

Scott D. Cessar

CHIEF EXECUTIVE OFFICER
EXECUTIVE COMMITTEE
BOARD OF DIRECTORS

Scott Cessar serves as Chief Executive Officer of Eckert Seamans. He has spent his entire +38-year career at Eckert Seamans and previously served for over 15 years as both head of the Pittsburgh office of the Firm and as head of its Construction and Alternate Dispute Resolution Group.

Scott maintains an active litigation and counseling practice representing several publicly traded companies, and numerous privately held companies, in litigation across the country. In the last several years, he has represented clients in matters in over 14 states, including in a 40 day trial in Corpus Christi, Texas and arguing before the Pennsylvania Supreme Court.

Scott also works with clients in developing creative contract delivery systems intended to mitigate risk and maximize success, in resolving arising problems with unique solutions and, if needed, expeditiously and cost effectively advocating for clients in all types of dispute forums, including mediation, arbitration, and the courts.

Scott's practice has a strong emphasis on the construction industry. He handles all types of construction related issues on behalf of owners, contractors, and equipment suppliers, ranging from delay, impact, loss of productivity, defective work, and differing site conditions to architectural and engineering omissions, bid and procurement challenges, and overcharges. He also works with a wide range of construction project delivery systems such as design build, EPC, fast track, turnkey, joint venture, and teaming arrangements. As a result of his experience in counseling on United States Army Corps of Engineers' projects and with other federal contractors, Scott is especially knowledgeable in the Federal Acquisition Regulations (FARs). Through his work on international projects, he is also well-versed in International Federation of Consulting Engineers (FIDIC) contract documents.

Another prominent aspect of Scott's practice is complex commercial matters in a variety of sectors, including commercial banking, cryptocurrency, metals, franchising, and real estate.

Scott has tried numerous cases to award in arbitration or verdict in court. As a result, he has a distinctive perspective in representing clients and knowing what works, and his contemporaries regularly call upon him to serve as an arbitrator and as a mediator to help resolve significant disputes.

PITTSBURGH, PENNSYLVANIA

600 Grant St.
44th Floor
Pittsburgh, PA 15219

P: 412.566.2581

F: 412.566.6099

scessar@eckertseamans.com

PRACTICE AREAS:

Alternate Dispute Resolution

Construction

Litigation

Infrastructure and Transportation

Data Centers

STATE ADMISSIONS:

Pennsylvania

West Virginia

COURT ADMISSIONS:

U.S. District Court for the Western District of Pennsylvania

U.S. District Court for the Southern District of West Virginia

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

Supreme Court of the United States

EDUCATION:

J.D., University of Notre Dame Law School, 1987; Moot Trial Team, Barrett Award for Excellence in Trial Advocacy

B.A., cum laude, Dickinson College, 1984

REPRESENTATIVE MATTERS

- Representation of an equipment supplier in a 40 day bench trial in Texas state court in a dispute involving municipal wastewater treatment plant owner, contractor, engineer and supplier-client resulting in a complete defense verdict for supplier-client where its potential liability was in excess of $20 million.
- Representation of an international foundations contractor in negotiations in Iraq and in Jordan with the Iraqi government for the multi-billion dollar repair of the Mosul Dam.
- Representation of owner in 17-day arbitration involving multi-million dollar claims, including defective work, overcharge, overpayment and copyright claims, arising out of a design-build contract for the construction of a $22 million project.
- Representation of scaffold supplier in a five day jury trial involving a fatality and resulting in a defense verdict and subsequent recovery of fees and costs from co-defendant under indemnity clause.
- Representation of oil and gas subcontractor in prosecution of mechanic's lien and oil and gas lien claims, involving successful defense of appeal to the Wyoming Supreme Court, resulting in recovery, with interest, of over $6.5 million for subcontractor on original lien claims of $4.8 million.
- Representation of equipment supplier in successfully making new law in Michigan on damages in construction cases and in subsequent five day arbitration resulting in $1.889 million award to client.
- Representation of subcontractor in successful trial of pass-thru claim before the United States Board of Civilian Contract Appeals resulting in award of $1.2 million, including recovery of 100% on its +$900,000 loss of productivity claim.
- Representation of major financial institution in obtaining summary judgment dismissal of all claims against it in a case that subsequently resulted in a $32 million judgment against remaining defendant.
- Representation of an equipment supplier in obtaining a dismissal of a claim in excess of $3 million based on the statute of limitations.
- Representation of surety in convincing federal court in West Virginia to predict that state's highest court would allow cause of actions in tort by a surety against a consulting engineer for certifying overpayments to defaulted contractor on a water project bonded by surety.
- Represented pipeline owner in very successful defense of a $106 million claim by contractor in one of the largest construction cases ever brought in state court in Pittsburgh, Pennsylvania.
- Representation of general contractor in successful defense of $6 million subcontractor claim in five-day arbitration arising from construction of 155 MW solar farm in Alabama.
- Represented contractor in successful resolution of $40 million request for equitable adjustment to U.S. Army Corps of Engineers.
- Representation of national alarm services provider in obtaining pretrial dismissal of over $100 million in claims arising out of one

of the largest fires in Pennsylvania history.

