

Brent Motchan is an experienced arbitrator, mediator and attorney, with an engineering and real estate background. His primary activities have been in commercial disputes, construction, mining, labor and employment, contracts, general corporate matters and litigation, including alternative dispute resolution. He is licensed to practice law in Missouri and Illinois and is a qualified Missouri Supreme Court Rule 17 and 88 Mediator. He is also an ADR panel mediator for the United States District Court for the Eastern District of Missouri.

He has served as General Counsel to two major construction companies (HBE Corporation and Clayco, Inc.), a national hotel chain (Adam's Mark Hotels), a concrete company, a publicly traded mining company (Zeigler Coal Holding Company), a power marketing company and a safety equipment company. He has also served as Assistant Counsel to a publicly traded utility and a coal mining company.

While employed in the construction industry he has been involved with disputes including scheduling, delay, inefficiency, loss productivity, acceleration and economic loss claims, change orders, mold, sick building and defect claims, changed and concealed conditions, subsidence, force majeure, discovery including electronic discovery, bonding and sureties, insurance, termination, mechanic's liens and subcontractor and labor disputes. He has negotiated and drafted contracts including construction of warehouses, office buildings, condominiums, commercial facilities, mining operations, operating plants, hospitals, financial buildings and college facilities. He is experienced in the documentation of the Design-Build Institute of America, the AIA 2007 Documents, the Associated General Contractors of America ConsensusDOCS and LEED.

As a practicing attorney Mr. Motchan has negotiated and prepared contracts in numerous areas. These include acquisition agreements, stock purchase agreements, restrictive stockholder agreements, employment and severance agreements, sales agreements, loan agreements and credit facilities, consulting agreements, construction contracts and heavy equipment purchase agreements, real estate purchase and sales agreements and lease agreements.

In labor and employment, he has negotiated labor contracts and disputes and has participated in NLRB hearings. Has tried over forty-five labor arbitrations including five discharge cases. Other labor arbitrations have included seniority, benefits, safety, layoffs, management rights, past practice and discipline. He participated in investigating and litigating multiple discrimination complaints and other EEOC matters.

Mr. Motchan has served as lead counsel for the acquisition and divestiture of several large companies. Sales have included the sale of twenty four Adam's Mark Hotels and related office buildings. As General Counsel of Zeigler Coal Holding Company he was the lead counsel for the acquisition of all mining operations and related land holdings of British Petroleum and Shell Oil Company. Has conducted due diligence in the United States, India and Australia.

He has been responsible for litigation involving thousands of cases in over thirty years. The cases have included sales contracts, construction contracts, subcontractor agreements, discrimination, personal injury, real estate including condemnation, environmental, securities, safety matters including mine safety and OSHA and labor and employment issues. He has participated in issues with federal agencies including, the EEOC, NLRB, OFCCP, MSHA, OSHA, EPA, BLM and SEC.

As a licensed real estate broker Mr. Motchan has developed eighteen parcels of real estate with individual and multi-family rental buildings. He has also held the position of Director of Real Estate for Arch Coal, Inc. with millions of acres of land holdings of fee and leased surface, mineral and oil and gas property in multiple states. He has also set a landmark Missouri real estate case that held that a landlord who lacks possession is entitled to sue for trespass [*Motchan v. STL Cablevision, Inc.*, 796 S.W2d 896 (Mo. App. 1990)].

Mr. Motchan was also a member of the U.S. Army Reserves and retired as a Lt. Colonel from the Judge Advocate General's Corps. He currently serves as an Ombudsman for the Employer Support of the Guard and Reserve.

### **Alternative Dispute Resolution Experience**

Mr. Motchan has participated in numerous arbitrations and mediations in construction, contract disputes and EEOC charges and labor matters. The construction disputes included delay claims, change orders, inefficiency claims, concealed conditions, lien rights, subcontractor claims, termination issues, surety disputes and general contract interpretation matters.

American Arbitration Association Construction Panel Member  
American Arbitration Association Commercial Panel Member  
Construction Dispute Resolution Services Panel Member  
American Arbitration Association Labor Panel Member  
Federal Mediation and Conciliation Service Panel Member  
Qualified Missouri Supreme Court Rule 17 and 88 Mediator  
ADR Panel Mediator for the US District Court

### **Professional Licenses**

Admitted to the Bar: Missouri; Illinois. Real Estate Broker, Missouri.

### **Professional Associations**

Missouri Bar Association; Illinois Bar Association; Association of Attorney-Mediators; Association of Missouri Mediators; The Bar Association of Metropolitan St. Louis; American Society of Safety Engineers; Gateway Society of Hazardous Materials Managers.

### **Education**

Washington University, St. Louis, Missouri (B.S. Electrical Engineering-1971; J.D.-1974; LL.M. Taxation-1978).