### **INDEX OF CASES**

### A

Adams v. Magnolia Construction Co., 2–42 Adarand Constructors, Inc. v. Pena, 1–78, 4–14, 4–16 to 4–18, 4–19, 4–20, 4–21, 4–22 Aer-Aerotron v. Texas Department of Transportation, 6-4 Aerodex, Inc. v. United States, 1–86 Agricultural Land Services v. State, 4–30 A.H.A. Gen. Constr. v. New York City Hous. Auth., 5–38 Air Cooling & Energy, Inc. v. Midwestern Construction Company, 5–26 Air Support Services International, Inc. v. Metropolitan Dade County, 1-18 Alabama Department of Transportation v. Blue Ridge Sand & Gravel, 1–93, 3–13 Alaska State Bank v. General Insurance Company, 7–18 Albany Specialties, Inc. v. County of Orange, 4–54 Allison Engine Co. Inc. v. United States ex rel. Sanders, 6–17 American Combustion, Inc. v. Minority Business Opportunity Commission, 4–30 Arkansas Highway and Transportation Department v. Adams, 1–26, 1–27 Asphalt Roads & Materials v. Commw. DOT, 5–20 to 5–21 Associated Builders & Contractors, Saginaw Valley Area Chapter, et al. v. Michigan Department of Labor and Economic Growth, 4-44 Associated Builders & Contractors v. City of Rochester, 4–45 Associated Building Contractors of Southern California Inc. v. Nunn et al, 4–44 Auto-Owners Insurance Co. v. Ace Electrical Service, Inc., et al., 7–27

### В

Baker Heavy Highway Construction, Inc. v. N.Y. State Thruway Authority, 5–38 Berley Industries v. City of New York, 6–49 Biolota Construction Corp. v. Village of Mamaroneck, 5–26 Blount Bros. Constr. Co. v. United States, 6–32 Board of Regents of Murray State Normal School v. Cole, 3–22 Bodies by Lembo v. Middlesex County, 3–9 Bolander & Sons Co. v. City of Minneapolis, 3–23 Boston Shipyard Corp., In re, 5–14 Brock v. Roadway Express, 2–27 Building and Construction Trades Council v. Associated Builders and Contractors, 4–49, 4–52 Building and Construction Trades Department, AFL-CIO v. Allbaugh, 4–51 Building Industry Electrical Contractors Association et ano. v. City of New York et ano., 4–51 to 4–52

#### С

Callanan Industries v. City of Schenectady, 2–27 to 2–28 Callanan Industries v. White, 2–26 to 2–27 Central Alabama Paving v. James, 4–13 Christiansen Bros., Inc. v. State, 5–35 Christie v. United States, 5–23 City of Atlanta v. J.A. Jones, 3–7 City of Baltimore v. De Luca-Davis Construction Company, 3–19 City of Dayton, ex rel. Scandrick v. McGee, 4–37 City of Dayton ex rel. Scandrick v. McGee, 1–27 City of Dillingham v. CH2M Hill Northwest, Inc., 7–20 City of Houston v. R. W. Ball Const. Co., 5–34 City of Inglewood—Los Angeles Civic Center Authority v. Superior Court, 1–67 Clark Construction Company v. Pena, 1–23, 1–26, 3–16 Clifford E. MacEvoy Co. v. United States for Use and Benefit of Calvin Tompkins Co., 2–46 Codell Construction v. Commonwealth of Kentucky, 5–23 to 5–24 Colonnelli Bros., Inc. v. Village of Ridgefield, 3–10 to 3–11 Commercial General Contractors, Inc. v. United States, 7–4 to 7–5 Commonwealth to the Use of Walters Tire Service v. National Union Fire Ins. Co., 2–45 Complete General Construction v. Ohio Department of Transportation, 7–5 Contractor's Association of Eastern Pennsylvania v. City of Philadelphia, 4–19 to 4–20 Contractors Association of Eastern Pennsylvania v. Secretary of Labor, 4–12 Copper Plumbing & Heating Company v. Campbell, 2–24 Corcoran v. Philadelphia, 2–5 Corrino Civetta Construction Corp. v. City of New York, 1–88 County of Brevard v. Miorelli Engineering, 5–5 to 5–6 Craftsman Builder's Supply v. Butler Mfg., 7–9

