



## Brian Gunther

### PARTNER

#### Contact

**Email:** brian.gunther@rivkin.com

**Phone:** (516) 357-3189

**Fax:** (516) 357-3333

**Office:** 926 RXR Plaza,  
Uniondale, NY 11556

#### Practice Group

Construction  
Surety

#### Bar Admission

New York

**Brian is a seasoned litigator who thrives on crafting creative solutions to complex legal disputes. He takes the time to understand each clients' priorities and tailors strategies that advance their business goals.**

### Experience

Brian Gunther is a partner in Rivkin Radler's Construction and Surety Practice Groups. He focuses his practice on construction litigation, surety litigation, fidelity law, and commercial crime insurance coverage. With years of experience litigating construction disputes of all sizes, Brian has developed unique insight into the construction industry, allowing him to find creative solutions that align with his clients' ultimate business goals.

An experienced commercial litigator, Brian represents sureties, contractors, and developers in all phases of complex construction disputes from initial claim evaluation through appeal.

Brian regularly represents sureties in connection with both contract and commercial bonds. He has counseled surety clients in a wide range of matters, including negotiating indemnity agreements and bond forms; investigating bond claims; responding to notices of default and termination; and litigating performance and payment bond disputes, lien foreclosure actions, delay claims, construction defect claims, warranty claims, bankruptcy proceedings, and indemnity disputes. Through his knowledge of the surety industry, Brian protects his clients' interests even under the most challenging circumstances.

Brian has extensive experience litigating delay claims, changed conditions claims, federal contract disputes, and lien law issues. He also regularly advises his surety clients with respect to project takeovers, principal financing, funds control agreements, and indemnity collateral demands.

In addition to his surety practice, Brian represents insurance carriers issuing fidelity bonds and commercial crime insurance policies. He has counseled insurer clients on social engineering claims, fraudulent invoicing schemes, employee dishonesty, theft, and various cyber-related losses.

### Court Admissions

U.S. District Courts for the Southern and Eastern Districts of New York

### Bar Affiliations

---

New York State Bar Association

American Bar Association, Tort Trial & Insurance Practice Section

#### Education

St. John's University School of Law, J.D.

Fordham University, B.A.

#### Involvement

Brian is a member of the ABA's Tort Trial & Insurance Practice Section, Fidelity and Surety Law Committee.

#### Representative Matters

The following is representative of Brian's experience:

- Defended surety in an \$80 million performance bond claim arising out of the unfinished development of luxury residential apartments in New York City
- Obtained summary judgment on behalf of a surety and contractor in federal court dismissing over \$25 million of a \$30 million delay damages claim asserted by a developer resulting from a three-month stop-work order during the construction of a rental building in New York City
- Defended a surety in connection with a \$19 million performance bond claim involving the renovation of a landmark building in Brooklyn, NY
- Represented a surety in a federal litigation in connection with a performance bond dispute on a military base in Georgia
- Defended a surety against a \$60 million performance bond claim related to delays in a high-rise building located in Times Square
- Defended a surety in a \$15 million performance bond claim in connection with the rehabilitation of a major bridge located in New Jersey