

National Practice

Gordon & Rees' Construction Group consists of more than 150 lawyers throughout the U.S. who focus their practice on the comprehensive range of legal services required by all participants in the construction industry—architects, engineers, design professionals, design joint ventures, owners, developers, property managers, general contractors, subcontractors, material suppliers, product manufacturers, lenders, investors, state agencies, municipalities, and other affiliated consultants and service providers.

ALL TYPES OF CLIENTS AND STRUCTURES

We serve clients who design, develop, or build all types of structures, including commercial buildings, single- and multi-family residential projects, industrial facilities, universities, hospitals, museums, observatories, amusement parks, hotels, shopping centers, high-rise urban complexes, jails, airports, bridges, dams, and power plants. We have also been involved in projects for tunnels, freeways, light rail, railway stations, marinas, telecom systems, and earth-retention systems. Our experience includes private, public, and P3 construction projects.

TRANSACTIONS AND LITIGATION

The Construction Group's lawyers have extensive experience handling a broad array of transactions and dispute resolution matters, including initial drafting, preparation, review and negotiation of contracts, project development issues, delay and disruption claims, bid protests, negotiation of restructuring agreements, cost overruns, default terminations, multi-party construction defect, mechanic's liens, surety, warranty, environmental contamination (sick building, mold, CEQA, NEPA), product liability, geotechnical claims, insurance, errors & omissions/professional negligence, risk management, land use, regulatory issues, and copyright matters.

THE CONSTRUCTION GROUP'S EXPERIENCE INCLUDES:

- Drafting contracts
- Review of contracts
- Contract negotiation
- Project development advisement
- Restructuring agreement
- Negotiations
- Delay and extra cost claims
- Bid protests
- Cost overruns
- Default terminations
- Multi-party construction
- Defect actions
- Mechanic's liens
- Surety
- Warranty
- Environmental contamination (sick building, mold, CEQA, NEPA)
- Product liability
- Errors & omissions
- Professional negligence
- Insurance



U.S. News - Best Lawyers® named Gordon & Rees a "Best Law Firm" 2021 for Construction Law.



Gordon & Rees was recognized as No. 5 in the Top 50 Construction Law Firms in the Nation by *Construction Executive*.



Construction Group attorneys are LEED® Accredited Professionals certified by the U.S. Green Building Council, which certifies professionals in their knowledge and expertise in green building and design.



Numerous team members have received the distinction of *Super Lawyers*® and/or *Rising Stars*® in the fields of Construction Litigation, Construction/Surety, and/or Environmental Law.

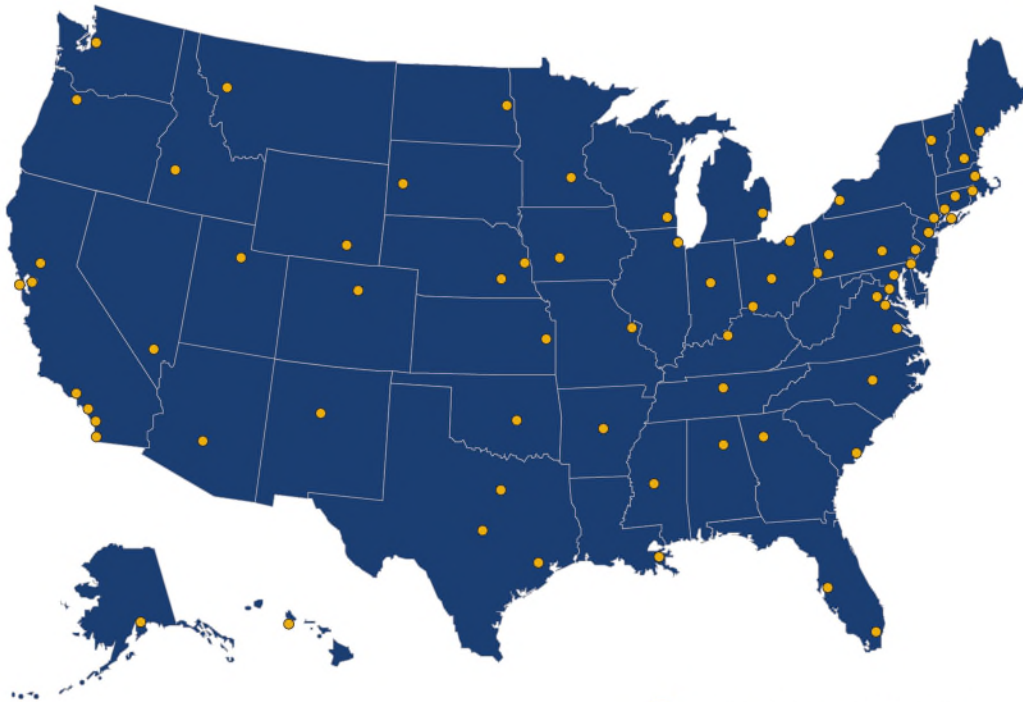
#1 in the Top 10 Law Firms Ranked by Most Locations

#2 in the Top 10 Law Firms Ranked by Number of Construction Attorneys

#6 in the Top 10 Law Firms Ranked by Number of States Admitted to Practice

Unique Experience — National Presence

Gordon & Rees is the first and only law firm with offices and lawyers in all 50 states.



● Gordon & Rees office locations

Gordon and Rees is a full-service law firm with more than three dozen areas of practice including:

- Agricultural Chemicals & Pesticides
- Antitrust
- Appellate
- Automotive Litigation & Autonomous Vehicles
- Aviation
- Banking & Finance
- Bankruptcy, Restructuring & Creditors' Rights
- Business Taxation
- Business Transactions
- Cannabis
- Class Actions
- Commercial Litigation
- Community Association Law
- Construction
- Consumer Protection Litigation
- D&O and Shareholder Litigation
- Domestic Relations
- Drug & Medical Device
- E-Discovery
- Employee Benefits & Executive Compensation
- Employment
- Energy
- Entertainment & Recreation Law
- Environmental/Toxic Tort
- ERISA
- Estate & Trust Litigation
- Food & Beverage
- Franchise Law
- Government Regulatory & Administrative Law
- Green Technology & Climate Change
- Health Care
- Insurance
- Intellectual Property
- International
- Labor
- Life, Health & Disability
- Life Sciences
- Maritime
- Medicare Compliance
- Privacy, Data & Cybersecurity
- Product & General Liability
- Professional Liability Defense
- Real Estate
- Retail & Hospitality
- Securities Litigation
- Tort and Product Liability
- Trials
- Trucking & Transportation
- Unfair Competition
- Wealth Management, Probate & Asset Protection
- White Collar Criminal Defense

CONSTRUCTION LAW BLOG

The Gordon & Rees Construction Law Blog provides news, views, and reviews of developments or interesting issues trending in the construction industry. Using the depth and breadth of our attorneys' experiences and geographical locations, the blog provides insight and analysis of all aspects of the industry impacting design professionals, contractors, and developers throughout the country. Visit grconstructionlawblog.com to read our entries.

FOR MORE INFORMATION

For additional information on our Construction practice and attorneys, visit grsm.com/practices/construction.



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Construction Practice

Overview

National Practice

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All Types of Clients and Structures

We serve clients who design, develop, or build all types of structures, including commercial buildings, single- and multi-family residential projects, industrial facilities, universities, hospitals, museums, observatories, amusement parks, hotels, shopping centers, high-rise urban complexes, jails, airports, bridges, dams, and power plants. We have also been involved in projects for tunnels, freeways, light rail, railway stations, marinas, telecom systems, and earth-retention systems. Our experience includes private, public, and P3 construction projects.

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Multi-Disciplinary Approach

Multiple Practices Working Together

The Construction Group mirrors the multi-disciplinary approach, involving lawyers from our Employment, Real Estate, Insurance, Intellectual Property, Business Litigation, and Business Transactions Groups.