### D

Davis, Murphy, Niemiec and Smith v. McNett, 1–93 DeFoe Corporation v. Larocca, 2–28 Department of Labor and Industries v. Boston Water and Sewer Commission, 3–9 Department of Public Works v. Ecap Const. Co., 7–37 to 7–38 Department of Transportation v. Anjo Construction Co., 5–39 Department of Transportation v. Anjo Construction, Inc., 1–90 Department of Transportation v. Blackhawk Quarry Co. of Florida, 1–93, 1–94 Department of Transportation v. Ronlee, Inc., 3–19 Devir v. Hastings, 1–15 Dick Fischer Development No. 2, Inc. v. Department of Administration, 1–20 Dillingham Construction, N.A. v. County of Sonome, 4–43 to 4–44 Di-Pizio Construction Co. Inc. v. State of New York, 5–38, 5–39 Domar Electric v. City of Los Angeles, 4–20 Dormitory Authority v. Span Electric Corp., 7–37 Drew County, Arkansas v. Joh Pas Murray Co., 7–26

## Е

E. F. Solomon v. Department of State Highways and Transportation, 2–18
E. Smalis Painting Company v. Commonwealth, Department of Transportation, 2–23
East River Steamship Corp. v. Transamerica Delavel, Inc., 6–38
Edward M. Crough, Inc. v. Department of General Services of District of Columbia, 1–85 to 1–86
Electrical Contractors v. Tianti, 2–23
Ell-Dorer Contracting Co. v. State, 5–26
Enertech Electrical v. Mahoning County Commissioners, 4–54
Equitable Shipyards v. Washington State Department of Transportation, 4–36

## F

Faulk v. Twiggs County, 1–94, 3–14
Federal Insurance Co. v. General Electric Co., 6–39
Felhaber Corp. & Horm Construction Co. v. State, 6–43
Fidelity & Deposit Co. of Md. v. Bristol Steel & Iron Works, Inc., 7–15
Foster Construction C.A. and Williams Brothers v. United States, 5–15, 5–16
Foster Wheeler Enviresponse v. Franklin County Convention Facilities Auth., 5–5, 5–6
Fru-Con Construction v. United States, 1–52
Fullilove v. Klutznick, 4–14, 4–15 to 4–16, 4–17

## G

Gaines v. Jones, 5-40

General Contracting & Construction Co. v. United States, 5–7

George & Benjamin General Contractors v. Virgin Island Department of Property and Procurement, 3-10

George Harms Construction Company v. New Jersey Turnpike Authority, 4–52 Gerzof v. Sweeney, 4–53 Glover v. Mabrey, 3–26 Gulf Bitulithic Co. v. Nueces County, 1–32

#### Η

Halpin, In re:, 4–45 Hardeman-Monier-Hutcherson v. United States, 5–24 Harris v. Philadelphia, 2–5 to 2–6 Hartford Accident and Indemnity Co. v. Arizona Dept. of Transportation, 7–16 Hicklin v. Orbeck, 4–35 Hirabayashi v. United States, 4–17 Holbrook v. Woodham et al., 7–27 Holloway Construction Co. v. Department of Transportation, 1–88 Holly's, Inc. v. County of Greensville, 3–7 Holman Erection Co. v. Orville E. Madsen & Sons, 4–27 Howard Contracting v. G.A. MacDonald Construction Co., 5–28

### Ι

Idaho Building and Construction Trades Council, AFL-CIO, et ano. v. Wasden, 4–51 Inglewood Los Angeles County Civic Center Authority v. Superior Court of Los Angeles County, 2–28 International Ass'n of Machinists v. Wisconsin Employment Relations Comm'n, 4–49 to 4–50 Iversen Const. Corp. v. Palmyra-Macedon Central School District, 3–18

### J

J. A. Croson v. City of Richmond, 4–14, 4–15, 4–17, 4–19, 4–20, 4–21 J. Weinstein Building Corp. v. Scoville, 2–15 Jack Wood Constr. Co. v. United States Dept. of Transp., 4–30 to 4–31 James Luterbach Const. Co. v. Adamkus, 4–27 to 4–28 Janik Paving & Construction v. Brock, 2–24 J.H. Berra Constr. v. Missouri Hwy. & Transp. Comm'n., 6–30 to 6–31 John E. Gregory & Sons, Inc. v. A. Guenther & Sons Co., 1–88 Johnson, et al. v. Rancho Santiago Community College District, et al., 4–45 Joseph f. Trionfo & Sons, Inc. v. Board of Education, 5–26 Junt Constr. Group, Inc. v. Brennan Beer Gorman Architects, P. C., 6–38

