



Roger W. Stone

Managing Partner

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PRACTICE AREAS

Construction and Design
Practice

Environmental Law

Business and Commercial
Litigation

Personal Injury

Banking Litigation

Municipal Law

Banking and Finance

Roger Stone joined Simmons Perrine Moyer Bergman PLC in 1981 and began litigating construction and environmental cases. He has led the firm's efforts to build a strong reputation and practice in both fields. Mr. Stone has represented many corporations, contractors, cities, counties, engineers and architects on hundreds of construction cases for over twenty-five years. He has handled claims of up to \$165 million.

Roger Stone has received recognition by his peers for his construction law work:

- First Iowan named to the American College of Construction Lawyers.
- Five times his peers named him one of the Top Ten Super Lawyers for the State of Iowa.
- Cedar Rapids "Lawyer of the Year" by Best Lawyers® in Construction and Construction Litigation.
- Included in Great Plains Super Lawyers list, 2012-Present
- Ranked In Chambers USA 2014-Present for Litigation: General Commercial

One of Mr. Stone's many high profile cases was in 1996 when Attorney General Tom Miller selected Mr. Stone and Simmons Perrine as the only lawyer and firm outside of Des Moines to serve as Special State Counsel to represent the State against the tobacco companies. Among other activities, Mr. Stone argued the case in the Supreme Court of Iowa. Iowa and the other states successfully settled their claims in late 1998, resulting in the largest recovery in the State's history of nearly \$2 billion and substantial health related programs.

He acts as general counsel to general, roofing, mechanical, electrical, excavation, concrete, masonry, paving, painting, drywall and other contractors and architect and engineering firms.

Mr. Stone has served as lead counsel on a wide range of construction cases. A

representative list of projects and issues can be found here.

Mr. Stone has served as an arbitrator on the American Arbitration Association's national panel of construction arbitrators for large complex cases. He has served on twenty-seven panels of three arbitrators with claims of up to \$80 million and has served as a single arbitrator on twenty-five matters with claims of up to \$5 million. Mr. Stone has served as counsel representing clients in many construction arbitrations and also serves as a mediator in construction cases throughout Iowa.

Mr. Stone has also managed superfund matters, chemical spills, permitting issues, contaminated land sales, remediation plans, criminal defense of corporate officers and water and wastewater issues.

Mr. Stone is the Managing Partner of the firm and Chair of its Board of Directors.

Peers regard Roger Stone as "one of the best construction litigators in the state."

-- *Chambers USA*

Bar Admissions

- State of Iowa, 1980

Court Admissions

- US Supreme Court
- US Court of Appeals
 - Eighth Circuit Court
- US District Court
 - Northern District of Iowa, 1981

Education

- University of Iowa College of Law, JD, with highest distinction, 1980
 - Phi Beta Kappa
 - Order of the Coif
 - Recipient Hancher-Finkbine Medallion
 - Iowa State Bar Academic Excellence Award
 - Editor-in-Chief, Journal of Corporation Law, 1979-1980
- Columbia University, MA, 1977
 - Political Science

- International Fellow
- University of Iowa, BA, with highest distinction, 1975
 - State of Iowa's Nominee for the Rhodes Scholarship

Clerkship

- Law Clerk for the Honorable Donald P. Lay, Chief Judge of the Eighth Circuit, United States Court of Appeals

Honors & Awards

- Named to Iowa Top 10 Attorneys by Super Lawyers, 2013, 2015-2019
- Named to the Best Lawyers® "*Lawyer of the Year*" in Cedar Rapids
 - 2014 and 2018, Construction Law
 - 2012, Litigation-Construction Law
- Included in the Best Lawyers in America® list, 2020
 - Construction Law, Litigation - Construction
- Ranked in Chambers USA, 2014-2019 for Litigation: General Commercial
- AV Rating by Martindale-Hubbell®
- Ranked as Local Litigation Star by Benchmark Litigation, 2013-2016
- Included in Great Plains Super Lawyers list, 2012-2019

Professional & Community Affiliations

Professional Memberships

- Iowa State Bar Association
 - Environmental & Natural Resources Law Section
 - Construction Law Section
 - Litigation Section Member
 - Construction Law Section Council, 2014-2017
- Linn County Bar Association
- Iowa Academy of Trial Lawyers
- Fellow, American College of Construction Lawyers
- National Registry of Construction Arbitrators, American Arbitration Association
- American Arbitration Association
 - Large Complex Case Panel Member, 2013
- Research Assistant

- Following graduation, Assistant to Prof. Allan D. Vestal

Community Involvement

- Cedar Rapids Area Chamber of Commerce, Former Chairperson
- Priority One Board, Former Director
- Cedar Rapids Country Club, Former Director & President
- Cedar Rapids Art Museum, Former President

