



**EXPERT WITNESS SERVICES TO THE CONSTRUCTION,
ENGINEERING, AND LEGAL SECTORS**

DIALES | AMERICAS



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Contact us



**We support our clients and the
legal profession in Arbitration,
Litigation, and Alternative
Dispute Resolution.**



ABOUT US

For over four decades, we have assisted our clients in the resolution of complex construction, engineering and infrastructure disputes, worldwide.

As part of the Driver Group of companies, we have access to over 250 members of staff globally, who work together on international projects. Diales is the dedicated expert witness brand of the group of companies, and in 2022 we celebrated our 10 year anniversary.

Diales provide quantum damages, forensic delay analysis and technical expert services to our clients.

We operate throughout the Americas, with bases in Houston, Washington D.C., and Nebraska, and our core offices are located in Calgary, Toronto, and New York. We have provided expert evidence for litigation and arbitration in the USA, Canada and Latin America.

Our experts have presented evidence in the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the American Arbitration Association (AAA) and Dispute Review Boards, in litigation in the local courts, and regional ADR administrators such as NAM (National Arbitration and Mediation).

Throughout the Americas, we provide our clients with uncompromised expertise, assisting counsel and tribunals, bringing value to the dispute resolution process.



BUSINESS, BUILT ON VALUES

At Diales, our core values are:



Professionalism



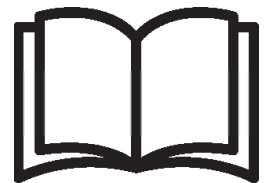
Integrity



Independence



Quality



Openness

DIALES IN THE AMERICAS



With offices across America and Canada, we work for clients throughout the region; in Latin America; and globally. We also work in many languages, including Spanish and Portuguese.

OUR CLIENTS INCLUDE:

- Government departments
- Military
- Private financial institutions
- Major international contractors, national contractors and subcontractors
- Commercial development companies
- Employers
- Owners
- Lawyers

In addition to project specific services, we are also able to provide educational services in the form of seminars, workshops, and lectures.

Whether via our Diales brand, as experts, or our sister brand Driver Trett, every assignment we undertake is managed by a director, who remains responsible for the project until its conclusion. The director will regularly evaluate the client's requirements to ensure that the most appropriate members of our Group's multi-disciplinary team are engaged on the assignment and that, where necessary, they are successfully integrating into the client's team. This approach ensures that we add value to our clients, consistently. Our multiple locations guarantee a team of professionals who provide local knowledge and support, with the added insight of international experience shared throughout the Group.

The services we deliver support the whole life-span of a project, from initial tender assessments of risk through to assistance at formal dispute resolution, including the provision of experts and third party neutrals. Our team is highly experienced in providing an extensive range of services relating to the **development, negotiation, and settlement of claims for time and money.**

EXPERT WITNESS SERVICES

If you are looking for an Expert Witness in quantum, delay analysis, or a technical discipline; the Diales team will provide the right candidate, with an excellent reputation, and track record.

We offer specialist support to the legal profession in Arbitration, Litigation, and Alternative Dispute Resolution.

We provide these services to the international construction, engineering and infrastructure sectors of the industry around the world, and can demonstrate successful appointments across many sectors within numerous locations, including:

- Building projects including high rise – up to \$800m disputed
- Infrastructure projects including roads; bridges; and rail – up to \$3.5bn disputed
- Oil and gas projects including refineries; off shore platforms; pipelines; holding tanks and terminals – up to \$400m disputed
- Power projects including fossil fuel; combined cycle gas turbines (CCGT); nuclear; and wind farms – up to \$500m disputed
- Shipping projects including pipe laying vessels; support vessels tankers; super yachts; and submarines – up to \$225m disputed

Our experts are also experienced and qualified in labor productivity, standard forms of contract, bespoke contracts, and governmental contracts.

DIALES EXPERTS



Have a minimum of 15 years' industry experience



Have been cross-examined , or, have successfully completed internal and external training.



Have at least 50% of their workload as expert work.



Have been trained in what is required of experts in both Litigation and Arbitration.



QUANTUM DAMAGES

Quantum damages experts are key in developing soundly reasoned and evidenced reports that can be essential in delivering the desired financial outcome to a dispute or hearing.

