



Michael X. McBride

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Michael X. McBride is the Managing Partner of Connell Foley.

Mr. McBride maintains an extensive practice representing owners, developers, contractors and vendors in all aspects of the real estate development and construction business. Among his more notable projects are the large scale development of data centers, industrial tract and office developments, residential apartment and condominium projects and shopping center developments.

Mr. McBride's construction projects include the resolution of various disputes by way of negotiation, trial or arbitration on casino projects in Atlantic City (Tropicana and the Borgata); office buildings in Newark (Gateway 3 and 4); and Chicago (Prudential Centers 1 and 2); power plants in India and China; a \$250 million polypropylene plant in Linden, New Jersey; Dow Jones' headquarters in Princeton, New Jersey; large residential and redevelopment projects along the Hudson River and in Queens and Brooklyn for Toll Brothers; and a large shopping center development in the Rockefeller Economic Trade Zone in Mount Olive, New Jersey. Mr. McBride has recently resolved a complicated dispute for Foster Wheeler regarding a termination for convenience on a large power plant project in Louisiana.

Mr. McBride has spoken at the Annual Construction Superconference in San Francisco, California and to various trade groups. In 2009-2011, Mr. McBride spoke at the NJBIA Annual Public Policy Forum with political and industry leaders on economic and political issues confronting New Jersey. He has spoken to the American Institute of Certified Public Accountants on financial issues confronting the construction industry.

Mr. McBride represents a private equity fund which purchases, develops, leases and sells large industrial tracts in the Northeast, Southeast and Midwest. Mr. McBride recently represented a family in connection with the sale of 37 buildings in Clark, New Jersey to one of New York City's largest developers. In addition, Mr. McBride successfully negotiated the merger of McBride Enterprises, Hudson Bay, a private real estate fund capitalized by Crescent Real Estate Equities (a REIT trading on the NYSE) and Penn Square Properties, Inc. into an entity called Keystone Property Trust, a REIT trading on the NYSE which was sold to Prologis.

Judicial Decisions

- Vollers Excavating & Construction, Inc. v. AIG Baker Mount Olive, LLC, et al., Docket No.: MRS-L-2203-02 (Law Div., dated September 2, 2010) (bench opinion dismissing contractor's claim for fraud on account of owner's failure to procure builder's risk insurance.)
- Vollers Excavating & Construction, Inc. v. AIG Baker Mount Olive, LLC, et al., Docket No.: MRS-L-2203-02 (Law Div., dated July 16, 2010) (bench opinion dismissing contractor's fraud claim and contract defenses re: alleged failure of developer to disclose groundwater and soil conditions.)

Practice Areas:

Construction Law

Real Estate and Land Use Law

Admitted to Practice:

State of New Jersey

State of New York

United States Supreme Court

United States Court of Appeals for the Third Circuit

United States District Court for the District of New Jersey

United States District Court for the Eastern District of New York

United States District Court for the Southern District of New York

Education:

Stanford University (B.A., Economics, *cum laude*, 1975)

Georgetown University (J.D., Honors, 1978)

Clerkships:

Law Clerk Honorable H.C. Meanor, United States District Judge, District of New Jersey (1978-1979)

Affiliations:

American Bar Association

New Jersey State Bar Association

New York Bar Association

Fellows of the American Bar Foundation (2011-present)

Boards:

Atlantic Legal Foundation (2010-present)

Commerce & Industry Association of New Jersey (2011-present)

Georgetown University, Board of Regents (2004-present)

Delbarton School, Trustee (2003-2009)

Covenant House New Jersey, Chairman (1991-2002); Trustee (1991-present)

McBride Enterprises, Inc.

The Frank McBride Company Inc.

- Vollers Excavating & Construction, Inc. v. AIG Baker Mount Olive, LLC, et al., Docket No.: MRS-L-2203-02 (Law Div., dated July 16, 2010)(bench opinion upholding developer's claim under the Consumer Fraud Act against contractor for substitution of inferior materials.)
- In re Aetna UCR Litigation, MDL No. 2020, 2010 U.S. Dist. Lexis 98885 (D.N.J. 2010) (re: remand on a MDL matter)
- In re Aetna UCR Litigation, MDL No. 2020, 2009 U.S. Dist. Lexis 66853 (D.N.J. 2009)
- DeVito v. Aetna, Inc., Civ. No. 07-0418 4SH); 536 F. Supp.2d 523 (D.N.J. 2008)
- Dow Jones v. Irwin & Leighton, Civ. No. 90-0010 (3d Cir. 1991) (affirming lower's courts ruling for successor liability of defendant contractor)
- In The Matter of the Challenges by Chubb Colonial Life Insurance Company of America v. IHC Board, Docket No. A-2911-06T3 (App. Div. 2009)
- In The Matter of the Challenge by Guardian Life Insurance Company of America v. IHC Board, Docket No. A-3635-06T3 (App. Div. 2009)
- Kvaerner Process, Inc. v. Barham-McBride Joint Venture, 368 N.J. Super 190 (App. Div. 2004)
- Lauchheimer v. Gulf Oil, 6 F.Supp.3d 339 (D.N.J. 1998)
- Bank Polska Kasa Opieki v. Pamrapo Savings, 909 F.Supp. 948 (D.N.J. 1995)

Professional Activities

- Fellow, American Bar Foundation
- Trustee, Atlantic Legal Foundation
- Recognized as a Super Lawyer in the area of Construction/Surety Law in 2005-2011 by Super Lawyers Magazine
- AV® rated by Martindale-Hubbell
- Speaker, "When to Call in the Calvary: The Construction Accountant and The Construction Lawyer," American Institute of Certified Public Accountants (AICPA) National Construction Industry Conference, Las Vegas, Nevada (December 2011)
- Speaker, "How Contractors Can Protect Themselves from The Financial Deterioration of Subcontractors or General Contractors/Construction Managers," American Institute of Certified Public Accountants (AICPA) National Construction Industry Conference, Phoenix, AZ (December 2010)
- Speaker, "Economic Outlook," New Jersey Business & Industry Association (NJBIA) Public Policy Forum, Woodbridge, NJ (December 2009, 2010 and 2011)
- Speaker, Annual Construction Superconference, San Francisco, CA (2005 and 2006)

Publications

- Author, How the Use of Building Information Modeling is Changing the Dynamics of Liability Among Contractors, Architects, Engineers and Universities, published in Construction Executive Magazine, Executive Insights (April 2011)
- Author, Protect Businesses from Insurance Issues when Construction Defects Arise, published in *Construction EXECUTIVE* magazine, Executive Insights (April 2010)
- Author, Buying, Selling, or Merging of a Construction Company, published in *Construction EXECUTIVE* magazine, Executive Insights (February 2010)
- Co-Author, A View from the Federal Bench: Perspectives on Construction Disputes in the Year 2006 and a Review of Recent Trends and the New Rules That Will Impact Construction Disputes in the Federal Courts, presented at the Construction Superconference held in San Francisco, California (December 2006)
- Co-Author, The Agency CM and Public Projects: The Agency CM Is "At-Risk," presented at the Construction Superconference held in San Francisco, California (December 2005)