### Κ

Kingston Constructors v. Washington Metro Area Transportation Authority, 1-82

### L

L. Pucillo & Sons v. Belleville Township, 3–14 Laborers Local #942 v. Lampkin, 4–54 Land Constr. Co. v. Snohomish County, 4–28 L & B Construction Co. v. Ragan Enterprises, 5–37 Leatherby Insurance Company v. City of Tustin, 2–56 L.G. DeFelice and Son, Inc. v. Argraves, 1–42 to 1–43 L-J Inc. v. South Carolina State Highway Department, 5–23 Louisiana Associated General Contractors v. State, 4–19 L.P. Cavett Co. v. United States Department of Labor, 4–42 L.P. Stewart & Bro., Inc. v. Bowles, 2–24 Luria Brothers & Company Inc. v. United States, 6–44 Lyndon Prop. Ins. Co. v. Duke Levy & Associates, LLC, 7–25

### М

Manshul Construction Corp. v. Dormitory Authority, 6–49
Marinaccio, Sr., Accadia Contracting, Inc v. Joseph Boardman, et al. as employees of New York State, 3–26
Massachusetts Bonding & Insurance Company v. New York, 2–53
Matter of Fort Totten Metrorail Cases, lead case Jenkins v. Washington Metropolitan Area Transit Authority, et al., 7–26
McKnight Const. Co. v. Department of Defense, 3–8
MCM Construction v. City and County of San Francisco, 3–6
Metropolitan Paving Co. v. United States, 5–33
Mike Johnson, Inc. v. City of Spokane, 5–11
Miller v. State, 1–36
Minnesota Chapter of Associated Builders and Contractors v. County of St. Louis, 4–50
Mongiovi v. Doerner, 1–68
Monterey Mechanical Co. v. Wilson, 4–19
Motor City Electric Co. v. Ohio Casualty Insurance Co., 2–52

# Ν

Natkin & Co. v. George A. Fuller Co., 6–45 Naugatuck Valley Devel. Corp. v. Acmat Corp., 3–21 New England Concrete Pipe Corp. v. D/C Systems of New England, Inc., 2–37 New York State Ch., AGC v. Thruway Authority, 4–54 New York State Chapter, Inc., Associated General Contractors v. New York State Thruway Authority, 4–52 Noel J. Brunell & Sons, Inc. v. Town of Champlain, 4–28 Nolan Brothers, Inc. v. United States, 1–89 Northern Contracting, Inc. v. Illinois Department of Transportation, 4–23

## 0

O'Hare Truck Service v. Northlake, 3–25 Ohio County Devel. Auth. et ano. v. Pederson & Pederson, Inc., 6–38 to 6–39 Oregon-Columbia Brick Masons v. Or. Bureau of Labor & Indus., 4–44

# Р

P. T. & L. Construction v. State, Department of Transportation, 5-18 PacOrd, Inc. v. United States, 1–93 Parker-Hannifin Corp. v. Lane Construction Co., United States ex rel., 2–47 Peabody Construction Company v. City of Boston, 3–24 People ex rel. Bernardi v. Leary Construction Co., 4–35 Percy J. Matherne Contractor v. Grinnell Fire Protection Systems Company, 3-25 Perini Corp. v. City of New York, 5–11 Phillips & Jordan, Inc. v. State, Department of Transportation, 1–73 Phillips & Jordan, Inc. v. Watts, 4-18 Polyvend, Inc. v. Puckorius, 2–28 Powder Horn Constructors v. City of Florence, 3–20 to 3–21 Powers v. Miller, 5–5 Prime Contractors, Inc. v. City of Girrad, 1–27 Professional Engineers in California Government et al. v. Department of Transportation, 1–58 Progressive Transportation Services v. County of Essex, 3–25 Puget Sound Painters v. State, 3–20

# Q

Quality Asphalt Paving, Inc. v. State of Alaska Department of Transportation and Public Facilities, 1–89 Quinn Construction, Inc. v. Skanska U.S.A. Building, Inc., et al, 7–27

