



Richard Van Duzer

Partner

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Rick Van Duzer is chair of Farella's Construction Practice Group and maintains a multifaceted civil trial practice, with an emphasis on the construction, real estate, and wine industries.

Over the past 30 years, Rick has represented wineries, grape growers, vineyard nurseries, and many other wine industry businesses in a variety of matters, including grape contract disputes, defective cork and rootstock litigation, negligent wine processing claims, trademark infringement actions, and ABC/TTB trade practice negotiations and litigation, as well as partnership dissolution and real estate disputes. His practice is a general one, and encompasses the full spectrum of legal issues related to the wine industry.

In his construction practice, Rick has represented contractors, owners, subcontractors, and design professionals in connection with disputes over delay and cost overrun claims and construction defects arising out of a variety of projects, including commercial office buildings, hospitals, mixed-use developments, hotels and resorts, underground subway stations, rail systems, dams, and cogeneration power plants. Although every case is different because every project is different, Rick has a particular knack for understanding how projects are built, working with experts to marshal the facts and analyze important technical issues, and distilling every dispute, regardless of project size, to a handful of key bones of contention which will drive the outcome. Rick's approach is to identify and focus on the key issues as early as possible, so as not to waste his clients' time and money pursuing needless or irrelevant details.

Outside of the Wine Country, Rick is experienced in counseling clients throughout the San Francisco Bay Area in a variety of real estate matters, including sales/purchase disputes, partnership disagreements and dissolutions, partition actions, commercial landlord/tenant claims and disputes, easement and boundary claims, CC&R enforcement actions, and entitlement protests.

Rick sees himself as a practical problem-solver and a "peddler" of good judgment. Although some cases need to be tried and Rick is very capable of trying them, he believes that if you reach the point of having to try a case, someone has in all likelihood failed along the way. Through the exercise of sound business judgment, common sense, and legal skill and acumen, Rick helps clients get what they need, even if it is not always exactly what they want.

Rick regularly speaks on construction and wine industry issues of interest. He is a past member of Farella's Advisory Board.

Distinctions

- *Chambers USA*: Construction - California, Band 4 (2020-2022)
- Northern California *Super Lawyers* in Construction Litigation since (2011-2022)
- *Best Lawyers in America*, Construction Litigation and Construction Law (2013-2023)
- *Legal 500 United States* (2016-2021) in the Construction practice area

Memberships and Affiliations

- ABA Forum on the Construction Industry and Litigation Section

Services

- Business Litigation
- Construction
- Consumer Products + Manufacturing
- Private Equity and Venture Capital
- Real Estate
- Real Estate Litigation
- Wine
- Family-Held Enterprises

Education

- Vanderbilt University School of Law (J.D., 1987)
 - Articles Editor, *Vanderbilt Law Review*; Order of the Coif
- College of Wooster (B.A., 1984)
 - Economics

Bar Admissions

- California

Clerkships

- U.S. District Court (M. Tennessee), Thomas A. Wiseman

- Building Futures Council
- Western Council of Construction Consumers

Experience

Business Planning During Family Restructuring

Advised on commercial dispute between extended family members in the midst of a divorce proceeding; guided restructuring of family businesses, and sale of certain assets, while maintaining discretion and confidentiality.

Sony Metreon

Represented Sony Corporation of America in connection with roughly \$50 million in delay and other claims arising out of the design and construction of the Sony Metreon in San Francisco.

Murieta Inn and Day Spa

Representing the owner of the Murieta Inn and Spa in Rancho Murieta, California in connection with delay and other claims arising out of the design and construction of the Inn.

One Mission Bay

Representing CIM Group, the developer of One Mission Bay, a 375-unit mixed-use project located near Oracle Park in San Francisco, California, in an action against the project's designer.

Single Thread Farms

Represented ST Hospitality Group, the owner and developer of Single Thread Farms, a luxury restaurant and boutique hotel, in connection with construction cost and delay claims arising out of the extensive remodel and build out of Single Thread Farm's facilities in Healdsburg, California.

