

Construction Litigation

With decades of experience in every facet of construction law, Downey Brand's Construction Law Practice Group represents all players in the construction process, including owners, general contractors, architects, engineers, subcontractors of every tier, materials suppliers and sureties. Our experience spans both public and private works, and includes the entire construction spectrum from heavy civil, roadway, water, power plant, and other infrastructure projects, to steel high-rise structures, to site improvement and development projects.

We help our clients devise practical solutions to problems that may arise during the earliest phases of project conception and design, through contract drafting, bidding procedures and protests, and dispute management during design and construction. Where disputes cannot be avoided, our group has extensive experience with litigating virtually every category and subcategory of construction dispute. Scope-of-work disputes, change order battles, critical path delay claims, design conflicts, project close-out, warranty and defective work claims, payment and performance bond issues, and prompt-payment disputes are frequent subjects of our practice. After construction is complete, we are equally well-versed in indemnity and insurance coverage issues associated with construction defect claims.

In addition to the construction specific experts in the group, we can tap into Downey Brand's numerous other practice-area experts, including those from our corporate, tax, water, environmental, land use, real estate and employment law practice groups. The attorneys in these groups work seamlessly to bring the right expertise to bear on any problem our clients may encounter.

Downey Brand has the largest litigation practice of any firm in the Sacramento and San Joaquin Valley. Consequently, our group can easily buttress its own considerable litigation experience in cases with larger staffing demands. Our experience in virtually every state and federal court in California means that Downey Brand's practice is well-suited to handle cases located throughout the state.

Through participation in community affairs and representation of clients, we have a wealth of practical knowledge and contacts to help facilitate any transaction.

Additionally, members of the Construction Group not only keep current with evolving changes in the law, but often take the lead by making presentations and speeches to interested groups and writing papers for publication in leading law and industry journals. Beyond keeping abreast of the legal side of the construction industry, our attorneys participate in several trade organizations to appreciate our clients' viewpoints and concerns.

Selected Experience

- Lead counsel for a school district in connection with approximately \$70 Million in new school construction. The general contractor overbilled the district millions of dollars and abandoned the projects. Art successfully mediated 13 subcontractor claims in 3 days. Downey Brand successfully brought claims against the general

contractor, its principals, an assistant superintendent of the district, and the general contractors' accountants. The California Attorney General issued numerous criminal indictments against the general contractor's management team and a school district assistant superintendent based on the ground work performed by the Downey Brand team.

- Represented a general contractor in a bid dispute on a \$113 million wastewater treatment project in Sacramento County. Successfully defended the contract awarded to the general contractor against two writs of mandate filed in superior court.
- Represented general contractor in a \$20 million dollar termination for default case against a large California state agency which involved critical path delay and additional scope of work disputes.
- Successfully represented a Pavement Maintenance Material Supplier as lead counsel in a patent infringement action. The action resolved with favorable results at the early stages of the litigation, which allowed the client to proceed with the use of its proprietary product, saving the client more than half a million dollars in material costs.
- Successfully represented general contractor to collect outstanding amounts owed to client after several developers filed for bankruptcy protection. Collected all outstanding amounts owed to client, including interest and attorneys' fees.
- Drafted and negotiated over \$90 million worth of construction and design contracts for a dental school in San Francisco.
- Successfully defended general contractor in extra work claims arising out of a construction project at CSU Chico.
- Represented site improvement contractor in several lawsuits arising from failed subdivision projects. Recovered multi-millions of dollars through mechanic's liens and payment bond remedies.
- Co-counsel to public works contractor in multi-year public works default termination dispute presenting a matter of first impression for California's Appellate Courts.
- Represented subcontractor in multi-party complex litigation over multi-million dollar high school construction project.
- Continued representation of a large lumber company on projects throughout California where mechanics liens and/or stop payment notices become necessary.
- Continued representation of one of the largest metal building companies in the United States on projects ranging in scope from event centers and Indian casinos to car washes.

Trade Groups

- Associated General Contractors of California (AGC)
- Builders Association of Northern Nevada (BANN)
- Builders' Exchange of Stockton
- North State Building Industry Association (BIA)

- Real Estate and Construction Networking (RECON)
- United Contractors
- Urban Land Institute (ULI)