Insurance

The construction insurance landscape has changed dramatically due to the increased costs of general liability policies and defending claims. Many projects provide for project-specific coverage, commonly referred to as Owner Controlled Insurance Policies (OCIPs), which are designed to limit defense of claims to one attorney for all insureds. We provide counseling and litigation-prevention seminars to owners, developers, and general contractors regarding insurance planning and the benefits, common pitfalls, and management of OCIPs, as well as “wrap ups,” stop loss coverage, and risk management throughout the entirety of a project.

Business Transactions & Real Estate

Choice of corporate entity in construction projects is often a key driver in the profitability of projects. We advise clients in forming the most appropriate corporate entity for the specific project, whether it is a corporation, partnership, limited liability company, or joint venture. For efficiency and cost-effectiveness, we use standard form documents whenever possible, turning to custom drafting only when necessary. We will not waste our clients' money or run up bills.

Labor & Employment

Employment matters also frequently arise on construction sites. We draft project labor agreements, provide wage and hour advice, and advise on hiring and termination matters.

Areas of Expertise

Disputes During Construction

Disputes and Administration of Contract Claims

Most projects encounter snags during construction, even serious disagreements, but the parties still prefer to finish construction despite disputes. Our lawyers are accustomed to this environment and have advised clients during project Dispute Review Board processes, regarding compliance with California's SB 800, and in bid disputes and protests, stop notices, change order claims, mechanic's liens, and ADA compliance.

We also have extensive experience with disputes involving claims for damages due to extra work, delay, disruption, inefficiency, and cost overruns, as well as default terminations, surety representation, indemnity claims, and acceleration issues. For professional design clients, we regularly resolve issues pertaining to architectural copyright claims against architects and design-builders; handle property acquisition, leases, and leasebacks; and perform the related tax planning in all these matters.

We have substantial expertise and experience in copyright matters—particularly the Architectural Works Protection Act amendments to the Copyright Act—and we have litigated cases in this area to successful jury verdict.

When contract disputes cannot be resolved during construction, we represent clients in post-construction negotiations on cost overrun and/or delay and disruption claims. We effectively use experts to best position our clients in these negotiations and to prepare our client's case should a matter end up in litigation. We work with our clients and experts to develop the most efficient strategies for resolving these claims.

Disputes After Construction

Disputes and Administration of Conflict Claims

After construction is complete, we defend general contractors, developers, engineers, architects, environmental consultants, and material suppliers from post-completion claims for design and construction defects (including building envelope and water intrusion disputes), earth movement claims, construction accidents, job-site injuries, and building product claims. The types of claims typically at issue include negligence, breach of contract, contribution, common law and contractual indemnity, and breach of warranty.

We aggressively explore all available defenses, including the economic loss doctrine and lack of privity. Our attorneys work closely with construction experts from every discipline to determine and understand sources and causes of defects. The experts help provide realistic assessments of the cases so we can advise clients regarding potential recovery or liability in the matter.

Our team has a national reputation for successfully handling large, complicated construction disputes for large contractors and design firms, often resolving disputes without the need for an expensive, protracted trial. We believe that complex and expensive construction disputes are well-suited to alternative dispute mechanisms and, therefore, we focus first on voluntary dispute resolution through extensive use of mediation. When alternative resolution cannot be achieved, our experienced litigators have arbitrated to decision and tried to verdict scores of construction cases in state and federal courts. Throughout the dispute resolution process, we apportion tasks among lawyers and trained paralegals to maximize efficiency and limit expenses.

Contracts Counsel and Negotiation

Contract drafting, review, preparation, counseling, and other transactional work form a large part of the Construction Group practice. As construction is being planned, every project develops distinct specifications and requirements, and ideas and interests to protect.

After a comprehensive analysis of each client's business goals and project objectives, we draft the full spectrum of construction-related contracts, such as prime, construction, design-build, teaming, and joint venture.

Gordon & Rees has drafted and negotiated contracts for:

- owners covering design and construction activities on assisted living and health care facilities, a professional sports arena project, and large multiphase mixed-use projects;
- designers and contractors on teaming, design-build, pre-construction, sub-consulting and subcontracting arrangements, and ancillary provisions including BIM and green building, LEED Certification, or shoring and underpinning provisions; and
- environmental consultants on traditional consulting agreements as well as guaranteed remediation and design-build agreements.

Gordon & Rees has considerable experience advising its clients from a legal and business risk perspective on appropriate terms for contracts relating to design or construction services. In that role, we are familiar with and regularly review and revise standard form agreements such as those developed by the American Institute of Architects, the Design-Build Institute of America, ASFE/The Geoprofessional Business Association, Associated General Contractors/ConsensusDocs, and other trade organizations.

We also review contract documents prepared by others and, when we sit down at the negotiating table, we are well-equipped to achieve the best result possible for our clients.

Additionally, we regularly review contracts for compliance with obligations under federal and state laws as well as regulations and ancillary agreements, such as loan documents or those related to M&A or bankruptcy.

Distinguishing Qualifications

The strength of our construction practice builds on our depth of knowledge of the legal, technical, regulatory, and business considerations specific to the construction industry. Every day, the liabilities of the construction industry continue to expand, the scope of government regulation deepens, and traditional transactions become more complex. It is imperative for legal counsel to have a well-rounded understanding of and direct involvement in the issues that shape the construction industry.

Contract Compliance Officer

Gordon & Rees' Construction Group includes an attorney in our Atlanta office who formerly served as a Contract Compliance Officer for the City of Atlanta's Office of Compliance, a position of appointment from the City of Atlanta Mayor.

Expert Mediators

A Gordon & Rees Construction Group lawyer has received a certificate in Mediation and Dispute Resolution from Harvard Law School. Another is a member of the Panel of Neutrals of the International Institute for Conflict Prevention and Resolution.

Technical Degrees

Gordon & Rees' Construction Group lawyers have degrees in environmental studies, engineering, construction management, mathematics, quantitative economics, and decision science.

Industry Regulatory Development

Gordon & Rees' Construction Group includes:

- a lawyer who has lobbied in Sacramento on behalf of the building and contractors trades where he was involved with the passage of new legislation affecting residential construction;
- a lawyer who is currently on the Legal Advisory Committee of the Orange County, CA, chapter of the Associated General Contractors; and
- a lawyer who is currently the Chair of the Legislative Awareness Committee of the Greater Phoenix chapter of the National Association of Women in Construction.

Leadership in Trade Associations

We have leadership roles in construction industry-related trade associations, legal advisory committees, and government agencies. Gordon & Rees Construction Group lawyers are members of:

- American Council of Engineering Companies Legal Counsel Forum
- Legal Advisory Committee of the Associated General Contractors of America
- ABA Forum on Construction Law
- American Institute of Architects
- National Association of Women in Construction
- Commercial Litigation and Construction Law Sections of local bar associations
- Urban Land Institute
- Construction Practice Chapters of the Association of Defense Counsel

- Design-Build Institute of America
- San Francisco Barristers Construction Law Committee
- Design Steering Committee of the ABA Forum on Construction Law
- Northern California Chapter of the U.S. Green Building Council

Teaching and Publications

Our Construction Group lawyers have taught construction law at the college level and authored numerous articles, newsletters, and treatises on topics such as: *“Construction Contracts: Forms and Substance,” “Changes to Look Out For in New AIA Documents,” “Special Topics in Litigation of Disputes Involving Design Professionals and Construction Managers,”* and various supplements to the CEB publication, *“California Surety and Fidelity Bond Practice.”*

Presentations

Our Construction Group lawyers are regular presenters at client seminars, industry conferences, and legal symposiums on topics including Design-Build, Delay and Disruption Claims & Damages, Contract Forms, Extra Work Claims, Green Building Construction, Use of Critical Path Method Scheduling, Inefficiency Claims, Mechanic's Liens, Defective Construction, Termination for Default & Convenience, SB800, OCIPS & CCIPS, Insurance, Suretyship, Bonds, and Alternative Dispute Resolution.