- Representation of major league baseball team, the Florida Marlins, in two four-day arbitrations involving issues of compensation to displaced minor league franchises in south Florida arising out of the taking of their territories.
- Representation of environmental controls manufacturer in successful defense of injunction request and claim for damages by terminated distributor that sought to establish franchisor-franchisee relationship.
- Representation of turbine supplier in design and negotiation of water-to-wire contract package with general contractor and owner for construction of hydroelectric power plant.
- Representation of Eastern European interests in the purchase out of bankruptcy of continuous caster, related equipment and 400 acre steel mill site.
- Representation of gantry crane supplier in recovery of over $900,000 in assessed liquidated damages.
- Representation of steel mill owner and agent in obtaining successful dismissal of over $6 million in claims arising out of wrongful scrapping of reheat furnaces owned by third party.
- Representation of metal alloys producer in successful resolution of multi-million dollar claims arising from sale of allegedly contaminated metal which was subsequently used to make jet engine parts.
- Representation of dismantling contractor in two thirty-day arbitrations and one seven-day jury trial against steel producer involving dismantling contracts at various facilities across the country.
- Representation of a mobile lithotripter service in a four-day arbitration against an ambulatory care center in a dispute involving a “take or pay” contract resulting in a $1.88 million award to the service.

PROFESSIONAL AFFILIATIONS

- Member of the Pennsylvania State Bar Association
- Member of the Allegheny County Bar Association; Chair of the Managing Partners Committee
- Construction Law Section of the Allegheny County Bar Association, Past Chair
- Panel of Arbitrators of the American Arbitration Association
- Panel of Mediators of the American Arbitration Association

COMMUNITY INVOLVEMENT

- In 2005, Scott was centrally involved in the creation of the Lupus Center of Excellence for medical treatment of lupus patients and research into a cure for lupus at one of Pittsburgh’s major hospitals. That same year, he organized the Foundation for the Lupus Center of Excellence. In 2018, he was involved in the creation of the Autoimmunity Institute as part of the Allegheny Health Network System. The Institute contains Centers of

Excellence for Lupus, Rheumatoid Arthritis, Celiac Disease and Inflammatory Bowel Disease. The Institute treats patients with all forms of auto-immune diseases and also conducts cutting edge medical research towards a cure for such diseases. The Institute is the first of its kind in the world. Scott served for many years as the President of the Foundation for the Autoimmunity Institute.

- Member of the Pine Township Zoning Hearing Board since 2002 and Chair since 2015.

AWARDS AND RECOGNITION

- Selected for inclusion in The Best Lawyers in America as the "Lawyer of the Year" in Pittsburgh for Litigation – Construction in 2015, 2017, 2021, 2023, 2025 and 2027
- Recognized by Thomson Reuters as a Stand-out Lawyer for 2025 and 2026
- Selected for inclusion in The Best Lawyers in America in the area of Construction Law since 2010
- Named a Leading Lawyer in the area of Construction (including Construction Litigation) in The Legal 500 United States 2024 & 2025 editions (1 of 20 named across the United States)
- Selected for inclusion in Chambers USA America's Leading Lawyers for Construction since 2014
- Selected for inclusion in Pennsylvania Super Lawyers in the area of Construction Law since 2005
- Selected for inclusion as one of the "Top 50 Lawyers in Pittsburgh" by Super Lawyers magazine
- AV® Preeminent™ rating from Martindale-Hubbell

NEWS AND INSIGHTS

PUBLICATIONS

- "Extending the discovery rule for defects by contract," Eckert Seamans' Construction Law Update, Spring 2024.
- "Practice pointer: Vouching in the surety," Eckert Seamans' Construction Law Update, Fall 2023.
- "Covenant of Good Faith and Fair Dealing Applied to Pass-Through Agreements," Construction Executive Magazine, May 30, 2023.
- "How not to prove a delay claim," Eckert Seamans' Construction Law Update, Spring 2023.
- "Covenant of good faith and fair dealing applied to pass-through agreements," Eckert Seamans' Construction Law Update, Fall 2022.
- "Ten helpful construction law tips/reminders of legal significance," Eckert Seamans' Construction Law Update, Summer 2022.
- "Contract Provisions to Discourage Inflated Claims on Private Construction Projects," Breaking Ground Magazine, May/June 2022.
- "Contract provisions to discourage inflated claims on private

construction projects," Eckert Seamans' Construction Law Update, Fall 2021.

