



John V. Leary

PARTNER

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RELATED SERVICES

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OVERVIEW

John Leary is a GRSM partner based in the Seattle, Washington office. In addition to Washington, John is licensed in California, Nevada, Utah, and Idaho. His practice focuses on civil litigation in both state and federal courts on behalf of construction industry and government contract clients.

John's construction law practice includes claim preparation, litigation, and dispute resolution on public and private projects. He has substantial experience in mediation, arbitration, and litigation representing owners, prime contractors, subcontractors, and suppliers. His areas of expertise also include contract drafting and negotiation, project performance disputes, delay and impact claims, mechanic's liens, bond claims, stop notices, and prompt payment issues.

John is experienced in public procurement matters, including competitive bidding and bid protests, requests for equitable adjustment, and pursuing contract claims and appeals before the Boards of Contract Appeals.

John also counsels small businesses and individual entrepreneurs in commercial and corporate matters, including business formation and planning, contract drafting and negotiation, and licensing. He represents digital media entrepreneurs and IT consultants in contract negotiations, deal-making, and dispute resolution.

Prior to 2005, John split careers working as an attorney in Los Angeles, California, and as a nonprofit advocate/executive director in Washington, D.C. and Seattle, Washington. His non-profit work focused on environmental issues and his California law practice focused on real estate, community redevelopment, and eminent domain litigation.

REPRESENTATIVE EXPERIENCE

- Successfully defended a subcontractor and negotiated a favorable settlement in a large, multi-party litigation arising from the design and installation of the domestic water plumbing system in a large condominium project.
- Advised and assisted client in negotiations to secure a sole-source vendor scope of supply on a design-build contract for hybrid electric ferries.
- Successfully obtained a contract for a client through a bid protest after the awarding Washington state agency initially awarded the contract to another supplier.
- Successfully opposed a bid protest and retained a Caltrans construction contract for California client.
- Assisted in the successful resolution of an extra cost claim arising out of a contract termination on a New York bridge project.
- Represented a Nevada contractor client before the State Contractors Board to obtain dismissal of claims and other favorable relief in response to a disciplinary proceeding.
- Obtained a temporary restraining order and preliminary injunction from a federal district court to enjoin the disclosure of a technology client's confidential proprietary and trade secret information through a competitor's public records act request.
- Obtained an emergency temporary restraining order from a federal district court enjoining a general contractor from disassembling, inspecting, or testing the client's tunnel-boring machine used for a light-rail tunnel construction project.
- Lead plaintiff's counsel for subcontractor's federal Miller Act payment bond claims (for change and extra work, plus delay and impact costs) on a fuel system project at the Marine Corps Air Station in Yuma, Arizona. Negotiated a settlement for a 100% recovery for the client.

- Represented Clark County Department of Aviation in an action against the architect for defective design of a construction project at McCarran International Airport in Las Vegas, Nevada. Negotiated a favorable settlement at mediation by which the architect and its insurer agreed to pay the County \$600,000.
- Represented the engineer/designer in a lien foreclosure action on a mega-residential development project in Henderson, Nevada. Successfully briefed and argued a summary judgment motion affirming the client's lien validity and amount. Co-counsel on successful appeal to Nevada Supreme Court (Opinion dated 9/21/2015, currently unpublished), winning reversal of the lower court's final order concerning lien priority over the project lender's deed of trust.
- Defended a prime contractor against a concrete subcontractor's claim on a large "big-box retail" remodel and expansion project. After deposing the subcontractor in a California lawsuit, negotiated settlement at less than 5% of the original claim.
- On plaintiff's attorney team representing the electrical subcontractor for the baggage handling system at McCarran International Airport Terminal 3. Pursued complex claims totaling over \$11 million for pending change orders and labor impacts before an international arbitration panel, including claims for contract abandonment and cardinal change. The matter concluded in a favorable negotiated settlement.

CREDENTIALS

Admissions

- Washington
- California
- Nevada
- Utah
- Idaho (currently inactive)
- U.S. District Court, District of Idaho
- U.S. District, Western and Eastern Districts of Washington
- U.S. District, Southern, Central, and Northern Districts of California
- U.S. District Court, Nevada
- U.S. Court of Appeals, Ninth Circuit

Memberships

- Washington State Bar Association, Construction Law Section
- King County Bar Association
- Associated General Contractors of Washington, Legal Affairs Committee
- California State Bar Association
- Forum on the Construction Industry, American Bar Association

Education

- J.D., University of Oregon School of Law, 1987
 - Editor, *Oregon Law Review*
 - Editor and Founding Member, *Journal of Environmental Law and Litigation*
- B.A., History, University of California Los Angeles, 1983
 - Rowing Team, Lightweight Varsity, 1980-82

Clerkship

- Judicial Clerk, Hon. Alan M. Schwartzman, Idaho District Court (1987-88)