



John D. Darling

Shareholder

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Overview

Over the past thirty years, John Darling has established himself as a consummate construction litigator. John is a highly regarded first-chair trial attorney who has represented owners, general contractors, sub-contractors and material suppliers in complex, high-profile multi-million dollar construction disputes. His achievements include obtaining multimillion dollar judgments and successfully resolving disputes through arbitration, court and jury trials. He has tried over 100 cases throughout California.

John's practice involves a wide array of construction industry matters such as bidding disputes, scheduling and delay issues, construction defect, mechanics lien, defective plans and specifications, change orders and claims resolution. His broad range of experience includes public and private works projects ranging from mass grading, subterranean construction, steel, concrete and wood frame structures, schools, office buildings,

apartment buildings and home construction.

Whether he is in front of a judge, arbitrator or empaneled jury, John is a tireless advocate for his clients. He prides himself on assisting clients with resolving their complex legal issues with pragmatic solution-oriented thinking as cost-effectively as possible.

John has also had firsthand experience working in the construction industry. Prior to his legal career he worked in the construction trades, beginning as a laborer and eventually becoming a framer and a leadman. Eventually he started his own construction demolition company. This prior experience affords John with unique and valuable industry savvy as well as a practical understanding of what happens on a jobsite.

John is a member of the Legislative Committee of the Southern California Contractors Association, and is a past chair of the Los Angeles County Bar Association's Subsection on Construction Law. He regularly keynotes seminars and lectures on construction law topics for the Western Council of Construction Consumers and the Associated General Contractors of California. John has published articles in the ABA Construction Lawyer Journal and Los Angeles Lawyer Magazine, and is a contributor to the California Education of the Bar ("CEB") Action Guide: *Handling Mechanics' Liens and Related Remedies*. He has also co-authored the Firm's, California Mechanic's Liens, Stop Notices, and Payment Bond Claims handbook, entitled "Get Paid".

HONORS

- Recognized in the 2023 Edition of Best Lawyers in America®
- Named 2019 Top Trial Attorney by the Los Angeles Business Journal
- Selected as Best Lawyer® 2010 – 2023
- Selected as Super Lawyer® 2007 – 2025
- AV Preeminent Rating 5.0 out of 5 – Martindale – Hubbell
- Pasadena Top Attorney Sponsored by Pasadena Magazine 2010 – 2025
- Lorman Education Services Distinguished Faculty

MEMBERSHIPS

- Southern California Contractors Association (SCCA) - Legislative Advisory Committee (2006-Present)

- Los Angeles County Bar Association- Real Property Section and Construction Subsection Chair (2002-2004)

NEWS & PUBLICATIONS

- [Seven Hunt Ortmann Attorneys Selected As 2024 Southern California Super Lawyers](#)
- [Get Paid Handbook](#)
- [Seven Hunt Ortmann Attorneys Selected As 2023 Southern California Super Lawyers®](#)
- [Seven Hunt Ortmann Attorneys Selected As Pasadena Top Attorneys For 2023 By Pasadena Magazine](#)
- [Three Hunt Ortmann Attorneys Recognized In The 2023 Edition Of The Best Lawyers In America®](#)
- [Six Hunt Ortmann Attorneys Have Been Selected As 2022 California Super Lawyers®](#)
- [Hunt Ortmann Scores Major Victory In Debarment Case On Behalf Of General Engineering Contractor](#)
- [Construction Law from Start to Finish](#)
- [Should Current Construction Projects Scale or Hold Back in Response to the COVID-19 Pandemic?](#)
- [Eight Hunt Ortmann Attorneys Named 2020 Southern California Super Lawyers®](#)
- [Hunt Ortmann Victoriously Represents USS Cal Builders in a Breach of Contract Action Against Martinez Steel](#)
- [Hunt Ortmann Recognized as a Top Boutique Law Firm by Daily Journal](#)
- [Hunt Ortmann Represents Mallcraft Inc. in a US \\$15 Million Settlement against the Glendale Community College District](#)
- [Hunt Ortmann Named Among 2018 Best Law Firms](#)
- [CA Supreme Court Finds CEQA Applicable to Publically Owned Rail Projects – Western Real Estate Business](#)
- [Send a Raven: More CEQA Litigation is Coming](#)
- [Guirguis Added to Hunt Ortmann Super Lawyers® in 2015](#)
- [2013 Super Lawyers® Announced! Hunt Ortmann Holds Ground](#)
- [Hunt Ortmann Sponsors Huntington Hospital Charity](#)

