

## **Stephen M. Rymal, P.E., Esq.** **Consulting Engineer**

### **Education**

- Temple University, J.D., 1989
- Drexel University, MBA Courses, 1980
- Villanova University, B.S.C.E., 1978

### **Registrations**

- Professional Engineer: Pennsylvania
- Pennsylvania and New Jersey Bar Admissions
- New Jersey & Eastern Pennsylvania U.S. District Court Admissions
- U.S. Supreme Court & U.S. Circuit Court of Appeals Admissions
- Registered to practice before the U.S. Patent and Trademark Office

### **Professional Affiliations**

- American Association of Highway Engineers – Member
- American Bar Association – Member
- American Society of Civil Engineers – Member
- Association for International Arbitrators (AIA) – Professional Member
- Better Business Bureau – Arbitrator
- Construction Management Association of America – Member
- New Jersey Bar Association – Member
- Pennsylvania Bar Association - Member
- Project Management Institute - Member

### **General Experience**

Mr. Rymal is a recognized senior professional and has over twenty-five years of experience on contract administration, construction claims, construction litigation and project management issues. He has served as an arbitrator for the American Arbitration Association and the Delaware County Court of Common Pleas. He has prepared expert reports and testimony for use in all forms of litigation including mediation, arbitration and trial in state and federal courts. As a litigator he utilized expert technical services and represented clients at arbitration and at trial. He is a recognized expert in the fields of contract administration, construction management, claims analysis and management, schedule delay analysis and loss of efficiency claims.

## Consulting Experience

Mr. Rymal has been evaluating a series of construction claims stemming from the \$2 Billion expansion of the Dallas/Fort Worth Airport. He analyzed a \$24 million delay and disruption claim on the Central Utility Plant (CUP) for entitlement and damages. The CUP was completely upgraded including all the boiler and chiller systems and a computerized control system through a tedious phasing system while maintaining operational integrity and full redundancy. Based in part upon his analysis this claim was successfully negotiated at mediation for less than half of the claimed amount.

Mr. Rymal also analyzed two electrical subcontractor claims for delay and disruption totaling \$2 million based on the Mechanical Contractors Association of America guidelines. Both of these claims were successfully negotiated for less than \$500,000 using his analysis and negotiation recommendations.

Mr. Rymal is currently analyzing a \$3.5 million tunneling claim on a storm drain system which was mined 45 feet underneath a fully operational international airport including taxiways and terminals.

On all of these claims his responsibilities include studying all relevant project records including, but not limited to daily reports, certified payrolls, pay requisitions, contracts, change orders, schedules, correspondence, transmittals, and shop drawings. He also prepared cost estimates and evaluated contractor cost submissions for extended general conditions, loss of efficiency, and extended home office overhead claims. His responsibilities also included drafting letters for the owner responding to contractor requests for equitable adjustment and other claim demands.

Mr. Rymal previously acted as Senior Contract Administrator with DMJM + Harris and Booz Allen Hamilton for NJ TRANSIT on the \$600 million Design/Build/Operate and Maintain (DBOM) Southern New Jersey Light Rail Transit System (SNJLRTS) traversing 34 miles from Camden to Trenton, New Jersey. His responsibilities included investigating and analyzing requests for proposed change, potential change notices and requests for Contracting Officer's Final Decision submitted by the joint venture contractor; preparing and presenting formal entitlement recommendations to the NJ TRANSIT Contracting Officer for disposition; and preparing determination letters, Contracting Officer's Final Decisions, and formal Change Orders for signature by the NJ TRANSIT Contracting Officer.

## Litigation Experience

**Rymal & O'Malley, Media PA and Morrestown, NJ.** Managing Partner - Managing Partner

of a small general practice law firm specializing in counseling clients involved in a wide range of legal matters including small business, intellectual property, construction litigation, contract drafting and negotiation, arbitration and mediation.

**Cozen & O’Conner, Philadelphia, PA.** Junior Partner – Litigation attorney in a large national and international law firm. Experienced in patent infringement, and trademark and copyright applications. Investigated and prepared all phases and types of state and federal litigation from both plaintiff and defense perspectives including case development, analysis, and counseling. Prepared and filed all forms of pleadings, discovery requests, discovery motions, depositions, pre-trial and trial briefs, jury instructions, arbitrations, trials, and settlements in patent infringement, property damage, products liability, insurance coverage, architect/engineer liability, construction, environmental, subrogation, and complex civil litigation. Authored and filed appellate briefs in Pennsylvania, New Jersey, and the Supreme Court of Illinois.

## **Project Experience**

**MDC Systems, Berwyn, PA** As an Engineering Consultant Mr. Rymal prepares and analyzes delay and productivity claims on complex mechanical, electrical and structural systems including oil refinery and process plants, hotel/casinos, hospitals, manufacturing plants, office buildings, regional wastewater treatment facilities, and railroad maintenance facilities. He also developed and prepared expert reports and testimony for arbitrations, mediations, state and federal Boards of Contract Appeals, U.S. District and Claims Courts.

USAID Egypt Contracts – Mr. Rymal is currently analyzing a series of USAID projects valued at over \$500 million in Egypt during the late 1980’s in defense of a Contractor engulfed in a complex Qui Tam action.

DHL Bulk Handling Facilities – Mr. Rymal is also currently involved in the analysis of three DHL facilities on behalf of Siemens Corporation on contracts totaling over \$100 million for change orders and delay costs.

New Jersey Transit – The contractor on a \$100 Million rail maintenance facility filed a \$30 Million claim for delay and disruption. Mr. Rymal prepared a time impact schedule analysis identifying critical events affecting the schedule and issue analysis of each event based upon a thorough study of all relevant project records and documents. He drafted the expert report for trial in New Jersey Superior Court. This case settled on the courthouse steps on the eve of trial for only \$5 Million with contribution from the design firm’s liability insurance company.

TVA – Mr. Rymal analyzed a \$28 Million claim by the general contractor against a federal agency on a \$100 Million office building. He analyzed design revisions and schedule delays to

structural, electrical and mechanical systems on an expedited basis resulting in a negotiated settlement favorable to the TVA.

St. Joseph's Hospital, Asheville, North Carolina – Prepared a detailed time impact analysis on a multi-million dollar renovation of a fully operational and functioning hospital.

Showboat Hotel and Casino, Atlantic City, New Jersey – Prepared expert reports and testimony for U.S. District Court on behalf of a drywall contractor claiming a loss of efficiency based upon design changes and trade interference on the construction of one of Atlantic City's premiere hotel and casino properties.

## **Construction Management Experience**

### **Resident Officer in Charge of Construction (ROICC), Northern Division, Naval Facilities Engineering Command, Philadelphia Naval Shipyard, Philadelphia, PA**

As an Assistant Resident Officer in Charge of Construction at the Philadelphia Naval Shipyard, Mr. Rymal was a senior civilian civil engineer advertising, awarding and administering construction and maintenance contracts in an office handling over \$60 million per year of military construction (MILCON) and shipyard maintenance funds.

Mr. Rymal personally managed construction on all facets of the Shipyard including dry-docks, wharves, portal cranes, dredging, the Lift Bridge, Electronics Maintenance Facility, Propeller Shop, Boiler Plant, Steam Turbines, high voltage electrical distribution equipment, Officer's and Enlisted Quarters, office buildings, and retail and residential construction. He also managed all construction and maintenance contracts at the Philadelphia Naval Regional Medical Center on Broad Street.