



**DALE A. ORTMANN**  
SHAREHOLDER

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## OVERVIEW

### EXPERIENCE

Mr. Ortmann is a senior shareholder and co-founder of Hunt Ortmann, with more than 30 years' experience in construction and real estate law. He works with construction industry clients from project inception, including contract preparation and negotiations, to project conclusion, including the resolution of construction claims and disputes in mediation, arbitration and litigation. His clients include public agencies, developers, contractors, subcontractors, material suppliers, design professionals, homeowners associations and sureties in such matters.

Representative projects include water/wastewater treatment plants, dams and reservoirs, tunnels, pipeline and utility projects, educational institutions, manufacturing facilities, hotels and resorts, hospitals and medical care facilities, commercial publishing facilities, convention centers, office low rise and high rise buildings, environmentally sensitive projects, historical projects, large tract and multiple residential construction, and custom single-family residential construction.

He has provided transactional services on projects exceeding \$1 billion in value, and has litigated matters exceeding \$50 million in controversy.

Mr. Ortmann has successfully represented clients in jury and court trials, arbitrations, mediations before Dispute Resolution Boards.

Mr. Ortmann has also served as mediator on numerous construction law disputes, with a high settlement success rate resolving difficult and complex construction disputes. Mr. Ortmann's approach in mediation, as with representation of his own clients, is attention to detail and aggressive persistence until the matter is resolved.

Mr. Ortmann is also a frequent speaker before numerous construction industry organizations, with focus on current trends and recent developments in construction law.

Mr. Ortmann's broad experience includes the following construction-related issues: alternative project delivery methods, integrated project delivery (IPD), building information modeling (BIM) and risk allocation, competitive bidding, bid protests, False Claims Act disputes, latent and patent construction defects, differing site and changed conditions claims, extra work claims, contract default and termination, surety take-overs, surety bond claims, delay and disruption claims, impaired productivity claims, design professional liability disputes, mechanic's lien, stop notice and payment bond enforcement, LEED™ contract compliance, contract cost audits and insurance coverage disputes.

Mr. Ortmann is also a member of the Board of Directors of a large national mechanical contractor.

## **EDUCATION**

Loyola Law School , J.D., 1980

California State Polytechnic University, Pomona, Bachelor of Arts, 1976, Magna Cum Laude

## **BARS + COURTS**

California (2004)

California (1980)

## **PRACTICE AREAS**

Collection Actions

Business & Commercial Law

Disputes & Litigation, Commercial

Construction Consulting

Construction Contracts & Bid Documents

Disputes & Litigation, Construction

Insurance & Suretyship

Public Entity / Government Contracts & Projects

Real Estate Law

Mediation & Arbitration Services

## **REPRESENTATIVE WORK**

Recovery of over \$2.1 million on behalf of owners of a single family residence in Malibu, California. The dispute involved the prosecution of multiple construction defect claims and resolution of insurance coverage disputes.

Successful representation of the developer of a 300-unit condominium and mixed use construction project in San Diego, California. The claims resolved in an early mediation included design errors and omissions, resulting project delay and disruption, contractual indemnity and professional liability insurance coverage disputes.

Successful representation of a large public works transportation agency in the prosecution of False Claims Act and Unfair Competition Law violations by a large national contractor. The matter was successfully tried to a downtown Los Angeles jury.

Defense of a municipal city on a microtunneling sewer project in which the general contractor asserted a claim of approximately \$11 million. The claim was successfully resolved through mediation with the Agency paying approximately 15% of the amount claimed. Disputed issues included microtunneling, alleged differing site conditions, notice and waiver and disputed methodology for claiming damages.

Representation of a large metropolitan water agency defending contract termination claims of approximately \$30 million. Approximately one-half of the claims were resolved at mediation; the remaining claims proceeded to trial in which the contractor recovered approximately 10% of the amount claimed. The contractor's claim was further reduced by substantial

costs and expert witness fees recovered by the agency as a result of a statutory settlement offer which the contractor failed to accept. The litigation included issues regarding tunneling, alleged differing site conditions, propriety of contract termination, notice and waiver, and disputed methodology for damages.

Successful arbitration of claims against a state transportation agency. The contractor sought approximately \$2 million for alleged differing site conditions, defective plans and specifications, and resulting delay and loss of productivity costs. The contractor recovered in a contested arbitration proceeding approximately 90% of the amount claimed.

Representation of a large metropolitan water agency on a 40-mile 12-foot diameter water pipeline project. The contractor asserted several million dollars of claims for alleged differing site conditions, defective plans and specifications, and resulting delay and impaired productivity. The dispute was successfully resolved with extensive negotiations resulting in restructured contract terms and comprehensive cost audit provisions.

Representation of a mechanical contractor on a \$15 million extra work, delay, labor disruption and escalation claims on a \$300 million hospital project. The claim was resolved in an early mediation, with the client recovering the majority of its claim.

Representation of a mechanical contractor on a high-profile \$250 million concert hall project. The client recovered \$8 million, which was the highest percentage of recovery among all contractors asserting claims on the project.

