



JENNIFER L. WATT, OF COUNSEL

Jennifer Watt provides a full range of litigation and transactional services in the areas of construction, surety, bankruptcy and business law.

Jennifer assists her business and construction clients with negotiating and drafting contract documents, preparation of lien documents, reviewing and revising corporate policies including non-compete agreements, and acts in the capacity of general counsel for small to mid-size companies.

In the event her clients are involved in a dispute, Jennifer is licensed in Indiana and Illinois and has experience litigating in state and federal courts. Jennifer has handled a wide range of matters involving construction project disputes, environmental and commercial contract matters.

Jennifer represents the interests of surety companies in the investigation and litigation of payment and performance bond disputes, work out and completion of defaulted projects and matters involving indemnification and subrogation. Jennifer also represents sureties' rights in bankruptcy matters.

CONTACT INFORMATION

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EDUCATION

Illinois Institute of Technology, Chicago-Kent College of Law, Chicago, Illinois, 2003, J.D.

*International Moot Court Honor Society
- Niagara Cup Moot, Awarded Best Team Memorial
- Willem C. Vis International Commercial Arbitration Moot*

*Law Reviews
-Journal of Intellectual Property
-Journal of International and Comparative Law*

Indiana University, Bloomington, Indiana, B.S. Business, 1999

PROFESSIONAL EXPERIENCE

- Represented a surety plaintiff seeking enforcement of its indemnity agreement against the indemnitor defendants. In a matter of first impression in Indiana, the court found that a surety does not owe a fiduciary duty to its principal.
- Represented a surety in a matter that determined whether Section 509 of the United States Bankruptcy Code allows a surety to maintain a prior claim to the refunded bond proceeds it paid or whether it was relegated to share pro rata with the unsecured creditors in the remaining funds to be paid under the confirmed plan. The Court found in favor of the surety on summary judgment finding that the surety, through Texas subrogation principles, can claim the debtor's right to restitution of the



KROGER GARDIS & REGAS, LLP
— ATTORNEYS —

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BAR ADMISSIONS

Indiana, 2004

Illinois, 2003

U.S. District Court Northern District of Indiana

U.S. District Court Southern District of Indiana

U.S. District Court Northern District of Illinois

PRACTICE AREAS

Commercial Litigation

Bankruptcy

Construction Law

Surety Law

Transactional Matters

\$500,000 the surety paid pursuant to the judgment.

- Represented the surety plaintiff seeking enforcement of its indemnity agreement including the agreement's collateral posting provision against the defendant indemnitors. The Court entered judgment in favor of the surety plaintiff and enforced the surety's right to specific performance of collateral security obligation in the amount of \$855,870.99.
- Obtained preliminary injunction on behalf of the surety that required the defendant indemnitors to post collateral. The Court found that "under the law of surety ship, even if a surety's loss is monetary and only temporary, that it must assume a primary obligor's obligation at all is a harm for which there is no adequate remedy at law."

PUBLISHED WORKS

- Indiana Bonding Law Requirements, A Primer for Public Works Projects, Chicago Surety Claims Association, 2004
- Illinois Construction Law Manual (Vol. 24, ILLINOIS Practice Series), co-author Chapter 14, Bond Claims (Thompson West 2007)
- The Surety and The Case of Mistaken Identity An Examination of Public and Private Project, Surety Claims Institute Newsletter, 2008

PROFESSIONAL ASSOCIATIONS

- Indiana State Bar Association Member
- Indianapolis Bar Association Member