Diales quantum damages experts include chartered quantity surveyors with many years of live project experience. Our team have an exceptional track record in delivery of a detailed practical approach to achieve the best results and respond to the challenges associated with tracking processes and vast quantities of data.

Our experts lecture widely in quantum matters, such as: methods of measurement; how to evaluate delay, disruption; and valuing work under various forms of contract. Some of our experts are published authors on their subject matter.

Within the Diales expert profiles you will find unrivalled expertise in the NEC3 form of contract; the FIDIC suite; JCT; and a selection of other forms. You will also find forensic accounting skills, honed over years of auditing project records.

Getting the right expert is an essential appointment.

Wherever you are in the world, no matter what the sector or size of the dispute, we have the expertise.



DELAY ANALYSIS

Delay analysis is among the most frequently debated disciplines provided by Expert Witnesses. There are a myriad of techniques, and a wide range of software, that can be used as tools to assist in calculating the 'answer'.

At Diales, our people are delay experts, not theorists. All our experts have a minimum of 15 years' practical industry experience before providing expert forensic analysis. Our work product is based on solid practical knowledge, ensuring our experts provide credible evidence during testimony.

Our delay experts are instructed on high profile domestic and international disputes, and are familiar with industry standards and protocols.

APPROACHES MAY INCLUDE, BUT NOT BE LIMITED TO:

- Time impact analysis
- As planned vs. As built
- Collapsed as-built

There are numerous methodologies of delay analysis, and it is often a complicated and complex process. Our experts de-mystify the process, and present their findings of these issues in a robust and understandable manner, to relevant tribunals.

Getting the right delay expert is an essential appointment.

Diales can also deliver in-house training programmes for solicitors and barristers enabling the exploration strengths and weaknesses of various available methods.

TECHNICAL

Disputes requiring technical expertise often involve an elaborate technical matrix of fact and opinion. Complex investigations, interrogation and interpretation of the cause and impact of various competing causes are required.

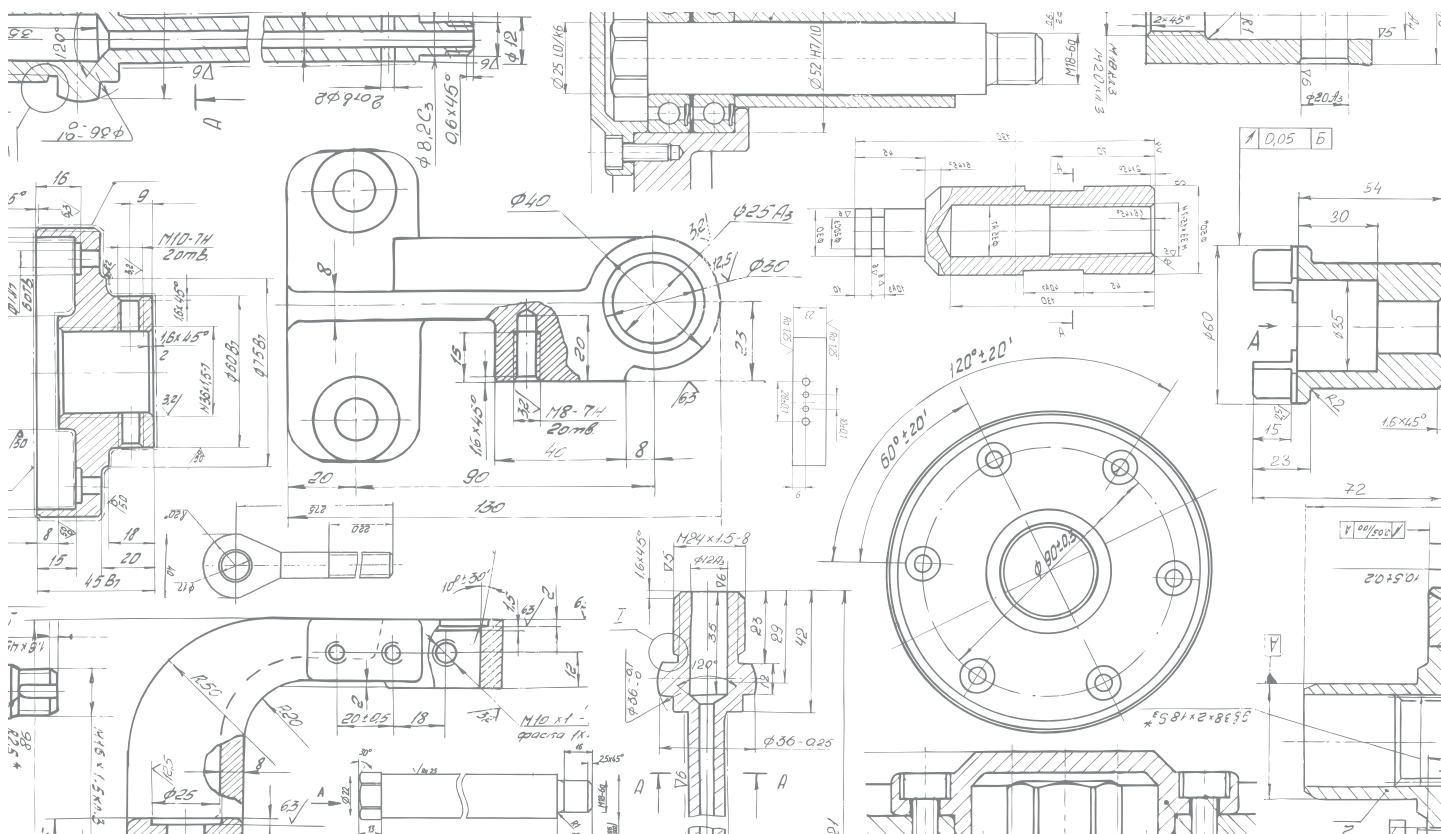
Diales can provide experts across various technical disciplines ensuring a pre-requisite level and quality of industry experience. Our skills ensure delivery of concise reports that explain complex technical interactions in a clear and unambiguous manner.