### R

Regional Scaffolding & Hoisting Co. v. City of Philadelphia, 4–27 Register Div. of Freedom Newspapers, Inc. v. County of Orange, 7–30 Robinson v. United States, 5–41 R&O Construction Co. v. Rox Pro et al., 6–38 Ro-Med Construction Company v. Clyde M. Bartly Co., 2–15 Romero Excavation & Trucking, Inc. v. Bradley Construction, 1–91 Rowan Cty. Bd. of Educ. v. U.S. Gypsum Co., 7–13

### $\mathbf{S}$

Safeco Credit v. United States, 5–13 San Diego Building Trades Council v. Garmon, 4–49, 4–50 Savage v. State, 1–36 Scheckel v. Jackson County, Iowa, 1–93 Schiavone Construction v. Larocca, 2-28 School District of Springfield R-12, ex rel. Midland Paving Co., 2–52 Schrey v. Allison Steel Manufacturing Co., 1–84 Sempre Construction Co. v. Township of Mount Laurel, 1-43 SEPTA v. AECOM USA, Inc., 7-26 Sevell's Auto Body Company, Inc. v. New Jersey Highway Authority, 2–19 to 2–20 Severin v. United States, 6–32 Sewell et al. v. Barge, Waggoner, Sumner & Cannon, Inc. et al., 7–26 Sherbrooke Sodding Company, In re, 4–20 to 4–21 Sherbrooke Turf, Inc. v. Minnesota Department of Transportation, 4–23 Siuslaw Concrete Construction Company v. State of Washington, Department of Transportation, 4–43 Southern New Jersey Rail Group, LLC at ano v. Lumbermens Mutual Casualty Co., 7–27 St. Paul Fire and Marine Insurance Co. v. United States ex rel. Dakota Electric Supply Co., 2–52 State ex rel Department of Transportation v. Guy F. Atkins Co., 6-45 State Highway Administration v. Griener Engineering Sciences, Inc., 1–88 State Highway Commission v. Green-Boots Construction Co., 5-6 State v. Antonich, 4–35 Statewide Roofing v. Eastern Suffolk Board of Cooperative Educational Services, 3–7 Stuyvesant Dredging Co. v. United States, 5–18 Systems Contractors Corp. v. Orleans Parish School Board, 3-25

### Т

Texas Department of Transportation v. Jones Bros. Dirt & Paving Contrs., 6–4 Tom Mistick & Sons, Inc. v. Reich, 4–41 Trap Rock Industries v. Kohl, 2–33 Tri-M Group, LLC v. Sharp, 4–43 Triton Corp v. Hardrives, Inc., 1–93 Trumbull Corporation v. Ohio Department of Transportation, 1–48 Turner Construction Company v. New Jersey Transit Corporation, 3–9

### U

United Building and Construction Trades Council v. The Mayor and Council of the City of Camden, 4–35 United States ex rel. Parker-Hannifin Corp. v. Lane Construction Co., 2–47 United States Fidelity and Guaranty Co. v. Thompson-Green Machinery Co., 2–44 United States to the Use of Noland Co. v. Irwin, 2–40 United States v. Fidelity Co. and Deposit of Maryland, 2–51 United States v. Munsey Trust Co., 2–53 United States v. Spearin, 1–72, 1–74, 5–15 United States Wood Preserving Co. v. Sundmaker, 1–27

## v

Valhal Corp. v. Sullivan Associates, 7–20 VanKirk v. Green Construction Co., 5–41 V.C. Nora, Jr. Building and Remodeling, Inc. v. State Department of Transportation and Development, 1–27

## W

Walker v. Thornsberry, 2–14
Warner Construction Corp. v. City of Los Angeles, 5–24
Washington Mechanical Contractors v. Department of the Navy, 3–7
W.C. English, Inc. v. Commonwealth Department of Transportation, 1–90
Wells Bros. Co. v. United States, 5–37
Western States Paving Co. v. Washington State Department of Transportation, 4–23
Western Sun Contractors Co. v. Superior Court, 3–17
Wester v. Belote, 1–13
W.G. Yates & Sons Construction, Appeals of, 6–45
White Construction Company, Inc. v. Division of Administration, State Department of Transportation, 2–23
White Oak Corp. v. Department of Transportation, 1–87 to 1–88
White v. Massachusetts Council of Construction Employers, 4–34 to 4–35
Wunderlich v. State, 5–25 to 5–26
Wygant v. Jackson Board of Education, 4–15, 4–16

Y

Youngstown Sheet & Tube Company v. Sawyer, 4-12