

NEWS & INSIGHTS

Saxton & Stump attorneys secure significant construction bench trial verdict

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SEPTEMBER 30, 2025



[Kurt Fernsler](#), a shareholder in our [Pittsburgh office](#) and a member of the [Construction](#), [Construction Litigation](#), and [Commercial Litigation](#) groups, secured a significant bench trial verdict in *F.J. Busse Company, Inc. v. Michael Mikelic and Edward Rivadeneira*.

In Allegheny County Court, Kurt represented F.J. Busse Company, Inc., a contractor that performed renovation work

in 2019 to 2020 on the Allegheny Building in downtown Pittsburgh. The project was owned by special-purpose entities formed by New York City developers. Because those entities were undercapitalized, Busse was only partially paid for its work. Through the mechanics' lien process, Busse was able to recover some payments, and later obtained a judgment against the special-purpose entities for the remaining balance. By that time, however, the entities were defunct.

To recover what was still owed, Busse sued the principals of the special-purpose entities as individuals. The complaint argued that the court should disregard the corporate form and hold the individuals personally responsible for the defunct entities' contract obligations — a legal doctrine known as "piercing the corporate veil." Within 24 hours of trial, the court entered a verdict awarding Busse the unpaid contract balance, interest, and costs, which may total approximately \$375,000.

This outcome is especially noteworthy for Kurt and his team, including [Dan Maier](#) and [Mary Beth Alexander](#), because Pennsylvania courts rarely pierce the corporate veil, making it unusual for business owners to be held personally liable for company debts in a construction dispute.

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