DISCIPLINES INCLUDE:

- Architecture
- Building Services
- Civil and Structural Engineering
- Construction and Engineering
- Contract Administration
- Mechanical and Electrical Engineering
- Project Management

Our technical team are instructed on high profile international projects, investigating defects, interrogating documentation and identifying compliance breaches. We are happy to engage in early discussions to provide an independent view on the merits of any potential action and of any remedial works proposed or already undertaken.

Diales can also deliver in-house training for solicitors and barristers, or support for your outward-facing seminars, on current technical issues, design and build contracting, design co-ordination, and BIM integration.



COMMERCIAL AND PROJECT SERVICES

STRATEGIES AND CONTRACT

We understand how to identify and manage project risks.

OUR CONTRACT SERVICES INCLUDE:

- Commercial strategies
- Design management
- Risk and value management
- Feasibility studies
- Program audits and analysis
- Dispute avoidance and resolution
- Preparation and negotiation of claims
- Training and workshops

Our vast internal knowledge base stems from decades of experience, built from working across a multitude of sectors. Having a clear contractual and commercial strategy for managing a project is essential to the successful delivery of any project.





PLANNING AND SCHEDULING

We recognise the importance of planning and scheduling projects. Our team can develop baseline programs and schedules, provide support and monitoring of projects through completion and beyond. Our experts are skilled in the preparation of concise monthly progress reporting.

We are skilled in performing project audits, independent monitoring and reporting, as well as financial audits for economic evaluations and project funding.

PLANNING AND EVALUATION TECHNIQUES INCLUDE:

- Critical path method analysis
- Time impact analysis
- Windows analysis
- Earned value analysis
- Monte Carlo simulations
- Resource and cost loading evaluation, including:
 - Budgeted costs
 - Actual costs
 - Contract changes (amendments and change orders)
 - Cost estimates
 - Standard and bespoke contracts.

SECTORS

OUR RANGE OF SERVICES TO THE GLOBAL ENGINEERING AND CONSTRUCTION INDUSTRY, INCLUDES THE FOLLOWING SECTORS, AND PROJECT TYPES.

