



WILLIAM J. SHEPPARD
PARTNER

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BIOGRAPHY

William J. Sheppard is a partner in the firm's Commercial Litigation and the Environmental and Construction Practices. Mr. Sheppard represents a broad range of clients in transactional and litigation matters focused primarily on construction and environmental issues. His unique mix of litigation and transactional experience enables him to provide advice to clients on a broad range of issues, including:

Environmental due diligence and assessment

Responding to demands from state and federal regulatory agencies and developing and implementing remediation alternatives

Construction and environmental permitting and entitlements

Reviewing, drafting and negotiating design, engineering and construction contracts

Reviewing, drafting and negotiating environmental agreements pertaining to property use and development

Procurement matters including bid protests and related litigation

All construction and environmental aspects of Brownfield redevelopment and mixed-use development projects

Handling construction and environmental disputes and litigation relating to all types of retail, residential, commercial, hospitality, resort, mixed-use, industrial, warehouse, Brownfield, infrastructure, utility, transportation, roadway and airport projects and facilities

PRACTICE AREAS

Environmental

Construction

Partnership

Commercial Litigation

Real Estate Development

Eminent Domain

Litigation

Banking + Financial Institutions

REPRESENTATIVE MATTERS

Carter & Carter Construction, LLC v. Weco River District, LLC – Currently represent general contractor in disputes with owner of mixed use development.

Advesco, LLC v. Galt Automotive, LLC – Represent defendants in an action based on trespass and conversion of timber.

Parkside Property Development, LLC v. Oconee County Board of Commissioners – Currently represent the owner of a large property zoned for residential development in an action against Oconee County for taking of rights associated with sewer capacity to serve the development.

ASAP Solutions v. Roz Alford – Currently represent purchaser of membership interests in closely held limited liability company in claims against seller.

Bobby Askew, et al v. Southern Pan Services Company, et al – Currently represent construction company in defense of claims asserted against employee stock ownership plan of unrelated entity.

Bank of the Ozarks v. Signature Bank of Georgia – Represented the owner of commercial property in an action involving breach of a lease for a bank branch office.

City of Atlanta v. Veolia Water North America Operating Services – Represented the City of Atlanta in litigation arising from a long-term design-build-operate contract relating to privatization of the biosolids portions of the City's four wastewater treatment facilities. In that action, both the City and the private contractor contend that the opposing party had breached the contract.

State Bank and Trust Company v. Aldridge – Represented lender in appeal of judgment entered against

guarantor of debt associated with failed real estate development.

Fulton County Board of Education v. Barton Malow – Represented the Fulton County School Board in an action against the general contractor asserting claims relating to defective construction of a new high school.

Gwinnett Community Bank v. Shiraz Ventures, LLC, et al – Represented a lender in an action seeking to recover sums owed by borrower and guarantors relating to planned development of a hospice facility.

Great Oak Pool I, LLC v. Hampton Island, et al – Represented the purchaser of notes, guaranties, and security instruments associated with the development of an exclusive golf-course and residential community on the Georgia coast. Successfully defended numerous counterclaims asserted by the borrower and guarantors, including claims asserted under the Federal Bank Holding Company Act.

Skytron, LLC v. Awarepoint Corporation – Represented manufacturer of hardware and software used in acute care hospitals to track and locate equipment and personnel in defense of claims by distributor based on breach of contract and interference with business relationships.

SolRx Global, Inc. v. SolRx, Inc., et al – Represented purchaser of assets and intellectual property of sunscreen manufacturer in action against sellers for breach of sales agreement and trademark infringement, including issues relating to overseas unauthorized manufacture of the products acquired.

A. P. Knight, L. P. v. Ahold Finance USA – Represented a commercial landlord in an action pending in the United States District Court for the District of South Carolina. In that action, a large tenant asserted claims of constructive eviction based on the alleged presence of mold contamination in the premises. During the trial, the court found that the testimony of the tenant's proffered experts was inadmissible. The court entered judgment in favor of the landlord.

