



## 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 (2020)
- Northern California *Super Lawyers* (2011-2020)
- *Best Lawyers in America* in the area of Construction Litigation (2013-2021)
- *Legal 500 United States* (2016-2018) 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

### 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

### **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.

### **\$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.

### **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.

### **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.

### **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.

### **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.

## **Publications**

September 1, 2020

### **Construction Dispute Resolution**

*Real Estate Webinar Series*

7/28/2017

### **12 Legal Pitfalls Wineries Should Avoid With Hospitality and Marketing Events**

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.