Tradesmen

We have practical experience working in job trailers as engineers, construction project managers, consultants, and tradesmen.

A Gordon & Rees Construction Group lawyer began his construction background as a member of the Carpenter's Union, Local 152, with field experience in constructing residential, commercial, and public structures. He has hands-on experience with mobilization, ordering, construction assembly, change orders, design review, and scheduling in the building of site improvements, mass-produced housing, commercial structures, custom residences, and commercial tenant improvements.

A Gordon & Rees Construction Group lawyer served as a Managing Foreman for construction companies in Hawaii and California where he managed all aspects of building multimillion-dollar custom homes, including oversight of project crews and deadlines. He also served as Assistant Project Manager for a construction services company in California where he advised the management team on materials and price negotiations, managed commercial projects within budget and on deadline, and initiated and implemented a pre-job then weekly troubleshooting system. He began his career as a carpenter where he specialized in building luxury custom homes.

A Gordon & Rees Construction Group lawyer served as the General Counsel for a publicly traded, nationwide engineering, consulting, and construction firm where he drafted, reviewed, and negotiated a wide range of contracts and agreements, including commercial leases for corporate headquarters and branch offices, project contracts, design-build, teaming agreements, and joint ventures from a variety of perspectives. He also prepared employment and confidentiality agreements, oversaw three acquisitions, managed the company's captive insurer and subsequent outside insurance placement, and supervised all litigation, including the retention and management of outside counsel. He has provided nationwide loss prevention training seminars to company personnel.

Infrastructure and Utilities

Infrastructure

Infrastructure projects are high-profile, large-scale investments and the on-time completion of these projects, within budget, frequently generates great public interest and scrutiny. Gordon & Rees understands this unique environment in which infrastructure clients operate and we have assisted clients in all phases of the design, engineering, and construction of a wide variety of infrastructure projects.

Horizontal infrastructure projects: both public and private, involving bridges, highways, streets, water and sewer lines, wastewater treatment plants, tunneling projects, cellular network UMTS and integration projects, dams, airports, transit systems, power plants, and renewable energy.

Vertical infrastructure projects: universities, prisons, hospitals, and courthouses.

Utilities

Gordon & Rees has comprehensive experience serving utilities and providers of products and services to the utilities industry across the United States. Our clients range from established international telecommunications corporations to start-up innovators, including telecom carriers, wireless service providers, cable companies, and equipment manufacturers, as well as engineering and construction firms.

Full scope of legal needs: business transactions, commercial contract litigation, environmental/toxic tort matters, public-private project negotiations, real estate, construction, land use/rights-of-way, utility entitlements, easements, regulatory issues, capacity leasing, cell-tower leasing, bankruptcy, and intellectual property matters (licensing, patent protection, and strategic alliances).

Comprehensive experience: above- and below-ground projects involving cellular, land line/pole, cable, and fiber optic networks; matters involving damage to pipelines and underground and overhead utility facilities; and state and federal statutes that govern the installation and maintenance of telecommunications, gas and electric service lines, gas mains, and electrical cables.

Public Contracts and Procurement

Gordon & Rees' Construction Practice has a unique specialty focusing on government contracting and procurement law at the local, state, and federal levels. Our experience covers all aspects of the public procurement process, as well as the resolution of claims and disputes. We advise clients on the procurement of government contracts and the qualification for government set-aside certifications. We have researched and analyzed numerous state and federal government contract regulations and advise clients regarding compliance with those regulations. Our clients include companies with long histories of government contracting experience and start-up companies requiring assistance in obtaining their first government contract.

Types of Public Projects: water and wastewater treatment facilities, sewer systems, transportation systems, environmental remediation, public-private multi-use/reuse projects, athletic and recreation facilities, libraries, museums, military housing, public housing, healthcare facilities, dams and flood control, chemical weapons removal, power generation and distribution, stadiums, and schools, colleges, and universities.

Public Procurement Process: teaming, joint venture, and privatization partnership agreements; federal and state regulatory compliance requirements; prosecution and defense of bid protests; and litigating procurement challenges.

Claims and Disputes: requests for equitable adjustments on federal and non-federal government contracts based on delay, unforeseen conditions, changes, defective specifications, cardinal change, and non-performance of directed subcontractors; claims involving defective design and construction misrepresentation, consequential and liquidated damages, prevailing wage statutes, breach of contract, negligence, abandonment, terminations for default and convenience, and non-payment; and litigation involving the False Claims Act, False Certification Act, and Buy American Act/Trade Agreements Act.

Representative Experience

Infrastructure

- Represented designer in a dispute involving alleged design defects in a ferry terminal access bridge.
- Represented engineer in railroad tunnel collapse.
- Obtained favorable resolution on behalf of architect involving a mass transit bus mall.
- Represented utility in 100+ cases involving underground facilities in disputes relating to contractors digging into buried power lines, fiber optic lines, other telecom lines, and irrigation lines.
- Represented major subcontractor in dispute with Caltrans over out-of-scope work on bridge project.
- Obtained a complete defense verdict on behalf of a large civil engineering firm following trial regarding disputed specifications and cost overruns on a large highway project in California.
- Represented design-build contractor on multimillion-dollar payment disputes arising out of cellular network UMTS projects in multiple states.
- Represented tunneling contractor in litigation arising out of the collapse of a tunnel and resulting sinkhole that swallowed two structures.
- Represented engineering firm in dispute relating to leaking dam.
- Represented engineer in defense of claims for defective design of flood control gates on dam.
- Advised nuclear power company on compliance issues related to transport of materials.
- Represented international engineering firm in nine-figure arbitration proceeding involving interstate highway project.
- Represented dozens of design firms in numerous disciplines in claims, litigation, and negotiations involving primary schools/universities, airports, jails, bus/train stations, museums, parks, courthouses, roadways, power plants, and other major infrastructure projects owned/operated by local, state, and federal agencies.
- Defended municipalities and prosecuted claims arising from public construction projects against multiple contractors and sureties for defective construction, the equitable adjustment of contracts, change orders, project delays, and unforeseen conditions.
- Defended several-hundred-million-dollar delay and professional negligence claims against engineers arising from construction delays and cost overruns in multibillion-dollar public construction transit projects brought by transit authority.

Utilities

- Representing a national homebuilder and local utility district in a breach of contract matter involving the improper installation of wet utilities, which caused settlement of wet utility trenches and damage to the above streets.
- Representing a national homebuilder in a suit against a subcontractor for improper placement of the sewer lines resulting in interference with the curb and gutter and further development.

- Representing consultant on 593 miles of middle-mile fiber-optic network and infrastructure.
- Representing a national homebuilder in a suit against a subcontractor, geotechnical company, and asphalt installer for failure to the infrastructure caused by settlement of the sewer trench and damage to the streets.
- Represented design-build contractor on multimillion-dollar payment disputes arising out of cellular network UMTS projects in multiple states.
- Negotiated contracts for lease and installation of cell towers.
- Serve as lead counsel to owner and operator of a festooned submarine fiber-optic network system designed to provide high-capacity carrier, enterprise, and governmental customers route diversity for telecommunications.
- Represented Verizon Wireless and predecessor entities in real estate leasing and acquisition activities for build-out of Southern California network.
- Represented Time Warner before the City of National City over a contested antenna Time Warner wanted to build and City opposed.
- Represented utility in 100+ cases involving underground facilities relating to contractors digging into buried power lines, fiber-optic lines, other telecom lines, and irrigation lines.
- Representing telecommunications company in suits involving damage to its underground and overhead telecommunications facilities.
- Representing engineering contractor in death case involving explosion of underground gas pipeline from a project to upgrade electric power transmission lines for a utility.
- Represented underground utility inspection, maintenance, and repair service provider in public procurements with municipal and county agencies, including challenges to contract awards and claims.
- Negotiated contracts for lease and installation of cellular towers, removal and installation of substations in multi-use development of public transportation authority, and removal and re-installation of overhead utility lines across active rail lines.
- Represented telecommunications company in public procurement to provide statewide telecommunications services.