BUILDING

For those involved in the demolition, construction or refurbishment of buildings, the importance of proper planning, costing and controlling of the works can never be underestimated. Diales experts have extensive industry experience, across new build, refurbishment and fit out projects - in both the public and private sector, including: Aerospace, Defence and Military Facilities, Commercial and Retail, Healthcare and Residential, Entertainment and Sports Facilities including Stadia.



ENERGY

The inherently multi-disciplinary business of Diales enables us to deliver dynamic commercial solutions and support project delivery across the energy sector. With specialists in civil and structural engineering, mechanical, electrical and instrumentation, insulation, HVAC and coatings, we offer an unrivalled level of expertise in this field including: Onshore and Offshore Wind, Solar, Hydro-electric, Gas, Coal, and Diesel.



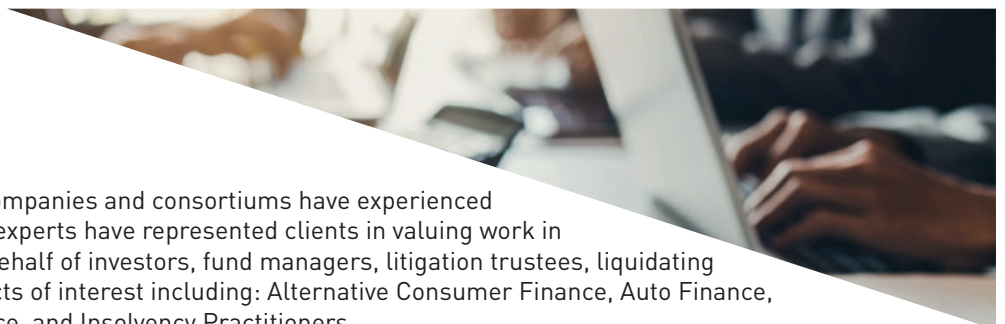
MINING

The mining of natural resources, including coal, metals and minerals, is one of the world's largest and most important industries. Diales experts are highly skilled in identifying, addressing, and managing the issues which commonly arise across the sector, offering commercially-driven solutions and strategies including: Precious Metals and Minerals, Coal and Oil Sands.



FINANCE, INSOLVENCY AND RESTRUCTURING

Numerous infrastructure projects, companies and consortiums have experienced insolvency and restructuring. Diales experts have represented clients in valuing work in place, providing expert evidence on behalf of investors, fund managers, litigation trustees, liquidating trustees and the companies or projects of interest including: Alternative Consumer Finance, Auto Finance, Banking, Financial Services, Insurance, and Insolvency Practitioners.



PROCESS AND INDUSTRIAL

In recent times, the process and industrial sector has faced immense pressure on capital and operating expenditure budgets, as a result of worldwide competition and the drive to reduce emissions. Diales has a solid working knowledge of the sector, whether advising in a commercial and project support capacity, or delivering technical expertise in a live project environment including: Chemicals, Fertilizers, Cement, Water Treatment and De-salination, Steelworks, and Pharmaceuticals.



SHIPBUILDING AND MARINE

The unique and extreme challenges that our clients face on marine and shipbuilding projects require an exceptional depth of knowledge in the field, combined with a sharp commercial eye for the contractual, financial and programme outlooks on a project. Many members of our team have extensive practical experience in this sector, offering an unrivalled skill set to our clients including: Commercial, Passenger, Superyachts, FPSOs and Oil Support Vessels, Dredgers, and Naval.