Representative Experience

Significant Construction Matters

- Co-trial Counsel on a recovery of \$18 million for a mechanical contractor on a hospital claim
- Co-trial Counsel on a recovery of \$4 million for a mechanical contractor on an auditorium project
- Co-Trial Counsel on a recovery of \$10 million for a general contractor on a hospital claim
- Defended an engineering company on a design and licensure claim of \$65 million that was settled for \$2 million
- Co-trial Counsel defending a claim on a large fertilizer project in Iowa
- Represented a City on a liquidated damages and delay claim of \$1 million
- Represented a General contractor on hotel claim of \$2.7 million
- Represented a concrete manufacturer on a claim of defective concrete of \$2 million
- Represented an engineering company on an asbestos claim of \$1 million
- Represented a civil engineer on a claim of improper design on a \$2 million loss at a student dormitory
- Won a defense verdict on a \$2.5 million claim against a roofing contractor
- Won an arbitration award of \$3.6 million for a municipal utility on a claim of faulty equipment
- Co-counsel defending a claim for \$10 million on a grain elevator collapse.
- Defended a City on a \$2 million claim for equitable adjustment on pipeline project
- Prosecuted claim of a City for replacement of architectural panels on a facility (\$1 million)
- Prosecuted claim of a City for repair of structural concrete beams (\$1.2 million)
- Defended centrifuge manufacturer on a claim by a City for \$20 million on Wastewater Treatment Facility
- Defended engineers on a claim by a City for \$60 million on Wastewater Treatment Facility

- Won a trial for contractor on \$400,000 claim for a coal mine project
- Defended a City on a \$2.2 million claim in arbitration and successfully negotiated E.P.A.'s payment of the judgment against the City
- Won trial defending a roof subcontractor on a claim of \$500,000 for roof replacement
- Won trial defending a roof subcontractor on a claim for roof replacement valued at \$2.4 million
- Won trial defending an engineering firm on a claim of \$800,000 by a city on excavation project
- Defended engineering firm on a claim of \$1.5 million over design of watershed improvements and obtained a dismissal with prejudice
- Defended engineering firm on a claim of \$2 million for improperly designating an easement and improper platting
- Defended aquatics design firm on a \$1 million claim for pool replacement
- Defended aquatics firm on a claim of \$800,000 for pool defects and repairs
- Defended approximately 200 cases and claims of engineering and architectural malpractice
- Prosecuted and filed approximately 1,000 mechanic's liens
- Tried in court or arbitrated over 40 construction claims
- Involved in approximately twenty public bidding disputes representing both cities and contractors

Significant General Litigation Matters

- Lead counsel in State of Iowa arbitration against 20 tobacco companies over a claim for reimbursement of \$45 million from Iowa. Iowa prevailed
- Represented a city utility receiving an arbitration award for \$3.42 million in a matter before the American Arbitration Association
- Represented owners of approximately 100 apartment buildings damaged by tornadoes on insurance claims
- Represented the State of Iowa as private appointed counsel in a dispute over settlement payments of approximately \$165 million
- Prosecuted six wrongful death claims as plaintiff's counsel
- Prosecuted two class actions as plaintiffs' counsel (claims of \$2.7 million and \$4 million)
- Won two federal trials in Northern District of Iowa on construction claims in excess of \$2 million
- Represented an owner of an ethanol facility in an arbitration claim against a design firm on claims of \$5 million
- Represented several clean up companies on claims ranging from \$1 million to \$4

million on restoration and remodeling of flooded commercial buildings in Cedar Rapids

- Represented a mechanical contractor on claims of \$2 million and \$2.5 million for construction of two ethanol facilities in western Iowa

Significant Environmental Matters

- Represented several large corporations on Superfund cleanup negotiations in Iowa, Rhode Island, New Mexico, Illinois, Indiana, Michigan, Missouri and Wisconsin
- Represented several corporations before U.S.E.P.A. and Iowa Department of Natural Resources on aquifer contamination by heavy metals, PCB contamination of soil, heavy metal pretreatment violations, chemical spills of fertilizer, clean up and closing of generator sites under RCRA, landfill closings, Clean Water Act violations, Air Quality Permitting applications, improper burning of waste and byproducts, landfill permit applications, and effluent limitations on cold water streams and rivers
- Represented the State of Iowa as private appointed counsel on approximately 1,000 claims against 12 major oil companies during a 10 year period for reimbursement of clean up costs for gasoline contamination at service station sites. Won the State of Iowa's first trial against Amoco Oil Company on an environmental claim
- Defended a city on a claim for a \$2.5 million equitable adjustment on computer control overruns at the Wastewater Treatment Facility
- Defended a corporation on \$4 million cleanup claim at a power generating station in Des Moines
- Defended corporation President on felony charges by U.S.E.P.A. for environmental contamination
- Defended corporation President on criminal investigation by U.S.E.P.A. and the State of Iowa for environmental spill into the Mississippi River

Significant Banking Matters

- Won four jury trials on claims of lender liability against a national bank
- Obtained summary judgment on a claim of \$550,000 against a bank for honoring checks
- Defended and settled approximately fifty claims of lender liability and other allegations of wrongdoing by banks
- Defended banks on claims of improper agricultural loan practices in 1980s
- Defended bank on claims by a tribe related to control and use of accounts
- Defended bank trust department on claim of negligence