Contract Drafting and Transactions

- Negotiated a contract for a construction contractor to lift and stabilize a sinking hotel in Northern California under very tight time and conditions restraints.
- Consulted a large number of design professionals regarding indemnity provisions in contracts for schools, hospitals, and other commercial projects.
- Consulted a residential developer on indemnity provisions on residential projects as well as dispute resolution sections and termination provisions.
- Representing a major Corporate Center located outside Hartford, CT. The firm handles the Center's legal matters related to frequent construction issues as per the management agreement for the investors.
- Representing national developer drafting and negotiating design and construction contracts for large, multiphase, mixed-use development project.
- Negotiated design-build agreements for pension fund owner of commercial office building.

- Drafting and negotiating design and pre-construction contracts for the owner of a professional sports arena.
- Represented assisted living center in negotiating A/E and GMP construction contracts.
- Negotiated CM at-Risk Agreement for performing arts center.
- Negotiated contracts for lease and installation of cell towers.
- Represented a general contractor in the negotiation of an OCIP manual, and related matters, regarding the repair/re-installation of waterproofing and exterior stucco and other finish construction issues for a 46-unit condominium project in Santa Barbara.
- Negotiated and drafted design, development management, and construction agreements for owner of large-scale church and community center.
- Drafted and negotiated design and construction agreements for owner of marine mammal center.
- Management and oversight of legal due diligence procedures for owners in acquisition of commercial structures and build sites.
- Establishment, transfer, and termination of Foreign Trade Zone designation for acquirers and sellers.
- Represented design professionals against claims of alleged groundwater contamination from municipal wastewater treatment facility.
- Represented design professionals against claims related to construction of various school construction projects.

Private Commercial Building

- Secured favorable settlement for architectural firm in a lawsuit brought by the owner of a large, regional shopping center, alleging claims against more than 40 parties for defective new construction, negligent development, and defective design.
- Represented developer/owner in binding arbitration related to multiple live-work loft projects in San Francisco and obtained award of over \$12 million in this termination-for-default case against the contractor and its joint venture partner.
- Obtained summary judgment on behalf of geotechnical engineering firm in \$40 million dispute involving Shutters Hotel site in Los Angeles.
- Assisted major general contractor in DRB presentations, negotiated with public entity owner, and obtained a \$26 million negotiated change order plus time extension.
- Secured dismissal of lawsuit against large developer in matter alleging unfair and discriminatory sales practices.
- Secured judgment in favor of general contractor against owner of airport parking structure based on faulty plans and specifications leading to extended project delays and impacts.
- Represented utility in drafting, negotiation, and administration of contracts for the construction of power generating stations and associated facilities; represented same utility before U.S. EPA and Nevada Department of Environmental Quality with respect to legacy air quality issues.
- Secured dismissal for design-build electrical subcontractor being sued for over \$12 million related to a hotel's three-day blackout and resultant loss of use and property damage.

- Represented hotel in multimillion-dollar cost overrun dispute with general counsel.
- On behalf of design-builder, negotiated multimillion-dollar design-build contract for the commercial development of port area.
- Represented owner in successfully resolving claims from construction contractor and program manager for delay and interference in the restoration of historic and architecturally significant hotel property.
- Negotiated specialty trade subcontract agreement for all glass and railing work on professional football venue and affiliated parking structures.
- Defended construction company in lawsuit related to water-intrusion damage of hotel property.
- Represented national retail bank in the negotiation of construction agreements for renovation and new construction of branch locations crossing several states.
- Successfully defended civil engineering firm from a \$15 million claim arising from the collapse of a mammoth MSE wall.
- Secured dismissal of geotechnical/environmental client from construction defect case.
- Obtained a \$9 million settlement in favor of a Las Vegas contractor involving construction of the MGM/CityCenter project. The contractor was owed monies for contract balance, unapproved changes, and damages, and recorded several mechanic's liens on the project. A complaint was filed against the owner of MGM/CityCenter to foreclose on the liens. Gordon & Rees was able to negotiate a favorable settlement directly with the owner thus avoiding the expense of litigation.

Public Projects

- Represented major subcontractor in dispute with Caltrans over out-of-scope work on bridge project.
- Complete defense verdict for civil engineering firm following trial regarding disputed specifications and cost overruns on large highway project.
- Defended general contractor against claims related to damages to an artificially constructed flood bank allegedly caused by contractor's micro-tunneling operations.
- Negotiated change orders and equitable adjustments for extra work on various county construction projects.
- Defended contractor against claims of airport authority for delay in completing parking structure.
- Defended engineering company from personal injury claims alleging violation of safe construction zone statutes and negligence on public works project site.
- Represented consulting engineering firm in litigation involving collapsed vehicle tunnel on state and federal highways.
- Defended transportation engineering firm from claims of defective design arising from substantial motor vehicle collision on federal highway.
- Representation of dozens of design firms in numerous disciplines in claims, litigation, and negotiations involving primary schools/universities, airports, jails, bus/train stations, museums, parks, courthouses, roadways, power plants, and other major infrastructure projects owned/operated by local, state, and federal agencies.
- Represented designer in a dispute involving alleged design defects in a state-operated ferry terminal access bridge.

- Represented contractor in equitable adjustment claim against BLM.
- Represented contractor against claims of Davis Bacon Act violations on weatherization projects for the U.S. Department of Energy.
- Negotiated design-build agreements on behalf of design-builder with General Services Administration for renovation and expansion of GSA headquarters building.
- Defended military housing project developer from claims of breach, delay, and nonpayment of subcontractors and suppliers.
- Defended engineer from defective design claims arising from failure of flood gates on reservoir.
- Represented metal fabricator in claim for changed scope of work for U.S. Army Corps of Engineers project to refurbish erosion and flood control structures.
- Represented flood pump manufacturer against claims for breach of contract and default termination at the Armed Services Board of Contract Appeals and U.S. Court of Appeals for the Federal Circuit.
- Represented international engineering firm in nine-figure arbitration proceeding involving interstate highway project.
- Represented contractor in litigation over claims related to construction of wastewater treatment plant.
- Represented quasi-municipal district in claims for negligence and breach of contract by utility contractors on infrastructure project.
- Represented metal building manufacturer in delay damages litigation involving public school project.
- Defended design professional against claims of defamation and tortious inference related to public school renovation and expansion project.
- Represented engineering firm in dispute relating to leaking dam.

Dispute Resolution

- Represented an architectural services company hired for a new performing arts center at a community college. A payment dispute arose over the interpretation of the original contract and the amendments thereto. The community college's statute of limitations arguments and its contractual claims were defeated during arbitration, resulting in a judgment of more than \$1 million for our clients.
- Obtained a multimillion-dollar settlement for a general contractor in a breach of contract/delay/termination for default case involving a public entity.
- Represented an insurance company at trial and on appeal in a complex case involving the sinking of a ship at dry dock.
- Represented engineering companies, design professionals, and project archaeologists in multiple cases involving collapse of structures, including bridge structures, falsework structures, and ancient elevated sidewalk structures.
- Represented developers in bank workouts and related negotiations with contractors, subcontractors, and suppliers to avoid default and foreclosure.
- Represented contractors in bid protests, including contractors who were not the apparent low bidder at time of bid opening and apparent low responsible bidders responding to protests.
- Represented a geotechnical engineering firm in litigation/arbitration related to the First Hawaii Center in Honolulu, HI, against the multimillion-dollar claims of the contractor and specialty subcontractor for extra work and delays/disruptions.