Napa Valley Wine Train Project

At a value of over \$54 million, the Napa Valley Wine Train Project was, at the time, one of the largest federal stimulus projects in California. The Project involved replacing the Wine Train's rail bridge in downtown Napa, the construction of a new flood wall to protect the Wine Train's station, and the relocation of several miles of tracks. We acted as co-counsel in representing Suulutaaq, Inc., a subsidiary of an Alaska Native Corporation, in a payment and performance dispute with one of its subcontractors.

San Clement Dam Removal Project

Represented Kleinfelder in connection with several disputes arising out of its work on the Carmel River Reroute and San Clemente Dam Removal Project in Monterey County, California.

Fort Baker/Cavallo Point Lodge

Represented the developer of a hotel, spa and restaurant at Fort Baker, a historic military base located at the foot of the Golden Gate Bridge in Marin County. We assisted the developer in obtaining historic tax credits and coordinating with various state and federal agencies, negotiating and drafting construction contracts, and provided course-of-construction counseling to address and resolve design and construction issues as they arose, proactively avoiding costly and distracting claims.

Auberge Resorts

We represented Auberge Resorts in connection with preparation and negotiation of management agreements, technical assistance agreements, and club management agreements for management of the

two newest Auberge resorts: the Calistoga Ranch, an upscale resort and fractional ownership project in the heart of the Napa Valley, whose primary owner is Olympus Real Estate Partners; and the Inn at Palmetto Bluff, a luxury resort and spa with an associated Jack Nicklaus golf course, located in the South Carolina low country and owned by Crescent Resources, the development arm of Duke Energy. We also negotiated Auberge's participation in the ownership entity for Calistoga Ranch.

Wisconsin Energy/Elm Road

Represented Wisconsin Energy and Power in connection with the development of a \$2.3 billion twin unit super critical coal-fired power plant on the banks of Lake Michigan. Our representation included defending against a \$515 million claim by the project's general contractor.

\$15 Million Hospital Construction Project

Represented a terminated general contractor in connection with a \$15 million hospital construction project located in Folsom, California. The case involved the pursuit of unpaid amounts due, as well as the defense of substantial delay and other claims.

Golden Gateway Center – Apartment Complex Projects

Assisted Golden Gateway Center in drafting contracts for the repair of its apartment facilities in San Francisco, as well as for updating its fire control systems. Represented Golden Gateway Center in connection with various faulty workmanship claims.

Reservoir and Dam Project - Sea Ranch, CA

Represented the Sea Ranch Water Company in connection with a claim arising out of the design and construction of a reservoir and dam servicing the Sea Ranch community.

Rincon Center, San Francisco

Represented Rincon Center Associates in connection with water-infiltration claims arising out of the design and construction of Rincon Center in San Francisco.

Rosendin Electric - Life Safety Replacement Project

Represented Rosendin Electric in connection with a claim for extra work on a Life Safety Replacement Project at 101 California Street in San Francisco.

Royal Kunia Master Planned Community

Retained by one of the largest and most prominent residential developers in Hawaii, to defend it against claims in excess of \$40 million relating to the development and financing of Royal Kunia II, part of a high-profile 500-acre master planned community on the Island of Oahu.

San Francisco Giants – AT&T Park

Represented the San Francisco Giants in connection with several claims arising out of the construction of AT&T Park.

Publications

December 15, 2020

M&A Deals and PPP Loans: Unexpected Parties in Your Deal

September 1, 2020

Construction Dispute Resolution

Real Estate Webinar Series

7/28/2017

12 Legal Pitfalls Wineries Should Avoid With Hospitality and Marketing Events

North Bay Business Journal

5/28/2009

Grape Purchase Agreements and Custom-Crush Arrangements - How to Protect Yourself in Trying Economic Times

5/7/2009

75 Years After Prohibition: The Regulatory Hangover Remains

Outside the Office

Rick is a recreational golfer, and the father of twin 17 year-old daughters, who occupy the bulk of his spare time. Although still based primarily in San Francisco, Rick has worked closer to home out of Farella's Wine Country Office for nearly twenty-five years.