demonstration of entitlement for reimbursement of costs, the parties agreed to an amicable settlement.

USA – On behalf of a contractor suing the United States Navy for a project in New York, prepared a defense strategy for recovery of claimable losses. Provided testimony as damages expert in Court.



DISPUTE PROJECT EXPERIENCE

- ACMR Dispute
- Airports
- Automobile Paint Shop Structures
- Apartment & Office Complex Disputes
- Baggage & Material Handling Systems
- Casino & Convention Center Claims Disputes
- Commercial Risk Assessment & Mitigation
- Government Contractor Project Disputes
- Hotel, Casino and Convention Centers
- Hydroelectric Dam Construction
- Industrial Paint Shop Disputes
- Missile Production
- Pre-stressed Concrete Dam Construction
- Power Plant (WFGD, Combined Cycle, ESP)
- Railcar Manufacturing Disputes
- Risk Mitigation & Dispute Matters
- School Construction Projects
- Shipbuilding Disputes
- Surety matters
- Terminations for Default & Convenience
- Transmission Lines
- Wastewater Treatment Plants
- International Risk Mitigation & Disputes.

SERVICES PROVIDED

- Provided PMO and CM Services
- Assisted Project Controls
- Processed and Negotiated Large PCOs



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- Evaluated & Determined Cost to Complete
- Evaluated and determined claim damages for Owners, Prime Contractors & Subcontractors
- Assisted Counsel in Document Discovery
- Prepared and Defended Itemized Claims
- Identified events impacting Critical Path
- Quantified Impact/Inefficiency Claims
- Developed Termination Proposals
- Analyzed and Assessed T4C/T4D Claims
- Performed Operational Performance Audits
- Provided Contract Administration Services
- Rebutted Owner's Terminations for Default
- Provided "Advisory" Services on Labor Escalation and Productivity Losses

RECENT SEMINAR PRESENTATIONS

- 03/2017 Webinar Prepared and presented with counsel on the topic "Alternate Dispute Resolution: Taking Control of Your Disputes to Save Time & Money."

RECENT PUBLICATIONS

- Co-Authored with TM3 – "Recommendations to Contractors – Handling Covid-19 Claims" – CFMA (July 15, 2021).
- Co-Authored with TM3 – "Model Covid-19 Cost Codes" – March 2020
- "International Construction Contract Law" wrote vignettes on "Project Dispute Avoidance" – Published by John Wiley & Sons, Ltd. (First & Second Editions) published in January 2015 and August 2018
- Contributing Author to "Avoiding & Resolving Construction Claims" – R. S. Means - 1990