- Represented general contractor in obtaining a \$21 million change order on a \$63 million project.
- Represented a homeowner concerning alleged wrongful demolition of property by a public agency and in related tenancy matters.
- Represented an architect in the enforcement of the design professional's lien claims after owner insolvency.
- Prepared briefing for a successful appeal related to a good faith settlement by a design professional with a school district.
- Represented the State of California in arbitration proceeding by contractor relating to delay, disruption, and out-of-scope work in construction of a new state prison.
- Represented owner in contract change order disputes and litigation against development manager relating to major commercial project in South of Market area of San Francisco.
- Negotiated a favorable settlement in a nearly 10-figure lost profits case in international arbitration venued in Singapore involving numerous alleged design and construction defects at a wafer fabrication plant. Settled the matter for approximately 1/1000th of the amount demanded.
- Represented the architect of two large office buildings in which trial consumed three weeks. At the conclusion of trial, the court declared a non-suit as to our architect despite the plaintiff's expert being allowed to testify against the architect on standard-of-care issues.
- Drafted and negotiated AIA, AGC, DBIA, and non-standard form contracts for various design professionals, contractors, and owners.
- Represented major steel manufacturer in federal court at trial and on appeal in multiple actions concerning upgrades to its basic oxygen furnace and obtained seven-figure judgment upheld on appeal.
- Represented surety industry as amici in California Supreme Court case regarding application of pay-if-paid clauses in contracts and effect on obligations of surety.
- Represented bank at trial of 12-year-old dispute with adjacent landholder regarding development issues and claims in millions, and obtained favorable defense verdict in trial in San Diego Superior Court.
- Represented engineering companies in matters involving two different collapses of bridge structures.
- Represented California State University – Chico in litigation against a contractor and electrical subcontractor for extra work and delay.
- Represented California State University – San Francisco in federal class action litigation involving allegations of campus-wide ADA violations.
- Represented a private owner in the termination for convenience of a contractor on a \$30 million private home in Monterey, CA.
- Represented a private owner in a termination for default of a CM at-Risk on the construction of a school gym facility in Belmont, CA.
- Represented an owner/financial institution in a termination for default and abandonment case in arbitration against a contractor.
- Representing contractor in claims before the U.S. Department of Interior Board of Contract Appeals pursuant to the Contracts Disputes Act.
- Represented environmental consulting firm in litigation with public entity over adequacy of an EIR/EIS.

- Obtained summary judgment for geotechnical firm in litigation by contractor relating to differing site conditions claim on San Francisco high-rise residential tower.
- Represented engineering firm in litigation in Republic of Palau relating to bridge collapse.
- Secured motion for summary judgment as to an alleged \$8 million domestic plumbing system defect for the plumbing/HVAC contract at a major Las Vegas hotel and casino just days before trial. Contractor went on to prevail at trial on its mechanic's lien case for over \$4 million. The Gordon & Rees attorney was appointed by the project OCIP carrier to represent most of the other enrolled subcontractors alleged to have performed negligent and defective work and successfully defended all defect claims against those subcontractors.
- Secured dismissal of all claims, over \$50 million, related to the delayed opening of the Cirque Du Soleil show and other canceled shows at a major hotel and casino caused by construction defects for the specialty steel contractor.
- Represented environmental consultant/remediation contractor in dispute over cost overruns on Superfund landfill capping project in Vermont.
- Represented tile contractor in jury trial against Italian marble supplier resulting in a \$900,000 verdict including punitive damages.
- Represented a major home developer that had repaired claims by homeowners in four subdivisions and recovered more than \$12 million in indemnity payments from the responsible trades over a two-year period.
- Represented the prime contractor and various subcontractors in a highly successful eight-week trial involving disputes against a County owner, the project engineer, and the structural engineer concerning defective concrete specifications for a four-story parking structure causing a nine-month delay in the project.
- Represented a contractor in dispute with the U.S. Government wherein the latter sought to void multiple contracts and recoup all monies paid to the contractor based on alleged bidding errors for construction of military bases.
- Counseled hotel owner on construction contracts and issues arising from substantial remodel of a luxury hotel.
- Represented a contractor in a successful bid protest against a local community college school district.
- Counseled a contractor taking over a large commercial project from a financially distressed predecessor who terminated mid-project.
- Secured motion for summary judgment in favor of the primary developer in a Clark County District lawsuit stemming from a development agreement to build a hotel/casino in Las Vegas. Gordon & Rees represented the primary developer in this indemnity action to recover over \$2 million spent in breach of contract litigation between former developer partners.
- Secured motion for summary judgment in construction defect litigation, which eliminated all construction claims asserted against the firm's client, a subcontractor. The Gordon & Rees attorney successfully argued to the court that Nevada's Economic Loss Doctrine precludes an owner from pursuing claims against those with which it does not have privity of contract and where there are no claims of personal injury or damage to other property as the latter term is defined in Nevada case law.
- Success in \$2 million three-week binding arbitration on behalf of a design-build general contractor in a large commercial/industrial project.

- Secured motion for summary judgment in favor of a life safety consultant related to the wrongful death of a worker on a construction site at a major Las Vegas retail center. Numerous violations of OSHA jobsite safety regulations were alleged. Motion for summary judgment was filed on the basis of the Nevada Industrial Injury Act and related case law. Consultant was deemed through statutory construction to be an “employer” and consequently the exclusive remedy of workers’ compensation applied.
- Settled a landslide case on terms extremely beneficial to the client, the City of Oceanside. Plaintiff homeowners claimed to have suffered major property damage and emotional distress damages totaling several millions of dollars. After three years of depositions and with the assistance of hydrologists and soils engineers, Gordon & Rees persuaded plaintiffs the case was worth no more than \$240,000.
- Successfully defeated a bid protest made against Gordon & Rees’ client, one of the largest U.S. construction companies, on a \$36 million public project. Client was awarded a contract to build a veterinary medical complex for a university campus. A competing national commercial bidder protested the award of the project. The Gordon & Rees team provided a detailed formal response to the protest. Relying heavily on the response submitted by Gordon & Rees, the university rejected the bid protest, securing the award of the \$36 million contract to the Gordon & Rees client.
- Obtained summary judgment in an insurance coverage/bad faith case involving a dispute that arose over construction of a 41-story residential project in Denver.
- Represented plaintiff clients in litigation stemming from construction supplier agreements, including writing and responding to substantive and procedural motions, settlement negotiations, and post-judgment proceedings.
- Represented defendant clients in federal litigation arising from injuries occurring in or around jobsite buildings and machinery, including drafting and responding to discovery notices, pleadings, and correspondence; researching, analyzing, drafting, and responding to substantive and procedural motions; and researching and developing strategic options and writing memoranda regarding the same.
- Obtained a complete defense verdict against a \$3.2 million claim for indemnity brought by a general contractor. The case was particularly challenging because the contract between the general contractor and Gordon & Rees’ client contained a Type I indemnity provision in favor of the general contractor. The court ruled that Gordon & Rees’ client was not negligent and that none of the damages suffered by the general contractor arose out of the operations of Gordon & Rees’ client.
- Secured motion for summary judgment and motion for attorney’s fees and costs on behalf of general contractor client in a dispute stemming from the construction of a multimillion-dollar custom estate in Las Vegas. The owner’s neighbors took issue with the height of the home and sought money damages for diminution in value of property, interference with their quiet use and enjoyment of the property, nuisance trespass, and other related claims. The court ruled that plaintiff could not show any legal causation between the alleged conduct and the plaintiff’s alleged damages and granted summary judgment.
- Received arbitration award of \$1.5 million and attorney’s fees of \$750,000 in favor of engineering, design, and construction services client that acted as a design-build contractor for a national cellular equipment company. The work was performed under a Master Agreement covering markets nationwide; in two of the markets, plaintiff refused to compensate Gordon & Rees’ client for work performed. The arbitration award represented 94% of the amount sought by Gordon & Rees’ client.

