

## Attorney Bio

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The managing partner of the firm's Orange County office, Sam's litigation practice spans several different practice areas at both the state and federal levels, the majority of which involve complex construction, tort and environmental issues, as well as employment and transportation matters. As part of his practice, Sam is a trusted advisor to private construction companies and risk managers, and his experience is also well-suited to a wide variety of different industries, including co-ops, associations, small businesses, common carriers and public entities, often providing consultation on business, management, litigation, transportation and employment practice issues under both state and federal law. Sam's litigation experience is also focused on aggressively representing construction and engineering firms in payment disputes, delay damages, design professional liability, architect and engineering professional liability, onsite injuries, construction defects, construction quality issues, as well as prevailing wage claims and workplace regulations. Additionally, Sam handles numerous matters involving sureties, including payment and performance bond claims, mechanic's lien release bonds, litigation bonds, surety takeovers and defaults on construction projects.

## Education

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University of Southern California (J.D., 1995)

University of San Diego (B.A., 1989)

## Licensed to Practice in:

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California

## Practice Areas

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### ***Appellate***

- Brief-writing experience and appearances before the California Court of Appeal.
- Reported Decisions:
  - *D'Orsay International Partners v. Superior Court* (2004) 123 Cal.App.4th 836.
  - *Rodriguez v. American Technologies* (2006) 136 Cal. App. 4th 1110.

### ***Commercial and Business Litigation***

- Litigation for commercial and corporate clients involving contract,

## Samuel L. McDermott

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### ***Partner***



### **Orange County**

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partnership, and breach-of-fiduciary-duty claims.

- Litigation for commercial and corporate clients involving various claims by individuals, joint venturers, business partners, and shareholders.
- Litigation for property owners/builders against lending institutions regarding property development.
- Litigation for contractors regarding payment, lien surety-bond, and stop-notice claims.
- Litigation regarding statutory claims — i.e., unfair business practices (Business & Professions Code, Sections 17200 and 17500).

### ***Construction***

- Litigation regarding payment claims, lien claims, surety bond claims and stop notice claims.
- Litigation regarding default, termination and project abandonment.
- Litigation regarding public works construction.
- Litigation regarding defective construction of commercial and residential properties.
- Litigation regarding site accidents and OSHA investigations.
- Litigation regarding prevailing wage, fringe benefits and related claims.

### ***Employment***

### ***Environmental***

- Litigation regarding hazardous materials exposure.
- Litigation regarding claims of personal injury due to mold exposure.

### ***Hospitality***

### ***Insurance***

- Consultation regarding various insurance issues, including Builders Risk, Commercial General Liability and Building and Personal Property coverage forms.
- Consultation and litigation regarding enforcement of indemnification agreements and additional insured endorsements, including preparation of coverage position letters.

### ***Product Liability***

- Litigation regarding alleged defective design and manufacture of various products, including piping, drywall, and other materials.

### ***Professional Liability***

- Architect and Engineering Design Defense.

- Litigation regarding defective design and engineering of private, state and federal projects.
- Litigation regarding design-build and design-bid-build projects at the private, state and federal levels.
- Litigation involving engineering of site utilities, MEP placements and building envelope.

## ***Transportation***

## **Trial & Appellate Results**

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- D'Orsay International Partners v. Superior Court (2004) 123 Cal.App.4th 836 Rodriguez v. American Technologies (2006) 136 Cal.App. 4th 1110

## **Awards & Accomplishments**

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- Southern California Super Lawyers Rising Star, 2004 - 2007
- AV Preeminent Lawyer by Martindale-Hubbell

## **Seminars, Events & Presentations**

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- The New Reality of Construction Risk in a 3-D World, CLM Management and Professional Liability Conference, 2017
- Sorting It Out: Who Owns Design When CMAR, Design-Assist and BIM Come Together, AGC Conference on Surety Bonding and Construction Risk Management, 2016
- Whose Design Is It Anyway?, West Coast Casualty, 2016; IRMI Construction Risk Conference, 2015; Construction SuperConference, 2015; AGC California Annual Conference, 2015
- Litigation in the Lumber Industry: Strategies for Success, ProDealer Conference, 2007
- Construction Project Operations in California, Lorman Education Services, 2007
- Defect Litigation: Risk Assessment in a New Era, Building Industry Show, 2006
- Mold Litigation: Is the Fungus Still Among Us, Continuing Education of the Bar - California, 2006
- Technology In the Courtroom, West Coast Casualty Construction Defect Conference, 2005
- Toxic Mold - Risk Management, Orange County American Society of Safety Engineers, 2003
- Defending the Toxic Mold Claim, Apartment Association of Orange County Annual Trade Show, 2002
- Construction Litigation Management, Orange County American Society of Safety Engineers, 2001
- Guest Lecturer, University of Southern California Law School, Real Estate Development and Finance course

## Community Activities

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- Actively involved in representing poor and disadvantaged litigants through the Public Law Center
- Recipient of the Wiley W. Manuel Award for excellence in providing legal services to the poor (2010)