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Welcome to the May 2018 edition of the Construction Law Update, an e-publication that features articles authored by the attorneys in Barnes & Thornburg LLP's Construction practice group.

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#### [Notice and Right to Cure Statutes: Turning a Shield Into a Sword in Indiana and Elsewhere](#)

In response to a perceived boom in construction litigation involving new homes, a number of states have enacted notice and right to cure statutes. Typically, these statutes mandate prospective plaintiffs to provide builders and other construction professionals with notice and an opportunity to cure the alleged defects prior to initiating litigation. Joe Chapelle looks at these statutes in Indiana and other states.

By Joseph C. Chapelle

#### [At Risk Of Providing Free Construction Work In Illinois? When A Contractor May Rely On Quantum Meruit To Recover For 'Extra Work'](#)

An Illinois court decision makes clear that a contractor assumes the risk that it will be paid for extra work if the work is carried out without either a signed change order or a construction change directive. Gregory Gistenson reviews the court's decision and the theory of quantum meruit and the impact on contractors.

By Gregory S. Gistenson

#### [Broad Indemnification Provisions Could Result in No Indemnification on Public Projects](#)

The Michigan Court of Appeals overturned a trial court's grant of summary disposition in favor of a contractor and subcontractor under Michigan's anti-indemnity statute late last year, saying the statute does not apply retroactively to a contract entered into prior to its effective date. Scott Murphy and Erika Weiss review the case and how it's a reminder to carefully draft contracts, especially for public works projects.

By Scott R. Murphy and Erika P. Weiss

#### [Missouri Adopts and Reaffirms the Spearin Doctrine](#)

Contractors are told to strictly adhere to contract specifications to avoid liability for breach of contract. However, the specifications may also hold the key to a successful defense to defective workmanship claims under what is known as the Spearin doctrine. In this article, Scott Murphy reviews the Spearin doctrine and its applicability according to a Missouri court.

By Scott R. Murphy