- Secured summary judgment in favor of Gordon & Rees' client, a general contractor, in the amount of \$570,000. Gordon & Rees' client was selling its business to defendant, who did not make required payments because it argued that the arrangement was a strategic alliance not a sale of the business. The parties agreed to use a third-party neutral expert to audit the job cost reports and it was found defendant was unable to ensure the accuracy of its reports, and job and labor costs were wrongly allocated by defendant. The court found that the expert's findings were binding on defendant and granted summary judgment to Gordon & Rees' client in the amount of \$500,000, plus over \$70,000 in attorney's fees, costs, and pre-judgment interest.
- Obtained summary judgment on behalf of a national construction materials supplier in a personal injury negligence/vicarious liability suit for \$4 million in damages. The summary judgment motion centered on the application of Georgia's Statutory Employer Defense, which provides immunity to a company whose contractor obtains and pays out workers' compensation benefits.

Presenter Biographies





Christine D. Barker

PARTNER

PRACTICES

- Construction

Attorney Biography

CONTACT

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Christine Barker is the Co-Managing Partner of the firm's Orange County office. Ms. Barker is a highly accomplished attorney with significant experience in general and complex matters with an emphasis in construction law. Ms. Barker has counseled owners, general contractors, design professional and subcontractors during all phases of contract negotiations, project design and construction. During the project planning phase, she provides advice concerning licensing, contractor selection, contract drafting (e.g. EPC, AIA, ConsensusDoc) and negotiation, insurance

requirements, and bidding. Recently, Ms. Barker assisted a new start-up business in licensing, designing, contracting and constructing, from the ground up, private power plants for commercial businesses. During the construction phase Ms. Barker continues to counsel clients on change order disputes, delays, defect claims (commercial and residential), as well as construction remedies, including mechanics liens, stop notices, performance/payment bond claims, and prompt payment laws.

In addition to construction counseling, Ms. Barker has extensive experience in public procurement law including advising on bid protests, contract drafting/negotiation, contract performance and compliance issues, claims and dispute resolution. Ms. Barker has successfully represented her clients in both protesting and defending against protests in a variety of solicitation formats, including best value, negotiated best value and lowest responsible bidder.

Finally, Ms. Barker is also a highly accomplished litigator in both public and private matters. Ms. Barker's ability to effectively evaluate a case early on allows her to develop a realistic case strategy and cost effective solutions. Ms. Barker represents owners, developers, subcontractors and design professionals, in all aspects of litigation including, creating and implementing discovery plans and trial strategy, filing and defending against mechanic's liens and stop notices, evaluating and resolving defect and delay claims, making resolution recommendations, and effectively representing her clients at Mediation, Binding Arbitration, Settlement Conference and Trial.

Construction projects include commercial retail developments, power plants, luxury hotels and apartments, hospitals and schools pipelines and industrial tanks, large residential developments, and single family remodels.

Admissions

- California
- U.S. District Court, Central District

Education

- J.D., Chapman University School of Law, 2003
- B.A., Political Science, University of California, San Diego, 2000

Memberships

- Orange County Bar Association
- Board for the Construction Law Section Group of the Orange County Bar Association (Secretary/Treasurer)

Community Involvement

- Mentor for Orangewood Children's Foundation
- Assistance League of Orange – Professional Auxiliary Chapter

Publications & Presentations

- Author, *Disappointed Bidders Can Now Sue Lowest Bidder in Public Works Project*, Construction Law Blog (September 2015)
- Author, *Show Me the 998 Money - Under New California Law, Who Pays the Post-998 Expert Fees and Costs is Irrelevant*, Construction Law Blog (August 2015)
- Author, *Disgorgement? But I'm a construction manager, not a contractor*, (June 2014)
- Author, *What To Do When a Private Project Owner Files for Bankruptcy*, Construction Advisory Report, (April 2014)
- Co-Author, *Defending Against a High-Stakes, Bet-the-Company, Multi-Million Dollar Property Damage Claim*, California Constructor (May/June 2013)



Lisa M. Cappelluti

PARTNER

PRACTICES

- Construction
- Community Association Law

Attorney Biography

Lisa M. Cappelluti is a Partner in the San Francisco office of Gordon & Rees and is a member of the Construction practice group. Her practice emphasizes the representation of developers and general contractors in construction disputes and contract consultations. She has represented clients in a wide variety of cases, for both residential and commercial construction projects.

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Ms. Cappelluti has substantial experience assisting developer and general contractor clients in construction litigation and contract matters. She represents clients throughout the state in pre-litigation disputes and construction litigation involving defect issues, construction site injuries, environmental issues, mold claims, contract and delay claims impacting both residential and commercial construction projects. Ms. Cappelluti's trial successes include obtaining a defense verdict on two separate construction trials as well as favorable trial verdicts in construction site injury and construction defect trials. In addition, Ms. Cappelluti has been instrumental in assisting clients in forming corporations, preparing residential development documents for associated real estate transactions, and preparing contracts for developer and construction clients. She also has advised her clients on the procurement and administration of WRAP/OCIP insurance policies. She frequently lectures to members of different contractor groups on construction issues, contract disputes and risk allocation issues facing the construction industry. She also has published several articles for the construction industry.

Ms. Cappelluti is admitted to practice in California. She earned her law degree from the University of San Francisco and her bachelor's degree from Santa Clara University. She served as the Chair of the State Bar of California Litigation Section and is a member of the Association of General Contractors, Association of Defense Counsel and Claims Resource Management where she regularly serves on panels.

Admissions

- California

Education

- J.D., University of San Francisco, 1994
- B.A., Santa Clara University, 1988

Honors

- *Super Lawyers*® distinction in the field of Construction Litigation: Business (2016-2020)

Memberships

- State Bar of California Litigation Section Executive Committee Member - 2005 to present; Chair of Executive Committee - 2013
- American Bar Association Construction Law Section
- State Bar of California Association of Defense Counsel
- San Francisco County Bar Association
- DRI
- Associated General Contractors of America
- National Association of Industrial Offices and Properties
- Association of General Contractors
- Association of Defense Counsel
- Claims Resource Management

Community Involvement

- A Chance in Life

Publications & Presentations

- Meeting of Masters 2008; Coaching for New Practitioners 2008
- Toxic Mold Act 2001: Friend or Foe, Options for Creditors
- Editorial, California Litigation Update 2013
- "Meeting of the Special Masters," the San Francisco Bar Association Construction Section
- "Coaching for the New Practitioner," the State Bar of California Litigation Section, West Coast Casualty 2012 Conference
- 2013 Complex Litigation Symposium, Panel Presentation on Mass Actions



Misty D. Marris

PARTNER

PRACTICES

- Employment Law
- Professional Liability Defense

Attorney Biography

Misty Marris is Co-Managing Partner of the New York office. Ms. Marris practices in a variety of different legal areas and is responsible the handling of matters from inception through trial. Among other legal areas, she handles employment law, commercial litigation, class actions, products liability, professional liability, wage and hour class actions, data breach, cyber, civil rights violations, RICO and criminal law cases.

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Prior to joining Gordon & Rees, Ms. Marris worked at a large national law firm representing small and large businesses in all aspects of the litigation process, appearing in Court to advocate on behalf of her clients including conducting depositions, preparing and arguing motion, court conferences, mediations and trial. In addition to her law firm experience, she also worked in-house for a major insurance carrier where she focused on coverage, analysis of claims, crafting litigation strategy and conducting settlement negotiations and mediations.

Ms. Marris has varied experience working for a private firm specializing in criminal defense law where she was involved in all aspects of criminal defense, child custody, domestic abuse and family law issues, handling all proceedings including trial. Further, she worked as a staff member at the New York State Attorney General's Office where she worked with prosecutors in the civil rights, consumer fraud, RICO and sensitive crimes units of the AG.

