

## Eric H. Biesecker

### MEMBER, CONSTRUCTION PRACTICE GROUP LEADER

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### Practices

Eminent Domain and Condemnation

Construction Services for Design Professionals

Construction Services for Subcontractors and Suppliers

Construction Services for General Contractors

Construction Services for Insurers and Sureties

Construction Services for Owners

Construction Law

Business & Commercial Disputes

Corporate Law

Litigation

Real Estate Law

Real Estate Title Claims

### Industries

Construction

Real Estate

Eric hates to lose, so he always gives 100% to help his clients succeed. He enjoys developing sophisticated strategies in complex litigation and resolving routine matters effectively. Eric seeks negotiated solutions when they are available and loves a good fight when they are not. He understands his clients depend on great service: timely, cost-effective representation that begins with listening and understanding his clients' view of the world.

Eric is the Practice Group Leader for Nexsen Pruet's construction practice group. He represents a variety of clients in the construction industry, including owners, contractors, subcontractors, and suppliers. He has handled hundreds of lien and bond claims, defect and delay disputes, delay and disruption controversies, bidding challenges, product defects, and scope-of-work conflicts.

His eminent domain/condemnation practice includes assisting landowners (individuals and businesses) against condemning authorities in eminent domain matters involving total or partial land takings for new highways, new schools, gas and power line easements, and other public purposes.

Eric also represents manufacturers, distributors, lenders, developers, shopping centers, convenience stores, REITs, and others in real estate disputes (including troubled developments, eminent domain, commercial landlord-tenant, land use litigation) and other types of commercial litigation.

## Education

- University of North Carolina, J.D., 1996
- Wake Forest University, B.A., 1993

## Admissions

- North Carolina
- U.S. District Court for the Middle District of North Carolina
- U.S. District Court for the Western District of North Carolina
- U.S. District Court for the Eastern District of North Carolina

## Experience

- Simultaneously filed eight lien and bond claims in three states for a construction material supplier client whose customer was failing. Collected over \$600,000 in 3 months.
- Successfully represented a convenience store owner in obtaining over \$575,000 in additional compensation from public condemnor on the eve of trial.
- Represented design-builder in construction defect and design litigation that the owner voluntarily dismissed after more than two years of litigation and two lawsuits. The contractor paid no money to the owner.
- Successfully defended a bank client in a lender liability action. Won dismissal of the plaintiffs' claims and a \$5,000,000+ judgment on the bank's counterclaims.
- Led national contractor's defense of over 30 claims arising out of an apartment building fire.
- C. Terry Hunt Industries, Inc. v. Klausner Lumber Two, LLC, 803 S.E.2d 679 (N.C. App., August 15, 2017)
- APAC-Atlantic, Inc. v. City of Salisbury, 210 N.C. App. 668, 709 S.E.2d 390 (2011)
- Wachovia Bank Nat. Ass'n v. Superior Const. Corp., 718 S.E.2d 160 (N.C. App. 2011), review denied, 365 N.C. 367, 719 S.E.2d 41 (2011)
- Insteel Wire Products Co. v. Dywidag Sys. Int'l USA, 2010 WL 2471912 (M.D.N.C. 2010)
- Insteel Wire Products Co. v. Dywidag Sys. Int'l USA, 2009 WL 2253198 (M.D.N.C. 2009)
- Jonesboro United Methodist Church v. J.H. Batten, Inc., 359 N.C. 593, 614 S.E.2d 268 (2005)
- J.H. Batten, Inc. v. Jonesboro United Methodist Church, 158 N.C. App. 542 (June 17, 2003), aff'd, 585 S.E.2d 756 (N.C. Supreme Court, August 25, 2003)

## Recognitions

- Recognized by *Chambers USA*, Construction, North Carolina 2019, 2020, 2021
- Listed in *Best Lawyers in America* for Construction Law, Every Year Since 2013

- Named among North Carolina's "Legal Elite" by *Business North Carolina* magazine (2008, 2009, 2012, 2014-2019, 2021,2022)
- North Carolina Super Lawyers®, 2018 - 2020, 2022 and "Rising Star" in 2010
- Martindale-Hubbell AV Peer Rated for Highest Level of Professional Excellence

## Community & Professional

- Chapter Counsel, Triad Chapter of the American Subcontractors' Association of the Carolinas.
- 2012-13 Chairman, Attorneys' Council of American Subcontractors' Association
- Associated General Contractors, Suppliers Council
- Associated Builders and Contractors, Government Affairs Committee
- Legal Counsel to the Board of Directors, Sherwood Swim & Racquet Club
- Director, Sherwood Swim & Racquet Club
- Annual Fund Committee, Caldwell Academy
- Past Chair, Grace United Methodist Church Council
- Lunch Buddy, Guilford County Schools
  
- Nexsen Pruet Construction Law Breakfast Briefing, "AIA Contract Document Changes and North Carolina Lien Law Update," November 2017
- "7 Habits of Highly Effective Clients," SubExcel, March 17, 2017, in Denver, CO
- "Construction Contract Workshop," HalfMoon Seminars, October 24, 2017, in Chapel Hill, NC
- Contributing author, State-by-State Guide to Design and Construction Contracts and Claims (2nd Edition)
- Associated Builders and Contractors, Legislative White Papers
- Construction Breakfast Briefings, Nexsen Pruet, June 2016
- Panelist, "7 Habits of Highly Effective Clients," SubExcel, March 4, 2016 in Miami
- "Issues in Contracting With Disadvantaged Business Enterprises (DBE's)", November 11, 2015
- "2012 Mechanic's Lien and Bond Law Overhaul," October 4, 2012, October 10, 2012, October 16, 2012, October 24, 2012, October 30, 2012, November 16, 2012, January 22, 2013, April 11, 2013, April 11, 2013, May 9, 2013, June 4, 2013, and June 13, 2013, Greensboro, Raleigh, Charlotte, NC
- "North Carolina Construction Law," Half Moon Seminars, October 3, 2012, Chapel Hill, NC
- "Construction Law Alert: A Guide To North Carolina's 2012 Mechanic's Lien And Bond Law Changes," July 16, 2012
- "Contracts 101," Construction Financial Management Association, September 1, 2011, Greensboro, NC
- ASA of the Carolinas Annual Meeting - "Wachovia Bank vs. Superior Construction", Asheville, August 5th, 2011
- "Beware Interim Lien Waivers!" August 2, 2011
- 12th Annual Construction Executive Conference - "We Won't Get Fooled Again," Grandover Resort - Greensboro, October 14, 2010

- "Current Issues in Construction Law," Greensboro, June 23, 2010
- Half Moon seminar "North Carolina Construction Law," Greensboro, May 7, 2010
- "Retainage Reform in North Carolina," Summer 2007

## News

01.07.2019 | Media Reports  
Nexsen Pruet Attorneys Named 2019 Legal Elite of North Carolina

## Speaking Engagements

04.20.2021  
Webinar: Will Federal Infrastructure Funds + Construction Projects = Mandatory Unionization?

## Insights

12.06.2021 | Article  
Understanding Indemnification Clauses

06.12.2020  
Eric Biesecker Discusses COVID-19 Impact on the Construction Industry

03.17.2020  
COVID-19's Impacts on Construction Projects