Strong Environmental Inc. v. Gulf Underwriters – Represented the insured, a waste broker, in this coverage dispute arising from a contractor's pollution liability policy. The action was pending in the United States District Court for the Northern District of Georgia. The insured sought defense and indemnification in connection with claims resulting from its alleged status as a PRP on an EPA CERCLA site. The resolution of this matter is confidential.

Shadburn, et al v. Trammell Crow Residential, et al – Represented the manager of an apartment complex in defense of claims for personal injury and property damage allegedly arising from exposure to toxic levels of mold spores. The action was pending in the United States District Court for the Northern District of Georgia. The Court granted summary judgment in favor of the defendants.

Charter Construction Management Company v. Eberhart Industries, Inc., et al – Represented the claimant, a general contractor, in this action to collect the unpaid contract balance on a \$15 million apartment complex in middle Georgia. The action was pursued in accordance with the arbitration provision contained in the contract. Award in favor of the claimant.

Smart Growth Forsyth County v. Carol Couch, Director of EPD – Represented a commercial landowner in this appeal of a stream buffer variance. The appeal was filed in the Georgia Office of State Administrative Hearings. The variance was upheld after a 5-day bench trial.

Busch, et al v. Carol Couch, Director of EPD – Represented the holder of a surface water withdrawal permit in this administrative appeal in the Office of State Administrative hearings. The appeal was denied on directed verdict at the close of the appellants' case.

PROFESSIONAL ORGANIZATIONS/ACTIVITIES

State Bar of Georgia (Member, Sections on: Corporate and Banking Law; Environmental Law, Real Property Law, Construction Law)

Phi Kappa Phi

Member, Moot Court Board

Member, Mercer Law Review

Listed as a top lawyer in Environment, 2009, Chambers USA: America's Leading Lawyers for Business

PRESENTATIONS + PUBLICATIONS

Author: Annual Survey, "Real Property," Mercer Law Review, 1994-1996

EDUCATION

Emory University (B.A., 1986)

Walter F. George School of Law, Mercer University (J.D., *cum laude*, 1992)

ADMITTED

Georgia, 1992

RECENT TRANSACTIONS

Represented developer of in-town infill project in acquisition and redevelopment of historic property.

Represented company seeking to acquire an industrial facility on the Georgia Hazardous Site Inventory, including negotiations with local governments and Georgia EPD regarding acceptance in the Georgia Brownfield Program.

Represented general contractor in the negotiations for several multi-family residential construction projects in Georgia and South Carolina with contract prices ranging from \$29 million to \$41 million.

Represented owner of industrial property in opposing rezoning of adjacent property to a residential use.

Represented ready-mix cement manufacturer in the acquisition and development of several new manufacturing sites.

Represented investor group in redevelopment of an historic property located in San Antonio.

Represented acquirer of former multi-building condominium project in negotiating renovation contracts for conversion to for-rent multi-family use.

Represented acquirer of industrial facility listed on Georgia Hazardous Site Inventory in due diligence and Brownfield application.

Represented general contractor in negotiation of contract to construct project with national student housing developer.

Represented seller of commercial facility impacted with hazardous materials, including providing advice in the investigation and remediation of contaminants, communications with regulating authorities, and marketing and sale of the property.

Represented foreclosing lender in investigation and remediation of abandoned chemicals and equipment at REO property.

Represented acquirer of operating automobile dealership facility in investigation and response to prior contamination and Brownfield application.

Represented mezzanine lender in closing of loan on project involving the acquisition and development of a mixed use project, including student housing, commercial and retail.

Represented the acquirer of an automobile dealership and associated realty from the manufacturer, including coordinating the investigation of the existing environmental conditions at the property and negotiations of indemnification agreement with seller.

Represented a long-term acute care hospital company in negotiation of its construction agreements for construction of stand-alone and hospital-in-hospital facilities.

Represented the developer in the negotiation of the suite of contracts needed for the demolition and redevelopment of a mixed use project in the Baltimore, Maryland area.

Represented the general contractor on a public project re-development in negotiating the contract for construction.

ADMINISTRATIVE/LEGAL ASSISTANT CONTACT

Name: Connie Bush

Title: Legal Assistant

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