Ms. Marris' vast courtroom experience along with her knowledge of various areas of law allows her to provide a strong defense to all of her clients.

Ms. Marris is a television and radio personality who serves as an independent legal analyst on of the moment legal issues on various national and local news programs including the Fox News Network, Fox Business Network, CNN, HLN, Crime Watch Daily, the Nancy Grace Show and Afternoons with Dr. Drew. Ms. Marris discusses all aspects of a legal case and a variety of different legal areas with an emphasis on criminal issues, civil rights issues, litigation and trials.

Admissions

- New York
- U.S. District Court, Southern and Eastern Districts of New York

Education

- J.D., St. John's University School of Law, 2007
 - New York International Law Review*, Senior Staff Editor
 - CALI Award for Excellence in the Elder Law Clinic

- B.A., *with honors*, Philosophy, Politics and Law, Binghamton University, 2004
—Dean's List

Honors

- *Super Lawyers*® Rising Star distinction in the fields of General Litigation, Employment & Labor: Employer, Entertainment & Sports, Civil Litigation: Defense, Constitutional Law, and Civil Rights (2018)

Memberships

- New York State Bar Association
- New York City Bar Association

Publications & Presentations

Videos

- Ex-UPS Driver's Pregnancy Bias Claim at High Court, FoxNews (December 1, 2014)
- Robert Schalk, Esq, discusses the pending Grand Jury re: the Ferguson police shooting, Fox News (November 18, 2014)
- Medical Marijuana Patient Sues After Firm Won't Hire Her, FoxNews Fox & Friends (November 14, 2014)
- Case Against Eric Frein Open and Shut?, FoxNews Fox & Friends (November 1, 2014)
- PTSD Fears Keeping Employers from Hiring Vets?, FoxNews Fox & Friends (June 23, 2014)



Brenda K. Radmacher

PARTNER

PRACTICES

- Construction
- Green Technology, Solar & Renewable Energy
- Professional Liability
- Environmental/Toxic Tort
- Entertainment & Recreation Law
- Cannabis, Hemp & CBD

CONTACT

Los Angeles

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bradmacher@grsm.com

Attorney Biography

Brenda Radmacher is a noted expert in construction law and is called on as a counselor, litigator, and noted speaker on issues involving land owners, general contractors, developers, and builders. She has a multi-faceted practice handling litigation and providing advice

and counsel/transactional support to her construction-industry clients. Ms.

Radmacher has significant experience advising clients on risk management best practices, drafting critical documents and procedures, and effectively resolving disputes.

In her role as counselor and dispute resolution expert, Ms. Radmacher often serves her construction industry clients providing the big picture while also ensuring the nuances of complex construction claims are considered. As a result of her nearly 25 years of working with construction contractors, construction managers, design professionals, and owners she brings a robust understanding and viewpoint on matters to help her clients reach their desired goals with efficiency.

Ms. Radmacher's practice emphasizes resolving complex construction disputes through negotiation, mediation, and, when necessary, arbitration and litigation, on projects in California, nationwide, and internationally. Construction companies and design professionals call on Ms. Radmacher's legal and negotiation expertise for issues including course of construction disputes, claims of construction defects, lien claims, and insurance issues. Many of the nation's largest contractors, developers, and homebuilders have found her to be their go-to trusted legal counsel. The more complex the dispute, the more clients turn to Ms. Radmacher to assist with resolution. She has substantial experience in building envelope, water infiltration, and mold-related claims, having counseled clients with respect to hundreds of such matters.

Ms. Radmacher also provides her clients with assistance on employment-related concerns and issues and particularly those issues impacting companies with employees on different job sites. With the recent legalization of cannabis, she has helped clients understand how to ensure they are in compliance with the changing tide of regulations and laws. Ms. Radmacher works with her construction clients to provide advice regarding issues raised by cannabis and construction jobsites as well as with regard to the construction and renovation of facilities being used in the growth and distribution of cannabis products. She has been a speaker on the impact of the legalization of cannabis on the real estate and construction industries. Clients also seek Ms. Radmacher's assistance on other regulatory issues including ADA, Title VII, FDCPA, as well as state and local laws, including California's Proposition 65. Ms.

Radmacher is one of the handful of defense attorneys in California with Proposition 65 knowledge and experience and regularly advises multi-national and Fortune 500 clients on compliance and related litigation.

In her over two decades of practice, Ms. Radmacher has secured multiple victories for her clients early in the litigation through aggressive law and motion practice, effective negotiation, and early dispute resolution techniques. She is a past member of the California Bar Association Committee on ADR, and taught negotiation and mediation for over a decade and is a frequent speaker on negotiation and dispute resolution. Due to her experience as a private and court-appointed mediator, Ms. Radmacher is an excellent negotiator and is sought out to resolve the most difficult and complex matters.

Representative Experience

Construction/ Green Technology, Solar & Renewable Energy/PROFESSIONAL LIABILITY

- Successful representation of general contractor in a delay claim, change order dispute arising from the design and construction of
- Defense and resolution of construction defect claims arising out of residential construction at multi-family and single-family homes.
- Effectively resolved claims against builder client related to the construction of a multi-family and mixed use project involving issues with the exterior cladding of the structure including interruption of business and related damages; successful engagement of the owner and insurance to reach a resolution without litigation.
- Defense of claims against an architect on a dispute between the owners of two exclusive properties on the California coast related to the design and development of one of the structures, involving complex issues of design, permitting, Coastal Commission approvals, construction defects, and delay claims.
- Defense of construction manager in dispute arising from the development and construction of a southern California hotel which involved California Coastal Commission and city permitting issues as well as complex breach of contract claims, which Ms. Radmacher resolved through law and motion practice.
- Advise and provide counsel to national solar energy developer and EPC regarding procurement and construction of facilities; negotiate and resolve disputes arising from Power Purchase Agreements and related contracts.
- Defense of mass action/class action alleged against homebuilder client alleging issues with the window products and plumbing products through litigation and informal dispute resolution.
- Resolved claims of design defects against engineer on a multi-family, senior housing project and reached a resolution without litigation extracting the client from the case early.
- Defense and arbitration of claims against commercial general contractor on multiple matters including change order disputes involving an expansion and new construction project at a school, contract disputes and supply chain issues at a railway fueling facility involving predict issues, and payment disputes related to the construction of a power plant.
- Extensive experience handling claims against property owners/managers and contractors involving liens, stop notices, payment disputes, delay and acceleration claims, and loss of productivity claims.
- Consultation to healthcare facilities, REITS, healthcare providers, and hospitals to ensure compliance with California's Hospital Seismic Safety Act and Seismic

Compliance Program promulgated and enforced by the Office of Statewide Health Planning & Development (OSHPD).

- Using innovative resolution processes, developed coordinated and comprehensive joint-defense strategies including resolving cases through joint defense agreements and collaboration.
- Prepare risk management manuals and handbooks for contractors, design professionals, and builders.
- Draft and review CC&Rs, SB 800 compliance documents, purchase and sale agreements, trade contracts, vendor agreements, and leases.
- Train employees on safety, risk management, documentation, and claim handling strategies.

Real Estate and Land Use

- Represent developers and builders in processing land-use entitlements for large residential, commercial, and industrial developments throughout the state.
- Handles foreclosure actions and related consultation, and working with receivers on partially completed projects.
- Works with developers/owners to complete “fractured” projects, addressing all necessary entitlements, insurance, contract, DRE, and resale issues.

Employment

- Defense of ADA claims and compliance issues.
- Defense of business defamation claims arising out of social media posts.
- Counseling construction companies and design professionals on internal investigations regarding risk management during work force restructurings and various employee policies.