Successful representation of a large municipal city on a microtunneling project. The general contractor asserted a claim for additional compensation of approximately \$13 million. The scope of work involved microtunneling and frozen shaft construction to relocate sewer lines beneath a harbor. The agency asserted counterclaims for False Claims Act violations. The dispute was settled, in which the contractor waived its entire claim and a portion of the retainer.

Representation of a large municipal city on a project in which the general contractor was defaulted and terminated. The general contractor brought claims against the agency for unpaid compensation and termination damages of approximately \$8 million. The agency cross-complained against the contractor, designer and surety. The contractor released its entire claim, and the agency recovered \$3 million on its counter-claim.

Representation of a large municipal city in responding to a general contractor's claim (which also sponsored four subcontractors' claims) totaling more than \$30 million on a large wastewater treatment plant project. The City counterclaimed against the contractor for False Claims Act violations and bid rigging. The matter was successfully resolved, with the contractor releasing its entire claim and a portion of its retainer. This dispute involved disputed issues of delay, disruption, acceleration and mechanical design issues, false claims, and bid collusion.

## **MEMBERSHIPS**

American Bar Association

Los Angeles County Bar Association

## **HONORS**

Selected as Best Lawyer 2008, 2009, 2010, 2011, 2012 & 2013

Selected as Super Lawyer 2006, 2007, 2008, 2009, 2010, 2011, 2012 & 2013

2010, 2011 & 2012 Pasadena Top Attorney sponsored by Pasadena Magazine  
AV Preeminent Rating 5.0 out of 5 – Martindale-Hubbell

## **SPEAKING ENGAGEMENTS & SEMINARS**

The 10 Key Contract Provisions; What You Don't Know Can Hurt You  
BICA Mechanic's Lien and Indemnity Law Update Summer Session  
SB-474 – A Ban on "Type 1 Indemnity" Effective 1/1/13  
Changes in California Mechanics Lien Laws, Including SB 474 Indemnity Provisions- Pacific Southwest Chapter  
Fundamentals of Construction Contracts: Understanding the Issues in California  
Construction Credit Conference: New Mechanic's Lien Law Update  
AGC of California Legal Advisory Committee- Annual Legal Retreat- The Impact of P&D v. Carlsbad Case on Public Works  
Protect Your Lien Rights Under the New Law! Sponsored by the Southern CA Contractors Association  
Change Orders: Can't Live With Them... or Without Them- Learn How To Deal With Them Effectively – CMAA Long Beach  
Public Construction Law and Claims Avoidance Strategies  
ACCO Retreat – Ethics in Construction

## **NEWS + PUBLICATIONS**

### **NEWS**

Gordon Hunt Receives Prestigious Robert Flaig Award  
Ortmann Featured in Pasadena's Financial Outlook Issue- 'Is The Construction Boom Finally Here?'  
2013 Super Lawyers Announced! Hunt Ortmann Holds Ground  
2012 Pasadena Top Attorneys Announced!  
Ortmann and Darling Named 2013 U.S. News Best Lawyers!  
Ortmann, Mah and Guirguis Present at APWA Congress  
2012 "Super Lawyers" Released- Hunt Ortmann Continues to Dominate Construction Category for Third Straight Year!  
Hunt Ortmann is Honored with 2011 Pasadena Top Attorney Selection  
Hunt Ortmann Scores Again With 2012 U.S. News "Best Lawyers" Rankings  
Hunt Named 2011 Los Angeles Construction Lawyer of the Year!  
Hunt Ortmann Continues to Support Pasadena Community in 2011  
2011 "Super Lawyers"- Hunt Ortmann Leads Construction Category for the Second Straight Year!  
Ortmann, Nieves, Paciulli & Brody Selected to Pasadena Magazine's Top 2010 Attorneys!  
Hunt, Ortmann and Darling named 2011 "Best Lawyers"  
2010 "SuperLawyers" – Hunt Ortmann Tops Construction Category  
Hunt, Ortmann and Darling Named 2010 "Best Lawyers"  
Hunt and Ortmann named 2009 "Best Lawyers"  
Hunt and Ortmann named 2008 "Best Lawyers"  
Seven (7) Hunt Ortmann attorneys named as 2008 "SuperLawyers" by Law and Politics  
Two (2) Hunt Ortmann attorneys make 2008 "SuperLawyers" Top 100 list  
Pasadena construction litigation boutique changes name and re-brands as Hunt Ortmann  
MTA – Jury decides against Tutor – Saliba

### **PUBLICATIONS**

The Right to Repair Act: It's Your Choice

New Waiver And Release Forms: What The Heck Is A Through Date?

You Served The Preliminary Notice: Now Prove It

To Serve and Protect Your Rights – Use The New Preliminary Notice Form

Preliminary Notice Form: Use It Or Lose It! (Your Mechanic's Lien Rights, That Is)

Can A Public Agency Recover Attorney's Fees Defending A Stop Notice Claim?

The Owner is Bankrupt? Record Your Mechanic's Lien Anyway!

Public Or Private, Which One Is It?

Cal Green- California Adopts Statewide Green Building Code

Responsible v. Responsive Bidders: There's a Big Difference!