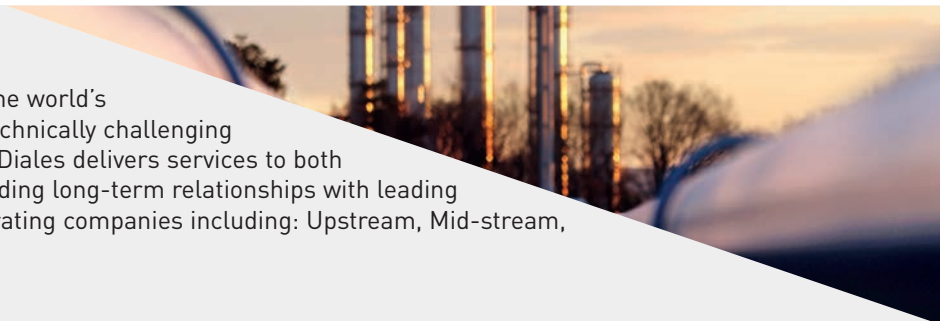
TRANSPORT AND INFRASTRUCTURE

These highly complex and essential projects form the backbone of the future development of any region. They deliver solutions on a grand scale to the populations they service, and beyond. Diales has over 30 years' experience in understanding and working with the requirements of the teams responsible for implementing these schemes, from inception to completion including: Roads and Bridges, Rail and Light Rail, Ports and Harbours, Airport Runways and Terminals, Communications, and Information Technology.



OIL AND GAS

The oil and gas sector represents one of the world's biggest markets and is among the most technically challenging of all areas in which to work and operate. Diales delivers services to both client organisations and contractors, including long-term relationships with leading national and international oil and gas operating companies including: Upstream, Mid-stream, Downstream, and LNG Facilities.



OUR EXPERTS

ACROSS THE AMERICAS



Simon Braithwaite
Quantum, Damages
and Delay Expert

Simon has over 20 years' experience in the construction industry, where he has predominantly worked in the energy, infrastructure and oil & gas sectors.

Based in New York, Simon has project experience across the U.S., Latin America, Europe and Africa.

He has extensive experience in the preparation of claims and expert evidence in relation to delay, disruption, productivity, and associated costs and damages.

Simon has cross-examination experience in International Arbitration, Domestic Arbitration and Mediation.



Robert Otruba
Quantum, Damages
and Delay Expert

Robert has over 25 years' experience in the areas of construction consulting, design engineering, construction management, claims analysis and construction scheduling - both for active projects and forensically in support of litigation and/or arbitration.

As a licensed professional engineer in New York State, Robert is an adjunct faculty member in the Department of Civil and Urban Engineering at New York University.

Robert has cross-examination experience in Deposition, City Hearings, International Arbitration, Domestic Arbitration and Mediation.



Michelle McMillan
Quantum, Delay and
Project Management
Expert

Michelle has over 20 years' experience in the construction industry, with specialised skills in construction schedule creation, review, and forensic delay analysis. She produces and evaluates construction claims for negotiation, mediation, arbitration and litigation, on commercial and large-scale residential projects, infrastructure, institutional and industrial projects, in Canada, the U.S., the Middle East, and Asia.

Based in Calgary, Michelle is committed to learning and teaching, and is a faculty member of the Project Management Certificate program at the University of Calgary, specializing in teaching claims avoidance and claims quantification, including delay analysis. Michelle has cross-examination experience in arbitration.



Jaswinder Singh
Technical Expert

A Chartered Chemical Engineer, Jaswinder has over 35 years' experience in the process plant design and construction industry. Jaswinder has led multi-disciplinary teams in plant engineering, pre-commissioning, commissioning, control and safety systems, and has simultaneously managed diverse and interrelated plant projects; including all safety aspects and specifications, to meet client and regulatory safety requirements.

Jaswinder is experienced in all aspects of process safety including HAZOPs (hazard and operability study), LOPA (layer of protection analysis), fault tree analysis, electrical hazardous area classification, safety integrity levels and risk analysis (including the roles played by mechanical interlocks and safety instrumented systems).



Robert C. Gardner, JR
Delay and Damages
Expert

Robert has over 30 years' experience in government contracts, business insurance and, construction contracting. He has extensive experience in providing contract oversight and cost and performance audits, as well as scheduling and claim advisory services, on aerospace and defense, and insurance and construction matters - both involving commercial and government contracts at the federal, state and local levels.

Rob specializes in contract disputes which require the investigation, identification, quantification, and presentation of root causes responsible for cost and schedule growth. Rob also is well versed in critical path schedule and delay analysis methodologies and in determining the resultant linkage to schedule-related and other extra-contractual costs.

THE DIALES SUPPORT TEAM ACROSS THE AMERICAS



Sean Dooley
Director

A Civil Engineer with over 12 years' experience in the construction and engineering industry, Sean is highly skilled and experienced in the preparation, evaluation, and management of construction claims across a variety of industry sectors. He is comfortable assisting clients at both project and expert level. He has provided analysis and advice to both clients and counsel related to quantum and delay damages for adjudication, arbitration, and litigation proceedings in the oil and gas, power, process, infrastructure, and commercial construction industries.