Environmental/Coregulatory Compliance

- Proposition 65 consultation and defense of violation allegations.
- Government contracting and compliance including advice on WBE/MBE/DBE issues.

Admissions

- California
- Arizona

Education

- J.D., University of Southern California, 1996
- M.A., University of Southern California, 1996
- B.A., Baylor University, 1993

Honors

- Women of Influence: Attorneys, *Los Angeles Business Journal*, 2021
- *The Best Lawyers in America*® distinction in Construction Law (2021)
- Named to Top 50 Most Influential Women Lawyers List by Los Angeles Business Journal, 2017
- Outside Counsel Professional of the Year, Claims & Litigation Management Alliance, 2016
- Martindale-Hubbell, AV Preeminent, Register of Preeminent Women Lawyers

- Martindale-Hubbell, Judicial AV Preeminent Rating
- Martindale-Hubbell, AV Preeminent Rating®
- Pasadena's Top Attorney, 2013-17
- *Southern California Rising Star*, every year from 2005 - 2011
- Founder: BUILD Relationships, 2013-2018
- Founding Member, Southern California Women's Construction Alliance, 2013

Memberships

- Associated General Contractors of California, Los Angeles District
- Women Construction Owners & Executives
- USC Alumni Real Estate Network
- Claims & Litigation Management Alliance
- West Coast Lumber & Building Material Association
- Building Industry Association
- National Association of Homebuilders

Leadership/Community Involvement

- USC Marshall School of Business, With Your Shield, A McMorrow Veterans Initiative, Lecturer (2018-present)
- Associated General Contractors of California, Los Angeles District, Board of Directors (2018-2020)
- USC Alumni Real Estate Network, Board of Directors (2016-2019); Board Chair, (2017-2018)
- Women Construction Owners & Executives - California Chapter, Vice President, (2013-2015), President (2015-2018), Board Member (2018-present)
- CLM Claims College School of Mediation, Board and Faculty Member (2017-2018)
- CLM Annual Conference Education Committee, Board Member (2017-2019)
- CLM Claims Handling Resource Guide, Advisory Board Member (2013-2015)
- CLM Product Liability Committee, Co-Chair (2013 -2016)
- West Coast Lumber & Building Material Association, Board Member, 2016-2018

Publications & Presentations

- *Gordon & Rees Construction/COVID19 Task Force*, articles (2020):
 - “California Governor Releases New Guidance in Response to COVID-19 Rise”
 - “Updated Guidance for Construction Projects in Los Angeles County”
 - “Essential Construction Projects In California: Can You Keep Working And How?”
 - “Six Northern California Counties Have Issued New Shelter-in-Place Orders Impacting Construction Industry”
 - “COVID-19 Construction Jobsite Considerations & Safety Suggestions”
 - “CISA Clarifies – Construction is Part of Critical Infrastructure Activities Practice”
 - “COVID-19: Where is Construction an ‘Essential Business?’”
 - “Force Majeure and COVID-19 in Construction Contracts - What You Need to Know”
 - “COVID-19 Resources for the Construction Industry”

- Construction Claims Magazine, *"Contemplating Compliance: AB 3018 and the Skilled and Trained Workforce Requirements"* (Spring 2020)
- Association of Women in Architecture + Design, *"Key Employment Issues for Construction & Architecture Firms."* (2019)
- ABA Forum on Construction, 2019 Mid-Winter Conference *"Pay It Forward: Social Programs, Preferences, and Incentives for the Construction Lawyer."*
- Women Construction Owners & Executives, 2019 Annual Conference - *"Construction Industry Forecast."*
- National Association of Women in Construction (NAWIC), 2019 Women in Construction Week - *"Groundbreaking Women – View from Within."*
- CLM 2019 Annual Conference, *"TIMBER! –Wood-Framed Construction Claims and How They Come Crashing Down."*
- West Coast Casualty 2019 Construction Conference, *"Are New Project Delivery Methods the Panacea for Construction Defect Claims?"*
- Gordon & Rees Construction Law Webinar Series 2019, *"Pot & Your Employees: Construction Industry Employers' Rights in an Age Where Pot is Legal."*
- Structural Engineering Association of Southern California – 2019 WiSE Symposium, *"Seize Your Opportunity: Empowered Women Empower Women."*
- Los Angeles County Bar Association Real Estate Section 2019, *"Elimination of Bias –Supporting Women Real Estate Lawyers in Leadership Roles."*
- ZGF Architects/PCL Construction/KPFF Engineers 2019 Diversity Symposium, *"The Power of Effective Negotiation."*
- Association of Women in Architecture and Design, 2019 Perspectives on Progressive Employment Policies.
- *"Negotiation in the Construction Industry – Words of Wisdom from Women Leaders,"* Gordon & Rees 2019 article.
- CLM 2019 Construction Claims Magazine, *"The Expanding Role of Design Professionals in Construction Claims."*
- Gordon Rees Scully Mansukhani 2019 Los Angeles Legal Conference, *"Getting out of the Weeds: Legalization of Marijuana & the Opioid Crisis."*
- Balfour Beatty U.S. 2019 Women's Initiative, *"Harness Your Personal Power and Negotiate Effectively."*
- *The Times They Are A-Changin': The Intersection of Law & Politics*, Gordon & Rees Legal Education Conference, Los Angeles (June 2018)
- 2018 ABA Forum on Construction, Webinar – *"Drones in Construction."*
- CLM 2018 Annual Conference, *"Out of The Frying Pan, Into The Fire: When Reconstruction Goes Wrong Following a Property Loss Claim and How to Prevent The Future Perils Through Mediation and Claim Resolution."*
- 2018 Women in Green/USGBC, *"U.S. Green Building Council - LA's Women in Green Breakfast"*
- Marsh Women's Exchange 2018, *"Advanced Negotiation Training."*
- Plan Grid 2018 Construction Cloud Conference, *"Navigating the New Wave of Construction Technology: How to Overcome Implementation Barriers."*
- Construction Defect Journal, December 2018, *"SB 721 - California Multi-Family Buildings New Require Inspections of 'EEEs.'"*
- CLM 2018 Construction Conference, *"Design Professional Liability & Coverage Issues – The Expanding Role of Design Professionals in Construction Claims."*

- 2018 ABA Forum on Construction, Webinar, *“Legalization of Marijuana and impact on General Contractors.”*
- 2017 Construction Super Conference, *“Risk Management in a 24 Hour Society.”*
- 2017 West Coast Casualty Construction Conference, *“How Women are Changing the Field of Construction.”*
- 2017 Groundbreaking Women in Construction, *“She Negotiates: Effective Negotiation Techniques & Skills.”*
- 2017 Women Construction Owners & Executives Leadership Conference, *“Leveraging Your Worth.”*
- 2016 CLM Annual Conference, *“Handling OCIP Claims – How to Best Wrap Up Construction Claims.”*
- 2015 Combined Claims Conference, Closing Session Speaker, *“How to Be a Master at Negotiation.”*
- 2015 CLM Webinar, *“Key Actions for the First 90 Days of a Product Liability Claim.”*
- 2015 CLM Construction Conference, *“How to Challenge Experts in Construction Defect Cases.”*
- Adjunct professor, University of Southern California Law School, ADR Topics: Negotiation & Mediation course (2002-2012)



Laura Sorenson

RISK MANAGER



Biography

Laura Sorenson is a Risk Manager at Johnstone Moyer, Inc. Ms. Sorenson was originally an Owner of a General Engineering company and has 5 years of experience on the Subcontractor side of the risk business. She has been with Johnstone Moyer, a General Contractor, specializing in Multifamily and Hospitality, for the past 8 years.

She has numerous responsibilities as the Risk Manager, including sub prequalification, and Contract negotiation for both Subcontractors and

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Owner, and has many years of experience with wrap policies, various insurance coverages and claims. She is the legal liaison for the company and oversees the Stringent Safety policies of the Company.