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BRENTON F. GOODRICH

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BRENTON F. GOODRICH

Education:

Mr. Goodrich was admitted to the California Bar in 1968, after receiving his law degree from Stanford University, and his undergraduate degree from Wesleyan University (*summa cum laude*, Phi Beta Kappa with High Honors in Economics).

Employment:

Since January 1989, Mr. Goodrich has been a partner (now shareholder) with the law firm Parker, Milliken, Clark, O'Hara & Samuelian, a professional corporation. From 1967 to December 1988, Mr. Goodrich was an associate, partner, and managing partner and chairman of the Executive Committee of the law firm Overton, Lyman & Prince.

Professional Experience:

Mr. Goodrich has more than thirty-five years of experience in major litigation on behalf of businesses and public agencies, including class actions. He has specialized in dispute resolution, both in and out of court, primarily in the fields of complex business and technical litigation and counseling. He has dealt with disputes in the following areas among others: Large-scale construction litigation, arbitration and mediation on behalf of owners; employment practices and defense of wrongful termination claims; defense of class actions and disability discrimination claims; intellectual property litigation; securities litigation; data processing and computer hardware and software performance disputes and litigation; antitrust and distributor litigation and counseling; general business and commercial litigation and counseling; and aviation crash litigation.

Mr. Goodrich's construction litigation and claim resolution experience, over three decades, has focused on representation of owners, both as plaintiffs and defendants. Mr. Goodrich has successfully prosecuted owner claims for design and construction deficiencies and contractor and designer project malperformance. He has also defended owners against numerous contractor claims seeking damages based on claimed delay, disruption, acceleration and design insufficiencies. Mr. Goodrich has developed extensive experience regarding fact-finding and concerning the management of extensive information and document databases, and the development of expert evaluation and testimony essential to such cases. He has also successfully conducted complex mediations and settlement negotiations on behalf of owners with contractors,

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A CENTURY OF SUPERIOR LEGAL SERVICES AND RESULTS

subcontractors and design professionals. Among the substantial construction disputes Mr. Goodrich has handled for owners are those summarized in the appendix hereto.

Among the governmental clients Mr. Goodrich has represented in construction litigation is: the County of Los Angeles, the County of San Bernardino, The Los Angeles County Metropolitan Transportation Authority, the University of California, and California State University.

Mr. Goodrich has also served as consultant to owners in the development and evaluation of large-scale construction contract provisions relating to claims avoidance, definition, administration and resolution.

Mr. Goodrich has also counseled and represented numerous major corporate clients in various types of litigation.

Mr. Goodrich has in-depth trial experience in cases involving complex technical issues pertaining to: Construction delay, impact and defect claims; intellectual property; geotechnical issues; structural and mechanical engineering; aerodynamics; metallurgy; computer hardware and software performance; forensic accounting and damages arising from business and other losses.

Mr. Goodrich is admitted to practice before the Supreme Court of the State of California, the Supreme Court of the United States, the United States Ninth Circuit Court of Appeals and before all United States District Courts in California.

Professional Affiliations:

California State Bar Association; Los Angeles County Bar Association; American Bar Association, including Litigation Section, Committee on Construction Litigation, and Forum on Construction Industry.

Personal:

Mr. Goodrich was born in Plainfield, New Jersey, January 27, 1942. He is married and has two children. He resides in Rancho Palos Verdes, California. He has been involved for many years in activities benefiting his community's schools. He was a two-term member and President of the Board of Education of the Palos Verdes Peninsula Unified School District (1989-1997), and has been a Trustee of the Peninsula Education Foundation, a volunteer group dedicated to marshaling community financial support for Palos Verdes public schools.

MR. GOODRICH'S CONSTRUCTION LITIGATION EXPERIENCE

The following is a brief summary of major construction matters that Mr. Goodrich has handled in the past or is presently handling on behalf of owners:

1. Suit in superior court on behalf of the owner of a large hospital complex against the designer and the contractor and subcontractors to recover costs to remedy design and construction deficiencies to a large, multistory post-tensioned concrete structure used for medical facilities and parking. Settled on eve of trial by substantial payment to the owner. The case required management of over 25,000 pages of technical documents, and preparation and presentation of expert testimony in several fields.
2. Suit in superior court on behalf of the owner of a medical research facility against the designer and contractor to recover costs incurred to remedy numerous design and construction deficiencies involving below-grade and roof moisture intrusion and structural problems. Settled just before trial, following extensive pretrial discovery, by substantial payment to the owner.
3. Suit in superior court on behalf of the owner of a large bio-science research center against the designer, associated engineers and the general contractor and a number of subcontractors, to recover expenses incurred to remedy a host of design and construction deficiencies involving water intrusion, cracking in poured-in-place concrete exterior walls; defective roof membrane; inadequate seismic joints; defective window details and piping; and defective air handling units. Settled during extensive discovery by substantial payment to the owner. Case preparation required management of tens of thousands of documents, presentation of expert testimony in structural engineering, moisture control, concrete formulation, design and HVAC areas.
4. Suit in superior court on behalf of the owner of a cancer research facility to recover from the general contractor the cost to replace a defective pressurized hot water heating system. Case involved mechanical engineering and construction defect issues and related expert opinions.
5. Defense of owner in a superior court action by contractor and subcontractor, asserting delay and direct damage claims arising out of construction of major biotechnology laboratory facility.
6. On-going representation of major health care provider engaged in multiple hospital construction projects, to advise concerning claims avoidance and mitigation during major acute care hospital reconstruction project.
7. Representation of health care provider concerning remediation of underdesign of electrical service for large medical office building and surgical facility.
8. Defense of multimillion dollar contractor extra claim arising from large hospital seismic retrofit project.

