

## Wayne K. Maiorano

ATTORNEY

Co-Chair, Real Estate Development

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### OVERVIEW

Wayne Maiorano is a Partner at Smith Anderson in Raleigh and co-leads the firm's Real Estate Development practice group. His practice focuses on construction, real estate development and land use and zoning. In *Chambers USA*, Wayne is praised for the way he “consistently delivers top-tier client service and legal advice that is practical and informed by a deep understanding of business needs.” Sources also note that Wayne “exceeds expectations with responsiveness, insight and judgment.”

Wayne advises clients on all aspects of the construction process on commercial, industrial, utility and residential projects, including contract drafting, project management and closeout, payment disputes, surety bond and insurance claims and coverage issues, and design and construction defect claims. He routinely represents parties in the construction and development industry, including corporate owners, developers, contractors, sureties and lenders.

Within the land use and zoning area, Wayne represents national and regional developers and land owners before governing authorities, agencies, boards and commissions throughout North Carolina. He advises clients on all facets of land use, including rezoning cases and obtaining development approvals.

### EXPERIENCE

- Represented Fortune 250 company in negotiations and preparation of engineering, procurement and construction (EPC) agreements for the construction of numerous solar facilities, totaling approximately 215 megawatts of capacity and \$350 million in capital investment.
- Represented international biotechnology corporation on engineering, procurement, and construction management (EPCM) agreement and all construction and procurement related agreements for the planned construction of a chemical manufacturing facility estimated at approximately \$600 million.
- Represented international biotechnology corporation in negotiations and preparation of engineering, procurement, and construction management (EPCM) agreement and all construction and procurement related agreements for the construction of three chemical facilities valued at approximately \$130 million, \$50 million and \$40 million, respectively .
- Represented manufacturer and distributor of specialty pharmaceutical products in negotiations and preparation of design and construction contracts for the construction of an approximately \$80 million manufacturing facility.

- Represented pharmaceutical manufacturer in negotiations and preparation of design and construction contracts for the construction of an approximately \$30 million manufacturing facility.
- Represented international corporation on construction agreement for an approximate \$40 million renovation of its Americas headquarters.
- Represented national contractor in multi-million-dollar, multi-party litigation involving the developer, lenders and subcontractors arising out of the construction of six hotels in four states, which resulted in a favorable settlement for contractor-client.
- Represented contractor in multi-party construction defect litigation arising from development of large multi-family residential community involving multi-million-dollar damages claims.
- Assisted large publicly traded office REIT in the preparation of form design and construction contract documents.
- Represented owner in the preparation and negotiation of an engineering, procurement and construction (EPC) agreement for construction of a planned alternative fuel manufacturing facility with an estimated value of \$80 million.
- Represented Fortune 250 company on a \$25 million engineering and fabrication agreement for work on a nuclear power plant facility.
- Represented contractor in dispute arising from construction defect claims involving construction of a \$48 million performing arts center.
- Represented developer in dispute with national home builder arising from defective site condition claims and breach of takedown agreement and negotiated favorable resolution for developer-client.
- Represented international biotechnology corporation on the negotiation and preparation of multiple engineering, procurement, and construction management (EPCM) agreements and construction contracts for design and construction of 14 research and development facilities built in North and South America, totaling approximately \$100 million in capital investment.
- Represented surety in resolving more than 75 payment and performance bond claims totaling in excess of \$1 million arising from the default of the bonded-principal and in closing out seven separate construction projects.
- Represented developer-owner in litigation arising from multi-million-dollar loan default on large commercial and industrial property, successfully avoiding foreclosure and reaching a favorable settlement for borrower-client.
- Represented national food service distribution company in negotiations and construction of complex build-out of 150,000 square foot regional distribution center, including dry and cold storage facilities, including preparation of design and construction documents and assistance with project issues.
- Represented owner of 100,000 square foot regional warehouse and distribution center and adjoining captive vehicle maintenance facility in dispute arising from substantial and costly design and construction defect claims as to both facilities.
- Represented building owner in dispute with and subsequent bankruptcy filing by defaulting tenant, involving complicated claims concerning possession, safety and security over highly regulated radioactive materials maintained in the leased premises.
- Represented owner/developer in preparation of construction agreements for \$40 million redevelopment of an office tower into a boutique hotel.

- Represented owner/developer on design and construction agreements for construction of a national brand hotel with an approximate value of \$25 million.
- Represented international financial services company with respect to the development (design and construction) agreements in connection with the expansion of its North Carolina facilities, including newly constructed office building and full demolition and renovation of an existing office building, estimated cost of \$80 million.
- Represented national construction firm in a \$6 million dispute with a subcontractor arising out of a 260,000 square foot multi-tower containing approximately 700-bed student housing and dining facilities, which resulted in favorable resolution for client.
- Represented utility company in connection with the significant refurbishment of a combustion turbine power plant facility, which included the drafting and negotiating of several engineering, procurement and construction agreements in parallel, with an estimated cost of approximately \$20 million.

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## CREDENTIALS

### Recognition

- *Best Lawyers*®, Construction Law; Litigation - Construction (2014-2022)
- *Best Lawyers*®, "Lawyer of the Year," Raleigh Litigation - Construction (2022)
- *Business North Carolina* Legal Elite, Construction (2007, 2008, 2012-2014, 2020)
- *Chambers USA: America's Leading Lawyers for Business*, Construction (2020-2022)
- North Carolina Journal of International Law and Commercial Regulation Managing Editor (1997-1998)
- Active duty service in the United States Marine Corps (Captain) (May 1988 – July 1994)

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### Education

University of North Carolina, J.D., with honors, 1998

Villanova University, B.A, with a minor in Religious Studies, 1988

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### Bar & Court Admissions

All North Carolina State Courts

U.S. District Courts for the Eastern, Middle and Western Districts of North Carolina



U.S. Court of Appeals for the Fourth Circuit

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