



STEPHEN WICHERN, ESQ.

PARTNER

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EDUCATION

University of Denver Denver, CO
Juris Doctorate, Order of the Coif

Queen's University Kingston, ON
Bachelor of Applied Science (Civil Engineering)

LICENSES

Colorado Attorney, Bar No. 37942

EMPLOYMENT

Beltzer Bangert and Gunnell LLP Denver, CO
Partner 2019 - Current

BIOGRAPHY

A uniquely experienced construction attorney with insight into all phases of the construction process, Stephen understands his clients' needs from the inside out. After commencing his professional career as a structural engineer in Colorado, Stephen went to law school with the sole focus of practicing construction law, determined to combine his engineering background with legal expertise to advise, guide, and support construction industry leaders in completing significant infrastructure and commercial projects. Stephen gained valuable experience working in the construction group of a top-100 law firm, focusing on construction litigation but with training and experience in business litigation and transactional matters.

After seven years of supporting clients from the "outside," his desire to understand and support the construction process from the "inside" led him to an in-house counsel position with an international renewable energy company. Along with directly supporting the General Counsel on an array of issues, he specialized in transactional and operational support for the company's development and construction of utility-scale solar, wind, and battery storage projects, as well as corporate, employment, and regulatory matters.

After seven years in that role, Stephen joined the BBG Law team so he could once again represent a broader range of industry members, but this time with added perspective of valuable in-house experience. Through his steady progression of roles and responsibilities, Stephen is in the unique position of having worked professionally on two sides of multiple facets of construction: professional design and legal services, in-house and outside counsel roles, and litigation and transactional construction law expertise. Stephen's passion is to leverage this breadth of knowledge and experience to represent his clients' needs as effectively and efficiently as possible.

Prior to BBG Law, Stephen was Senior Counsel for Renewable Energy Systems Americans Inc. ("RES"), an international renewable energy company specializing in the development and construction of utility-scale solar, wind, and battery storage projects. As Senior Counsel, Stephen advised and supported the construction and operation teams through all



phases of project development and construction, including notices, completion certificates, subcontractor engagement and management, disputes, and warranty services. Stephen also held primary responsibility for drafting, negotiating and finalizing a broad range of agreements in construction, land, and corporate matters. Stephen managed outside counsel, delivered training seminars to RES's estimating, contract, construction, and business groups, and assisted and advised the General Counsel and the Board in all matters of corporate governance, including monthly Board reports and project-specific Board presentations. Stephen managed and directed paralegals responsible for maintaining state construction and engineering licenses and oversaw the development of a Record Retention Policy and other document control initiatives, including electronic document management.

Before RES, Stephen gained critical legal training and experience as a business litigation associate in the construction practice group at the Denver office of Faegre Baker Daniels, where he worked with and learned from several of the top construction attorneys in Colorado. Stephen's practice focused on dispute resolution of construction-related claims including delays, liens/verified claims, change orders, changed conditions, construction defects, and other construction-related issues. Stephen held primary responsibility for all aspects of litigation matters, including budget and strategy, written discovery and pleadings, depositions, mediation, trial/arbitration, settlement agreements, and appellate briefing. As a Licensed Professional Engineer, Stephen designed various commercial and public structures in Colorado. At a consulting engineering firm specializing in regional transportation and land development projects, including Denver's design-build TREX project, Stephen designed bridges, retaining walls and culverts, and assisted technicians in preparation of design plans and construction services. His work in the private sector focused on mid-size vertical commercial, where he designed foundations, retaining walls, floor systems and connections, provided on-site services, responded to requests for information, and addressed mid-project design changes.

Stephen holds a Bachelors of Applied Science (Civil Engineering), from Queen's University and a Juris Doctorate from University of Denver, where he graduated Order of the Coif, was awarded several American Jurisprudence awards, co-founded the Construction Law Society, and was Editor-in-Chief of the Transportation Law Journal.

SPEAKING ENGAGEMENTS

- Stephen has spoken to numerous groups of development, commercial, and construction personnel and executive on a variety of topics including mechanics' lien rights and lien waivers, contract changes and claims, force majeure, liquidated damages, consequential damages, and local content requirements.
- Faegre & Benson Construction Law Seminar. 2006 -2012.

REPRESENTATIVE MATTERS

- Lead counsel representing development, commercial, and construction teams in negotiating agreements and contract documents for dozens of renewable energy projects ranging in size from \$20 Million to \$500 Million.
- Lead counsel in supporting Project Management teams on all issues arising during the construction process, including issuing notices and pursuing claims for owner-caused delay, force majeure, and other excusable events; pursuing and resolving change orders, delays and other disputes with owners, subcontractors and suppliers; timely filing liens, and removing or discharging subcontractor liens; submitting and finalizing completion certificates; addressing safety incidents and assisting in emergency response; responding to regulatory notices and investigations; resolving labor and employment claims and issues; finalizing project close-out; and, responding to and resolving warranty claims.
- Lead counsel in negotiating and finalizing EPC and BOP agreements, turbine and solar panel supply agreements, equipment supply agreements, subcontracts, purchase orders, master service agreements, operating and maintenance agreements, LNTPs, contracts for services, consulting services agreements, NDAs and confidentiality agreements, asset purchase and membership interest purchase agreements, leases and easements (including subleases and amendments), crane leases and rental agreements, equipment rental agreements, commercial rental and lease agreements, credit applications, and standard financing agreements such as parent company guarantees,



estoppels, consents, subordination agreements, and assignments, and, in each case, a broad range of applicable exhibits.

- Lead counsel in drafting suite of customized contract documents for use by procurement and project management teams, including master subcontract agreement, project-specific task agreements, purchase orders, field contracts, and contracts for services.
- Lead counsel representing contractor in investigation and subsequent claims related to discovery of pre-existing asbestos containing materials.
- Lead in-house counsel in acquisition of a California-based transmission and distribution line contractor, including negotiating and finalizing Term Sheet and Asset Purchase Agreement, completing due diligence and consents, finalizing Schedules and Schedule Supplements, and developing and leading integration plan and company-wide integration efforts.
- Lead counsel in a wide range of human resources issues, including wrongful termination claims, drafting and negotiating non-compete agreements, updating and revising Employee Handbooks, payroll audits, and regulatory compliance. Worked with outside counsel to contest wrongful termination and discrimination charges filed by former employee; three-day arbitration hearing resulted in dismissal of all charges.
- Led discovery efforts, including depositions and written discovery, in successful prosecution of counterclaims for a national energy producer related to construction of advanced power generation facility; four-week trial culminated in client's \$70 million counterclaim damages award, a record in Colorado for that year.