His commercial advisory experience includes the commercial turnaround and delivery of capital asset projects, the development of project-specific commercial objective monitoring tools, along with claims avoidance strategies observing best practices.



Matthew Stamp
Director

Matthew has over 20 years' experience preparing delay, disruptions, and productivity claims for complex construction disputes. He has worked on-site with senior managers throughout the United States and Canada to resolve disputes for a variety of projects including power plants, oil treatment plants, waste-water treatment plants, airports, highways, light rail transit systems, bridges, pump stations, and tunnels. Additionally, Matthew has worked as an attorney in a practice focused exclusively on construction litigation.

As a subject matter expert, Matthew prepared a scheduling manual for an international contractor. He has given in-house presentations on project scheduling, forensic schedule analyses, contract administration, and damages.



Hala Alkhalouf
Director

A Civil Engineer with over 10 years' experience in the engineering and construction industry, Hala provides technical expertise on claims analysis and resolution, expert reporting, litigation support, project controls, scheduling, scheduling analysis, delay analysis, quantum of damages, and earned value management on a variety of projects including commercial, residential, highway and bridge, utility, solar, wind farms, oil and gas, and heavy civil construction projects.

Hala provides both project advisory and dispute resolution services on international projects. Hala is fluent in both English and Arabic and is currently working on her PHD degree in Project Management from the University of Maryland, USA. Hala regularly delivers presentations on project scheduling, loss of productivity, contract management, project management, and construction disputes.



Karim Nagui
Associate Director

A Mechanical Engineer with over 15 years' experience in the construction industry, Karim has worked on projects in both the public and private sectors, including the EPC of large industrial, commercial, transportation, and infrastructure projects. Karim has experience on project sites, head offices, and the executive office of a multinational EPC contractor.

Karim specialises in health, safety, and the environment, construction management; estimation and budgeting, project controls; scheduling and cost controls, earned value management, subcontracts management, and contracts and claims. With significant geographical experience, Karim is fluent in both English and Arabic, and is able to work internationally in both languages.



Nawfal Merzouk
Associate Director

A Civil Engineer with over 8 years' experience in the construction industry, Nawfal's expertise lies in expert analysis and witness support, regarding issues such as delays, quantum, and labor and equipment productivity. Nawfal's expert services have been proficiently offered in three languages: English, French, and Spanish.

Throughout his career, Nawfal has project experience across roads, pipelines, canals, bridges, airports, nuclear, wind, and hydroelectric power plants, oil refineries, as well as commercial and residential high-rise buildings, hospitals, tunnels, metro infrastructure, and municipal infrastructure projects; ranging from \$1 million to \$5 billion. These projects have been located across Canada, the United States, Central America, North Africa, and Latin America.



Andrew Palmer
Senior Consultant

Andrew has over 20 years' experience in the global construction sector, and has worked on a diverse portfolio of high-profile, high-complexity projects in a variety of sectors.

Andrew's core specialities include, but are not limited to, contract analysis and advice; project/risk management; data/issue management; cost control; measurement of quantities; value engineering; issues and dispute management reporting; claims avoidance and mitigation; dispute management; contractual correspondence; change processes; contract administration; developing claims management systems.

Andrew was the recipient of the 2017 Innovation Award from Canadian Lawyer Magazine for Risk Management – Small Departments

OUR GLOBAL SOLUTIONS

AND STAFF EXPERTISE

At the heart of our operations in the USA lies our established network of offices across the world.

This extended presence ensures that we are able to respond quickly to a local point of need, and provide a cost-effective and flexible solution, to our clients' requirements.