- "Important Guidance on Critical Changes to the Interpretation and Application of the Pennsylvania Steel Products Procurement Act," Eckert Seamans' Construction Law Update, September 24, 2021.
- "Tips for Owners in Negotiation Contracts with Architects," Breaking Ground Magazine, May/June 2021.
- "Delay claim avoidance and mitigation for equipment suppliers," Eckert Seamans' Construction Law Update, Fall 2020.
- "6 Takeaways from the Online Dispute Mediation Experience: How the pandemic has changed construction litigation & what it will look like in the future," Construction Business Owner, October 2020.
- "Mediating disputes online via video platform: The future has arrived," Eckert Seamans' Construction Law Update, Summer 2020. Also published in the Allegheny County Bar Association's Lawyers Journal, October 2020.
- "The Expansion of Potential Liability of Construction Managers and Consultants," Eckert Seamans' Construction Law Update, Winter 2019.
- "Construction Law Update," Breaking Ground Magazine, Sept/Oct 2019.
- "The Expansion of Potential Liability of Construction Managers and Consultants," Construction Executive Magazine, October 10, 2019.
- "How to Prepare Dispute Resolution Clauses with Your Company's Best Interests in Mind," Construction Business Owner, August 2019.
- "Pay If Paid Clauses and the Prevention Doctrine," Construction Executive , July 2019.
- "Dispute resolution clauses: Do some A/Es put their interests over their client's interests?" Eckert Seamans' Construction Law Update, Spring 2019.
- "The Availability of Contractual Defenses to Sureties in Miller Act Payment Bond Claims," Construction Executive Magazine, October 4, 2018.
- "Pay if paid clauses and the prevention doctrine," Eckert Seamans' Construction Law Update, Fall 2018.
- "Dispute Resolution of Performance Bond Claims," Construction Executive Magazine, August 2018.
- "The availability of contractual defenses to sureties in Miller Act payment bond claims," Eckert Seamans' Construction Law Update, Spring 2018.
- "Claim Waivers: A Must Read for All Contractors Involved With Payment Applications or Change Orders," Construction Executive Magazine, April 2018.
- "Claim Waivers: A must-read article for all contractor personnel involved with payment applications or change orders," Eckert Seamans' Construction Law Update, Fall 2017.
- "Avoid Disputes From Incorporation by Reference Clauses in Surety Bonds," Construction Executive Magazine's Managing

Your Business newsletter, October 2017.

- "Fifty State Survey of Prompt Payment Acts for Construction Contracts," Eckert Seamans' Construction Legal Update May 2017.
- "Incorporation by reference clauses in surety bonds: A sometimes problematic interaction," Eckert Seamans' Construction Law Update, Spring 2017.
- "Tips for owners in negotiating contracts with architects," Eckert Seamans' Construction Law Update, Fall 2016.
- "Implied warranties as to the plans and specs on a CM at-Risk project," Breaking Ground Magazine, July/August 2016 and Eckert Seamans' Construction Law Update, Spring 2016.
- "Negotiate Purchase Orders to Avoid Legal Disputes," Construction Executive Magazine's Managing Your Business newsletter, March 2016.
- "Purchase Orders and the 'Battle of the Forms,'" Eckert Seamans' Construction Law Update, Fall 2015.
- "The active interference exception to no damage for delay clauses," Eckert Seamans' Construction Law Update, Spring 2015.
- "The Perils of Voir Dire," The Pennsylvania Lawyer, January/February 2015.
- "Good faith and fair dealing upheld in federal construction contracts," Eckert Seamans' Construction Law Update, Fall 2014.
- "Pennsylvania Supreme Court Limits Who May File a Mechanics' Lien," Mid-Atlantic Real Estate Journal, May 2014.
- "Variance and equitable adjustment contractual clause does not insulate the government from liability for negligent estimates," Eckert Seamans' Construction Law Update, Spring 2014.
- "Good faith and fair dealing in federal procurement contracts: Which way will it go?" Eckert Seamans' Construction Law Update, Fall 2013; Eckert Seamans' Legal Update, March 2014.
- "Demand for Claim Waiver in Exchange for Final Payment," Lawyers Journal, September 2013
- "Controlling Electronic Discovery Costs: Cutting 'Big Data' Down to Size," co-author, Breaking Ground Magazine, March/April 2013.
- "Damages, Remedies, and Alternative Dispute Resolution Under Pennsylvania Law," co-author of book chapter, Pennsylvania Construction Law: Project Delivery Methods, Execution, and Completion, published by The Pennsylvania Bar Institute, January 2013.
- "Lawsuits arising from claim letters to the surety — A heavy burden to meet," Eckert Seamans' Construction Law Update, Fall 2012.
- "A primer on statutes of limitations, statutes of repose and limitations of actions," Eckert Seamans' Construction Law Update, Fall 2012.
- "Notice requirements for construction claims: How to avoid sleepless nights," Eckert Seamans' Construction Law Update, Spring 2012.
- "Originality is key in copyright infringement," co-author, Eckert

Seamans' Construction Law Update, Spring 2012.

