

## Eric G. Korphage

Partner

Towson, MD

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### OVERVIEW

For 20 years, Eric Korphage has focused his commercial litigation practice on surety and construction law. Eric represents surety companies, construction contractors and project owners in a wide variety of matters and disputes. His experience includes payment and performance bond, construction defect and trust fund violation claims, as well as contractual disputes and mechanic's liens. Clients value Eric's ability to provide successful and cost-effective representation. Eric is admitted in Maryland, the District of Columbia, and Virginia and has handled matters in a number of other jurisdictions.

Eric's practice is not limited to construction and surety claims. Eric drafts and revises contracts, takeover agreements and financing agreements, as well as represents creditors, including in bankruptcy and insolvency proceedings. Eric also advises businesses and receivers in cases alleging fraud and fraudulent conveyances, as well as fidelity claims. These receivership cases often involve a scheme to defraud, resulting in a failed business and/or individuals defrauded of their assets.

A frequent author of legal publications, Eric is an author of the Maryland Construction Law Deskbook, Chapter on Surety Law (MSBA 3ed. 2023), and the American Bar's Association's The Law of Performance Bonds, Chapter on Surety Defenses (ABA 2018).

Prior to entering private practice, Eric worked in-house as an attorney at Travelers and served as a judicial law clerk for the Appellate Court of Maryland (C.J. Joseph F. Murphy, Jr.) and the Circuit Court for Anne Arundel County, Maryland.

### RECOGNITION AND INVOLVEMENT

*The Best Lawyers in America*® has recognized Eric Korphage in the area of construction law each year since 2018. In the practice of surety law, *Super Lawyers* has named Eric as a Super Lawyer every year since 2016 and a Rising Star from 2009-2015. Martindale-Hubbell has rated Eric as AV Preeminent.

### PRACTICES

Commercial Litigation  
Construction and Surety  
Insurance Coverage and Bad Faith

### BAR AND COURT ADMISSIONS

Maryland  
District of Columbia  
Virginia  
U.S. District Court for the District of Maryland  
U.S. Bankruptcy Court for the District of Maryland  
U.S. District Court for the District of Columbia  
U.S. District Court for the Eastern District of Virginia

### EDUCATION

- Pennsylvania State University, Dickinson School of Law, J.D. 2001
- University of Delaware, B.A. 1997

### MEMBERSHIPS

Maryland State Bar Association,  
Construction Law Section Council Member  
(2013-2016)

District of Columbia Bar Association

American Bar Association, TIPS, Fidelity and  
Surety Law Committee

Surety Claims Institute

Defense Research Institute

## REPRESENTATIVE MATTERS

Summary judgment entered in favor of surety client, in multi-million dollar claim, concluding that the surety was completely discharged from liability due to the obligee's unilateral performance of the bonded contract (*Schuff Steel Co. v. Bosworth Steel Erectors*, 2022 U.S. Dist. LEXIS 176417 (D. D.C. 2022))

Successfully prosecuted client receiver's fraudulent conveyance claims in one-week trial in a receivership proceeding/Ponzi scheme in Maryland State Court resulting in \$700,000 judgment in favor of client that led to numerous successful settlements and turned course of receivership

Summary judgment entered in favor of surety clients on indemnity and collateral demand claims resulting in \$5.7+ million recovery in Maryland State Court proceeding; court rejected defendants' contentions that sureties failed to act in good faith

Summary judgment entered in favor of surety client affirmed by Court of Special Appeals of Maryland in case alleging surety aided and abetted alleged fraud and demanding \$14 million in compensatory damages, plus punitive damages from surety

Summary judgment entered in favor of surety client on indemnity claim against contractor and established right of surety to pursue claims under the Maryland Construction Trust Fund Statute (*Argonaut Ins. Co. v. Wolverine Construction, Inc.*, et al., 976 F. Supp. 2d 646 (D. Md. 2013))

Summary judgment entered in favor of surety and against obligee general contractor which asserted defense of setoff (United States District Court, Eastern District of Virginia)

Successfully tried indemnity action in the United States District Court for the Eastern District of Virginia resulting in a judgment in favor of surety client for all amounts demanded

In Maryland State Court, successfully represented general contractor client in a two-week trial in a construction dispute involving breach of contract, trust fund, and fraudulent conveyance claims; court entered judgment in favor of client on all claims asserted and awarded all amounts demanded

Summary judgment entered in favor of construction contractor client based on statute of repose

Numerous other cases successfully resolved by settlement, summary judgment or other motions practice

## IN THE NEWS

Best Lawyers® Recognizes 45 White and Williams Lawyers  
*Firm News*, 8.18.23

Congratulations to all of our 2023 Attorneys Named as Super Lawyers and Rising Stars  
5.25.23

Best Lawyers® Recognizes 40 White And Williams Lawyers  
*Firm News*, 8.18.22

White and Williams LLP Acquires 6 Attorney Firm



125<sup>th</sup>  
ANNIVERSARY



White and  
Williams LLP

Eric G. Korphage

8.2.22

