



## David Buoncristiani

### Partner

Dave has more than 39 years of commercial litigation experience with primary emphasis on construction industry disputes. His experience includes all facets of public and private construction, including contract negotiation and preparation of contracts. He has represented contractors in connection with bid protest disputes arising under competitively bid contracts, claim preparation and claim evaluation, and prosecution and defense of contractor claims. Dave has represented clients before state and federal courts, as well as arbitration tribunals and governmental administrative panels such as the Board of Contract Appeals, and has extensive experience involving international construction disputes. He has been involved in numerous mediations that resolved extremely complicated construction disputes.

Dave has been recognized as one of the leading construction attorneys in the United States by Chambers USA and has been continuously rated in Band 1 since the 2004 edition. His construction teams were recipients of Chambers' Award for Excellence in Construction in 2008 and 2010. Dave has been named a "Northern California Super Lawyer" by *San Francisco* magazine from 2004 through 2016 and also has been recognized by *Who's Who Legal*, *The International Who's Who of Business Lawyers*, *The Best Lawyers in America*, and *The Legal 500*. He has been annually awarded an "AV" rating by Martindale Hubbell since 1984.

Dave has spoken extensively on construction law-related issues. He is a Fellow of the American College of Construction Lawyers and a member of the American Bar Association (Forum on the Construction Industry, Public Contracts and Litigation Sections), The Bar Association of San Francisco, and The Olympic Club.

#### Representative Work

**Earthen Dam Dispute.** Favorable arbitration ruling confirming the legitimacy of a termination for default of a contractor constructing an expansion of an earthen dam with full recovery of the costs of completion following the default.

**Condominium Project.** Successful arbitration ruling overturning a contractor's termination for default and recovery of all costs of performance, together with overhead and profit followed by recovery of damages against the architect who had improperly certified the default.

#### San Francisco

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#### Practices/Industries

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Construction

Litigation & Dispute Resolution

Real Estate

**Complex Mechanical Controversy.** Favorable settlement through mediation of a claim for additional compensation arising out the construction of a state-of-the-art pharmaceutical facility involving a major dispute over the mechanical installation.

**Defense Verdict in Commercial Jury Trial.** Verdict for a fraction of plaintiff's claims, arising out of a real estate transaction. A mediator had proposed a settlement of 10 percent of the claim. The ultimate verdict was only a quarter of the mediator's proposal.

**Major Petrochemical Project.** Resolution through negotiation of a claim for engineering and design fees for the largest grass roots petrochemical facility in the world located in India.

**International Arbitration Award.** Part of a legal team and responsible for the presentation of expert testimony and cross-examination of financial experts in an action to recover engineering and design fees for a theme park and the defense of a larger counterclaim by the owner that resulted in an international arbitration award of full recovery for the contractor.

**Fossil Fueled Power Plants.** Resolution through mediation of contractor's claim for additional compensation, arising out of the construction of a gas-fired power plant in the middle of a fully operational pharmaceutical facility.

**Suspension Bridge.** Resolution of multiple claims on the construction of a new concrete and steel bridge in the Pacific Northwest, including claims by a subcontractor and by the steel fabrication subsubcontractor.

**Superfund Site Dispute.** Successful resolution, after trial on liability issues, of a claim on a government contract for the construction of cleanup facility on a Superfund site to deal with the contamination resulting from undocumented waste used as fill in a former quarry.

**Government Contract Claims.** Successful pursuit of a variety of claims against the U.S. government on projects for the Bureau of Reclamation, Corps of Engineers, Department of Defense, and Voice of America.

## Publications

Construction Disputes: Representing the Contractor, Fourth Edition, Chapter 4: "Bid Protests and Bid Mistakes" and Chapter 5: "Suing the Private Owner," co-author (October 2019)

## Honors & Awards

Best Lawyers in Northern California - Construction Law, Best Lawyers® (2019-2020)

Recommended Lawyer, The Legal 500 (2019)

Chambers and Partners USA, Construction

## Education

J.D., University of California, Hastings College of the Law (1971)

B.A., University of San Francisco (1968)

**Admissions and Courts**

California

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

U.S. Court of Federal Claims

U.S. Court of Appeals for the Ninth Circuit

***Pro Haec Vice Admissions:***

U.S. District Court for the District of Columbia

U.S. District Court for the Western District of Oklahoma

U.S. District Court for the Eastern District of Virginia

U.S. Court of Appeals for the Fourth Circuit