- "Overview of indemnity clauses," Eckert Seamans' Construction Law Update, Fall 2011.
- "The Use of Pre-Project Agreements: "The Ties that Bind," or Perhaps Do Not," The Real Estate Finance Journal, Vol, 27, Fall 2011.
- "Payment bond pitfalls," "The life of a Performance Bond – perhaps longer than you think," Eckert Seamans' Construction Law Update, Fall 2010.
- "The tension between the venue selection provisions of state Prompt Payment Acts and the Federal Arbitration Act," Eckert Seamans' Construction Law Update, Fall 2010.
- "Termination for convenience clauses: An inconvenient truth," Breaking Ground Magazine, July 2010.
- "Comparing key contract terms in American as opposed to European form construction contracts," Eckert Seamans' Construction Law Update, Fall 2009.
- "Avoiding Disputes Over Price Fluctuations," co-author, Legal Intelligencer, August 2009.
- "A Saner Approach to Price Fluctuations," Breaking Ground Magazine, January 2009.
- "Design specifications, performance specifications and the significance of the 'approved equal'" Eckert Seamans' Construction Law Update, Fall 2008.
- "Practice Pointers on Construction Bonds," co-author, Construction Law Magazine, August 2008.
- "Design and Performance Specifications and the 'Approved Equal'," Construction Executive Magazine, July 2008.
- "Construction Bonds: Common mistakes and misconceptions," Eckert Seamans' Construction Law Update, Winter 2008.
- "A Primer on Alternative Dispute Resolution," GC Mid Atlantic, July 2007.
- "A Primer on the Basics of Construction Law," a chapter appearing in Legal Strategies for the Construction Industry, Aspatore Books, 2006.

SPEAKING ENGAGEMENTS

- "Practice Before the Pennsylvania Superior Court" co-presented with The Hon. Judith Ference Olson at Eckert Seamans' 2026 Joel Lennen Legal Primer, August 6, 2026.
- "Update on Practice before the Allegheny County Commerce and Complex Litigation Center," co-presented with the Hon. Mary C. McGinley, at Eckert Seamans' 2025 Joel Lennen Legal Primer, August 14, 2025.
- "Ethics and Alternative Dispute Resolution," co-presented at Eckert Seamans' 2024 Joel Lennen Legal Primer, August 7, 2024.
- "Ethical Issues in Construction Contracting and in Alternative Dispute Resolution," co-presenter for the Allegheny County Bar Association's Construction Law Section CLE program, April 2023.
- "Point of View: Project Issues from Perspective of Owner, Contractor and Subcontractor," panel member, Allegheny County Bar Association Construction Law Section CLE program,

December 2020.

- "Issues Facing the Construction Industry: The Legal World and the Real World," panel member, Allegheny County Bar Association Construction Law Section CLE program, January 2020.
- "Tips for Trying Construction Cases in Arbitration and in Court," presenter, Allegheny County Bar Association CLE, December 2018.
- "Damages, Remedies, Disputes, Avoidance & ADR," co-presenter, PBI Construction Law CLE, October 2016.
- "Ethics of a Construction Claim," presenter, Allegheny County Bar Association CLE, December 2013.
- "Construction Law: Damages, Remedies and ADR in Pennsylvania," Pennsylvania Bar Institute CLE, June 2013.
- "Insights into Construction Arbitration Preparation and Presentation," co-presenter, Allegheny County Bar Association, 2013.
- "Differences between the EJCD, AIA and Consensus Docs as to Damages," ABA Forum on the Construction Industry CLE, 2012.
- "Alternative Dispute Resolution," co-presenter, Eckert Seamans' CLE, August 2011.
- "A Comparison of the FIDIC Terms and the AIA Terms," ACBA CLE, 2009.
- "Cost Escalation Clauses in Construction Contracts," co-presenter, ACBA CLE, 2009.
- "A Primer on Copyright Law for Construction Professionals," co-presenter, ACBA CLE, 2007.
- "Training for Construction Arbitrators," co-presenter, ACBA, 2007.
- "Third Party Claims against Design Professionals in the Wake of *Bilt-Rite*," ACBA CLE, 2006.
- "Third-Party Claims Against Construction Professionals: Where We Were, Where We Are, Where Others Are, and What is Going On in the Wake of *Bilt Rite Contractors, Inc. v. The Architectural Studio*," CLE, April 2006.