

**Charles F. Seemann, Jr.**



**Of Counsel**  
(504) 593-0608  
cseemann@dkslaw.com



**Location**

New Orleans, LA

**Practice Areas**

- Arbitration and Mediation (ADR)
- Construction
- Fidelity and Surety Law

**Jurisdictions**

- Louisiana

Mr. Seemann is a partner in the firm. He joined DK&S in 1965 after three years of active service in the United States Navy. He is a former president and director of both the New Orleans Association of Defense Counsel and of the New Orleans Legal Assistance Corporation.

Mr. Seemann was awarded the prestigious Cornerstone Award by the Construction Industry Forum of the American Bar Association in May of 2003. He has been a speaker on construction law topics at continuing legal education programs for members of the Louisiana and Florida Bar Associations, and has been a featured speaker on construction and contract surety law topics before a wide variety of construction industry groups, including national meetings of the ASME and ASCE, the New Orleans Chapter of ASHRAE, Local Chapter of AGC, and the Greater New Orleans Business Roundtable, as well as at meetings of the Louisiana Association of School Executives and the National Institute of Municipal Law Officers. He has also presented and published papers on fidelity bonds at meetings of the American Bar Association. In 2006, Mr. Seemann was elected to the American College of Construction Lawyers.

In addition to his practice in construction law, Mr. Seemann also has substantial experience in fidelity insurance and in state and local government law, particularly airport law, having litigated numerous cases involving complex and unique issues in that field. He is also experienced in alternative dispute resolution methods.

**Professional Activities and Honors**

"Louisiana Super Lawyers" List, 2007-2010

"The Best Lawyers in America" List, 2005-2010

American Bar Association

-- Forum on the Construction Industry, Governing Committee, 1994-97

Fidelity and Surety Committee of TIPS

Louisiana State Bar Association

New Orleans Bar Association

New Orleans & Louisiana Association of Defense Counsel

Associates Advisory Council, Louisiana Chapter, Associated General Contractors (New Orleans District)

American College of Construction Lawyers

**Education**

LL.B., Tulane University, 1962

B.S., Geology, Tulane University, 1959

**Representative Works**

**Hurricane Katrina Levee Breach - Appeal**

On April 30, 2009, the United States Court of Appeals for the Fifth Circuit affirmed the dismissal of all claims against a defendant contractor Boh Bros Construction Co., and several engineering defendants including Modjeski and Masters, Inc. and Burk-Kleinpeter, Inc., in the Hurricane Katrina levee breach consolidated litigation in federal court in New Orleans. Over 300,000 claims, asserting \$400 billion in damages, were filed against the U.S. Army Corps of Engineers,

the Orleans Levee District, and several contractors and engineering firms which were engaged in various projects in the outfall drainage canals in New Orleans before the August 2005 hurricane. The Court of Appeals affirmed the trial court's decision that the Louisiana peremption statutes pertaining to engineers and contractors applied as a bar to the claims and that admiralty jurisdiction and federal maritime law did not apply. Charles F. Seemann, Jr., Francis J. Barry, Jr. and Terrence L. Brennan of Deutsch, Kerrigan & Stiles represented Burk-Kleinpeter, Modjeski, and Boh Bros., respectively. *In Re: Katrina Canal Breaches Litigation*, U.S. 5th Circ. Appeal Nos. 07-30706, 07-30771, and 07-31141.

### **Hurricane Katrina Levee Breach**

A joint motion for summary judgment filed by Deutsch, Kerrigan & Stiles' Charles F. Seemann on behalf of Burk Kleinpeter, Inc., Frank J. Barry and Victor E. Stilwell (1939-2006) on behalf of Modjeski and Masters, Inc., and by other counsel representing two other engineering firms involved in work supervised by the U.S. Army Corps of Engineers in the mammoth consolidated Hurricane Katrina levee breach litigation pending before Judge Stanwood Duval in the United States District Court for the Eastern District of Louisiana was GRANTED and certified under Rule 54(b). The judgment upholds and enforces the five year peremptive period of LaRS 9: 5607, dismissing the claims filed in fourteen class action suits against the clients of DK&S. The Court's opinion and judgment are Doc. Nos. 2148 and 2149 in the consolidated cases (CA# 05-4182).

## Speeches and Presentations

### **Filing of the Notice of Contract: Protecting Your Rights from the Beginning**

Article by Mr. Seemann for *The Legal Blueprint*; May 2008.

### **The Owner's Problem on Default Termination**

Presentation by Mr. Seemann; ABA Forum on the Construction Industry; April 24-26, 2008; La Quinta, California.

### **Dealing with Disasters**

Mr. Seemann was a co-panelist for this session at the American College of Construction Lawyers' 18th Annual Conference on February 23, 2007, in Dana Point, CA.