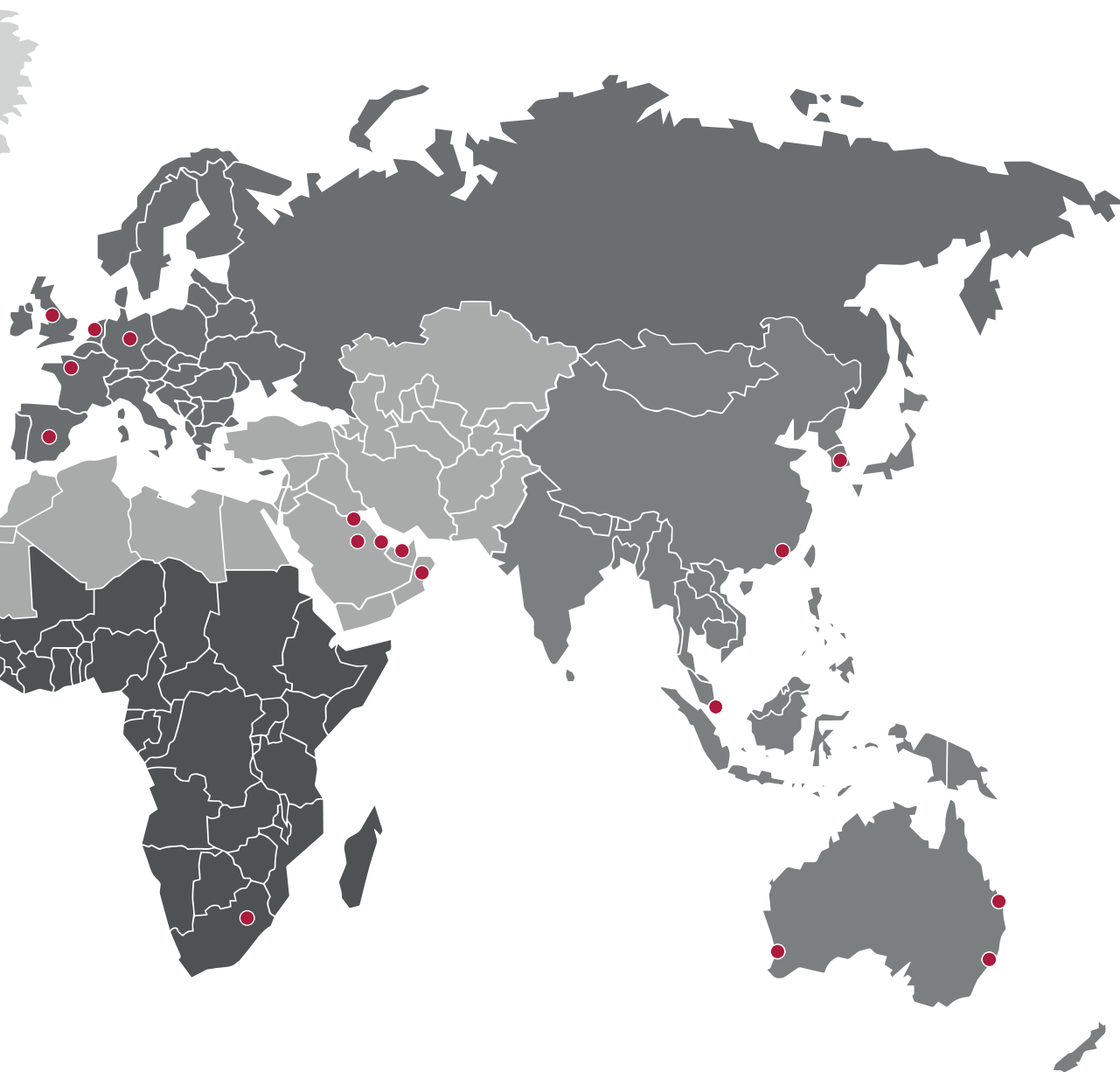
Each of our offices offer a unique blend of skills and expertise.

Our teams include:

- Chartered Quantity Surveyors
- Chartered Civil Engineers
- Chartered Construction Managers
- Chartered Building Engineers
- Chartered Environmentalists
- Chartered Architects
- Chartered Structural Engineers
- Licensed Professional Engineers
- Architectural and Construction Specialists
- Building Services Engineers
- MEP Specialists
- MEP Engineers
- Naval Architect and Shipbuilding Engineers
- Planning Engineers

Globally, we work together to provide the most suitable team to support our clients' needs, with open lines of communication across our entire global resource.





250+ staff



15+ countries



5 continents



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