



Tony M. May, P.C. Overturns Construction Client's Default Judgment

By Chad Andycha

Tony M. May, Esq. conducts several seminars a year for AGC Las Vegas, educating members on a variety of legal topics. His firm, the Law Office of Tony M. May, P.C., specializes in construction law. "I was a civil engineer for several years before I went to law school, so I have a good understanding of the construction process," said May. "We've represented every type of party in the construction arena: owners, general contractors, subcontractors, suppliers, and engineers, and we range from any kind of construction dispute, contract review, and contract negotiations to labor and employment."

May's firm recently had a big victory in overturning a \$350,000 default judgment

for a client. The ongoing case is the Board of Trustees of the Plumbers and Pipefitters Union Local 525 Health and Welfare Trust and Plan et al v. Security Plumbing & Air Conditioning. The trust (plaintiff) filed a complaint stating Security Plumbing (defendant and May's client) wasn't producing documents for an audit. They asked the court for an order compelling the client to produce the documents, there was a misunderstanding, and the client never filed an answer. The trust then filed for a default judgment, but instead of an order for the client to produce the documents, they got a monetary judgment of \$350,000. That's when May got involved and completed a thorough analysis of the situation. "We discovered the default judgment should have never been granted because the

complaint didn't request any monetary damage," said May.

May filed a motion to set aside the default judgment based on the federal rule of civil procedure, rule 54 C, which states, "A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings." Simply put, you can't file a complaint and then ask for different relief when you don't receive an answer. The courts are restricted from going beyond the complaint. "We recently had a hearing with the judge, and the judge agreed with us that the order was only compelling production," said May. "The judge set aside default judgment." To May's understanding, the client has now produced all the

requested documents. The trust has filed an amended complaint asking for damages, so this case is now in litigation.

“We would have preferred to have been part of this whole thing from the beginning,” said May. “Our preference as a law firm is to develop long-term relationships with clients so they feel comfortable contacting us and saying ‘Hey, I’ve got this issue,’ or ‘I’ve got this contract that looks onerous.’ They give us the contract to review, and it allows them to go into contract negotiation with their eyes open.” It’s May’s belief that spending a little money up front with this sort of contract review could end up saving clients a lot more in the long run.

For more information about Tony M. May and his firm, please click here tonymaylaw.com/construction-law



Construction Career Day

More than 800 high school students from Clark County were introduced to the construction industry and construction-related fields, including the trades, construction management, engineering, and architecture during the Nevada Contractors Association’s annual Construction Career Day. This event was held on October 9 in Parking Lot O, just west of the Science and Engineering Building (SEB), off of Flamingo Road and Cottage Grove Avenue. Students learned about related secondary fields such as accounting, marketing, and facilities management.

This one-day event allowed grade school students to see a demonstration of different types of construction machinery, participate in workshops and laboratories in the College of Engineering, and learn about internships, apprenticeship programs and higher education opportunities.

Industry partners in attendance included Las Vegas Paving, the Nevada Department of Transportation, Sunstate Equipment, The PENTA Building Group, and dozens more.

Click here to view photos!