



Dale A. Ortmann

Senior Shareholder

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Practice Areas

Construction Consulting
Construction Contracts & Bid Documents
Construction Disputes & Litigation
Public Entity / Government Contracts & Projects
Collection Actions
Insurance & Suretyship
Real Estate Law
Mediation & Arbitration Services

Education

Loyola Law School, J.D., 1980
California State Polytechnic University, Pomona, B.A., 1976,
Magna Cum Laude

Bars + Courts

California

Professional Memberships

American Bar Association
Building Industry Credit Association
Los Angeles County Bar Association

Awards + Honors

Best Lawyers 2008 – 2019; 2015
Best Lawyers Construction Litigation Attorney of the Year
Super Lawyers 2006 – 2017
Pasadena Top Attorney sponsored by *Pasadena Magazine* 2010 – 2014
AV Preeminent Rating 5.0 out of 5 – Martindale-Hubbell



Dale Ortmann is a senior shareholder and co-founder of Hunt Ortmann, specializing in the areas of construction, claims and litigation. Mr. Ortmann has extensive experience representing public agencies, owners, developers, contractors, subcontractors, material suppliers, architects and engineers, homeowners associations and sureties in such matters. Representative projects include numerous public works projects, 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.

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

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's representative client list includes: Los Angeles World Airports (LAWA); City of Los Angeles Harbor Department; City of Los Angeles Department of Public Works; Los Angeles County Metropolitan Transit Authority (LACMTA); and Metropolitan Water District of Southern California. Mr. Ortmann also represents several large general contractors on advisory, transactional and claims and litigation matters.

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

Representative Experience

- Successfully represented a public agency in a \$19 million extra work and delay claim, with claims of prompt payment violations. Following extensive discovery (over 60 depositions) and as a result of successful pretrial motions, the case was settled for approximately \$1.4 million and release of retention.

Representative Experience – Cont'd

- 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.

Speaking Engagements + Seminars

- Public Construction Law and Claims Avoidance Strategies
- Fundamentals of Construction Contracts: Understanding the Issues in California
- Design Errors, Changed Conditions, And Delays, Oh My! Pursuing And Proving Construction Claims
- California Construction Law
- Ethics in Construction
- The 10 Key Contract Provisions; What You Don't Know Can Hurt You
- Changes in California Mechanics Lien Laws, Including SB 474 Indemnity Provisions
- SB-474 – A Ban on “Type 1 Indemnity”
- The Impact of P&D v. Carlsbad Case on Public Works
- Change Orders: Can't Live With Them... or Without Them- Learn How To Deal With Them Effectively

News + Publications

- Mr. Ortmann frequently publishes articles relevant to the construction industry, and is a go-to source for the media on these topics.