



## Brian K. Walters

### PARTNER

Reno

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### RELATED SERVICES

- Construction
- Aviation
- Construction Professionals
- Professional Liability Defense
- Real Estate

### OFFICES

- Reno
- Las Vegas

### OVERVIEW

Brian K. Walters is a Partner in the firm's Reno office where he is a member of the Construction, Professional Liability Defense, Real Estate and Aviation practice groups. He possesses more than 16 years of experience representing clients in a variety of industries in a broad range of legal matters. He is regularly called upon by clients to assist in drafting, review, and negotiation of various types of commercial, construction, real estate, and employment-related contracts. Brian also frequently guides clients in pre-litigation legal disputes, risk management, and proactive litigation avoidance strategies.

His experience includes complex business and commercial litigation, commercial and residential construction defect and design claims, real estate, premises liability, commercial landlord-tenant disputes, homeowners association litigation, aviation, mechanics lien and bond claims, and general contract and business disputes under the Uniform Commercial Code. He has also represented clients

in licensure and complaint proceedings before the Nevada State Contractor's Board and the Nevada Real Estate Division.

Brian has successfully represented a diverse range of clientele, including, but not limited to engineering firms, real estate developers, architectural firms, contractors and sub-contractors, sureties, shopping centers, municipalities, aviation companies, medical device manufacturers, security companies, luxury car manufacturers, international technology companies, hospitals, home owners' associations, real estate brokers and agents, property management companies, international machinery companies, and construction equipment companies.

## REPRESENTATIVE EXPERIENCE

### Representative Litigation Experience

- First chair bench trial to judgment in state court for general contractor in breach of contract and mechanics lien action; obtained judgment on defendant's counterclaims; awarded attorney's fees and costs as prevailing party
- Co-chair bench trial to judgment in federal court for residential developer client based on assignment of bond claim from municipality, including recovery of all of client's attorneys' fees and costs
- Second chair in bench trial to judgment in favor of commercial unit owners' association client facing multi-million dollar claims from unit owner based on allegedly deficient HVAC system
- Obtained dismissal of product defect claims for international machinery company; also obtained judgment for majority of client's attorneys' fees as prevailing party
- Assisted in negotiating favorable settlement for aviation & aerospace company in wrongful death lawsuit based on alleged negligent maintenance and repairs of aircraft
- Obtained favorable settlement for engineering firm to avoid litigation over dispute regarding design and construction of private aircraft hangar at McCarran International Airport
- Negotiated favorable resolution and settlement of license complaint for real estate broker/ agent/ property manager with the Nevada Real Estate Division
- Negotiated several early favorable settlements for wheelchair service provider at McCarran International Airport
- Obtained complete summary judgment for general contractor client in NRS Chapter 40 construction defect lawsuit where client was exposed to multi-million dollar defect claims
- Obtained complete summary judgment for international machinery company facing rescission of \$860,000 purchase agreement under Uniform Commercial Code
- Obtained partial summary judgment for special inspector client in action involving \$40 million dollar personal injury claim after plaintiff's vehicle drove through spandrel wall inspected by client in commercial parking structure. After plaintiff's direct claims were dismissed, obtained favorable settlement with property owner on cross-claim

- Obtained complete summary judgment for community manager client facing in excess of one million in damages for allegedly deficient HVAC system
- Obtained complete summary judgment for residential owners' association client faced with tort claims for refusal to provide access to a contractor that was engaging in questionable practices with client's unit owners; also obtained judgment for majority of client's attorneys' fees and costs
- Obtained complete summary judgment for international medical device manufacturer client resulting in dismissal of multi-million dollar wrongful death claim
- Obtained complete summary judgment for retail store owner client resulting in total dismissal of breach of contract, fraud and alter ego claims. Client was also awarded attorney's fees and costs
- Obtained injunctive relief against former employee of engineering firm client to enforce non-compete and non-disclosure agreements
- Obtained arbitration award for international technology company resulting in complete dismissal of property damage claim
- Obtained stipulated dismissal of six-figure bankruptcy preference action for engineering firm client
- Obtained stipulated dismissal of bankruptcy preference action for homeowner client in which trustee sought rescission of client's purchase of multi-million dollar estate
- Obtained complete dismissal of mechanics lien, surety bond and contract claims against national landscaping company client
- Obtained complete dismissal of mechanics lien claims against municipality
- Obtained preliminary injunction against client's competitor based on a trademark infringement
- Negotiated settlement for national landscaping company client in its breach of contract and mechanics lien claims against Las Vegas strip hotel and its tenant resulting in recovery in excess of client's original contract amount
- Obtained numerous summary judgments, dismissals and/or favorable settlements on behalf of Nevada homeowners associations where allegations included hundreds of thousands in damages for wrongful foreclosure
- Obtained numerous favorable settlements for contractor and design professional clients through use of mechanics liens and bond claims

#### **Representative Transactional Experience**

- Represented large shopping center in all aspects of administering its retail lease agreements for various types of tenants, revised and amended leases when necessary
- Represented national company to renegotiate favorable lease payment terms with the owner after the client suffered loss of income due to the COVID-19 pandemic;
- Represented national company in negotiating favorable exit of a long-standing lease with significant deferred maintenance issues;

- Represented national company in negotiating favorable exit of a lease before taking possession due to faulty tenant improvement work that resulted in mold infestation;
- Assist and counsel clients with general contracts, subcontracts, material supplier contracts, design professional contracts, commercial property leases, property management agreements, equipment purchase agreements, and heavy construction equipment purchase and lease agreements

## CREDENTIALS

### Admissions

- Nevada

### Memberships

- Clark County Bar Association

### Education

- J.D., Southwestern Law School, 2005
  - Program Member and Board of Governors, Moot Court Honors Program
  - Staff Member, Southwestern Journal of Law and Trade in the Americas
- B.A., *cum laude*, University of California, Los Angeles, 2000

### Honors

- Mountain States *Super Lawyers* (2014-2015, Law & Politics)