9. Defense of the owner of a library storage facility against a contractor's delay claim. Settled prior to discovery for a small fraction of the contractor's claim.
10. Defense in federal court of the owner of a \$13.5 million medium security prison project against multimillion dollar contractor and subcontractor claims for extras and delay and impact/acceleration claims. Settled following a year of discovery, claim analysis and negotiation for a minor fraction of the contractor's claim. Defense required CPM schedule analysis as well as development of expert analyses regarding construction management, cost estimates, and structural analyses.
11. Defense in superior court of the owner of a university dormitory against multimillion dollar claims by both the contractor and subcontractors, arising out of a major seismic improvement and renovation project. The case involved structural engineering issues, caisson issues, soils issues, design questions, CPM issues, and project management and inspection issues. More than 55,000 documents were produced in discovery and evaluated.
12. Representation of the owner of a multistory court building in resolution of multimillion dollar contractor and subcontractor delay claims. Favorably resolved without suit following claim analysis and negotiation. Scheduling issues were of central importance.
13. Suit in superior court on behalf of the owner of a university faculty housing project against the designers and engineers to recover costs to remedy civil and structural engineering and architectural deficiencies. Successfully mediated.
14. Defense of owner in federal court against multimillion dollar contractor and subcontractor delay, disruption and associated claims, and prosecution of owner counterclaims, arising out of a \$100 million maximum security jail project.
15. Defense of the owner of a sheriff's substation project in a superior court suit by the contractor and subcontractor claiming extras arising out of the construction of the substation and attendant microwave communications facilities.
16. Suit in superior court on behalf of the owners against the contractor to recover substantial cost overruns incurred in a major renovation project.
17. Suit in superior court on behalf of owner of a university housing project against the general contractor to recover costs necessary to remedy major water intrusion problems resulting from construction deficiencies. Successfully mediated.
18. Owner representation in non-litigation mediation of multimillion dollar contractor and subcontractor claims arising from the construction of multistory, multimillion dollar complex engineering laboratory facility.
19. Successful defense of owner, and prosecution of owner cross-claim, in arbitration before the American Arbitration Association.

20. Defense of owner and prosecution of owner counterclaims in federal court arising out of multimillion dollar jail construction project.
21. Defense of owner in superior court against contractor claims, and prosecute cross-claims for construction deficiencies arising out of multimillion dollar auditorium construction project. Successfully mediated.
22. Defense of owner in superior court against multimillion dollar contractor claims, and prosecution of cross-action for contractor misconduct, arising out of \$50 million institutional building.
23. Prosecution of construction deficiency lawsuit for owner arising out of construction of major aquarium project.
24. Defense of owner against contractor and subcontractor claims arising out of graduate school construction project.
25. Successful mediation on behalf of owner, resulting in multi-million dollar settlement in owner's favor of major, multi-trade construction deficiency claim.
26. Six million dollar judgment for public agency, following a nearly three-month jury trial involving complex geotechnical and engineering issues, arising from collapse of a 130-foot high compacted slope.
27. Mediated \$10 million settlement in favor of owner against design professionals, arising out of \$250 million jail construction project.
28. Successful defense of public agency owner against a \$11 million contractor claim, resulting in contractor's abandonment of entire claim and agreement to bid ban.
29. Secured construction deficiency mediation award of \$13.3 million on behalf of major public university against numerous contractors and design professionals.
30. Representation of major public university in mediated resolution of substantial contractor extra claim involving Type I and Type V construction. Claim satisfactorily resolved without litigation.
31. Recovery of substantial indemnity from architect as to the preceding matter, again without need for litigation.
32. Successful resolution of public university's claims for substantial water intrusion damages against contractors and architects.

33. Representation of public agency in defense of class action regarding ADA compliance of multiple public buildings.
34. Representation of public agency in defense of multimillion dollar claims under cost plus rail design, engineering and project management contract, and prosecution of multimillion dollar cross-complaint on behalf of public agency.
35. Representation of major health care plan hospital owner in several matters involving both prosecution of construction deficiency claims and defense of contractor claims for extras arising out of major hospital construction projects.
36. Representation of public agency in several complex communication systems procurements and contracting.
37. Representation of public agency in defending contractor claims for extras arising out of major hospital construction project.
38. Representation of public agency in prosecution of multiple design and construction defects claims in major light rail design/build project.
39. Defense of public agency against large contractor claim arising out of multi-building low voltage system replacement project.