- [2012 Pasadena Top Attorneys Announced!](#)
- [Ortmann and Darling Named 2013 U.S. News Best Lawyers!](#)
- [2012 "Super Lawyers®" Released- Hunt Ortmann Continues to Dominate Construction Category for Third Straight Year!](#)
- [Hunt Ortmann Launches New Class Action Practice Division](#)
- [Hunt Ortmann is Honored with 2011 Pasadena Top Attorney Selection](#)
- [Hunt Ortmann Scores Again With 2012 U.S. News "Best Lawyers" Rankings](#)
- [Hunt Named 2011 Los Angeles Construction Lawyer of the Year!](#)
- [Hunt Ortmann Continues to Support Pasadena Community in 2011](#)
- [2011 "Super Lawyers"- Hunt Ortmann Leads Construction Category for the Second Straight Year!](#)
- [Hunt, Ortmann and Darling named 2011 "Best Lawyers®"](#)
- [2010 "SuperLawyers" – Hunt Ortmann Tops Construction Category](#)
- [Hunt, Ortmann and Darling Named 2010 "Best Lawyers®"](#)
- [Darling appointed to AYSO Board](#)
- [Seven \(7\) Hunt Ortmann attorneys named as 2008 "SuperLawyers®" by Law and Politics](#)
- [Pasadena construction litigation boutique changes name and re-brands as Hunt Ortmann](#)
- [Hunt Ortmann set to present "Construction Law Update" seminar for SCCA](#)

REPRESENTATIVE WORK

- Acted as trial counsel in a month-long jury trial in San Luis Obispo County representing a general contractor against a public entity seeking to recover retention and delay damages. The trial resulted in a 12-0 verdict in favor of our client. This resulted in a 7 figure post-verdict settlement for our client.
- Represented a general contractor against a public entity school district seeking to recover lost profits and impairment of bonding capacity and delay damages. After multiple mediations, on the eve of trial, a close to 8 figure settlement was reached.
- Acted as trial counsel in a three month long jury trial in the Los Angeles County Superior Court in a dispute related to construction defect and delay claims.

- Represented an owner of a 63-acre parcel in connection with a breach of lease case involving allegations of waste and defective seismic performance on behalf of the tenant. Obtained an award for the landlord in excess of \$30 million dollars.
- Represented an electrical contractor in a breach of contract proceeding seeking over \$150 million dollars against a utility company. The case was successfully settled prior to the commencement of hearings.
- Represented local general contractor against a community college district in regard to a \$34 million-dollar new campus construction. The community college district agreed to settle the matter after only one week of a 4-week arbitration. Achieved a total recovery of nearly \$15 million on behalf of the general contractor.
- Represented a mechanical contractor on a high-profile \$250 million concert hall project. Recovered \$8 million for the client, which was the highest percentage of recovery among all contractors asserting claims on the project.
- Represented both the general contractor and owner in a construction defect case arising from the construction of a 14-story high rise building in Hollywood. The owner sought to recover damages in excess of \$40 million dollars for subcontractors' defective rebar and concrete work. Obtained a successful settlement prior to trial.
- Defended a large metropolitan water agency against contract termination claims of \$30 million. Approximately one-half of the claims were resolved at mediation; the remaining claims proceeded to trial where the contractor recovered approximately 10% of the amount sought. The contractor's claim was further reduced by substantial costs and expert witness fees recovered by the agency as a result of a statutory settlement offer that the contractor failed to accept. The litigation included issues regarding tunneling, alleged differing site conditions, propriety of contract termination, notice and waiver, and disputed methodology for determination of damages.
- Represented a large hospital in connection with all of its ongoing construction projects, including with respect to litigation arising out of a large expansion project. Before the project could be completed, a multi-million-dollar litigation erupted involving the hospital, the general contractor, and a substantial number of subcontractors. Obtained a decision that the hospital correctly terminated the construction contract.
- Represented a real estate investor and developer in a lawsuit alleging breach of fiduciary duty and fraud against various defendants. Obtained a judgment for breach of fiduciary duty, and a separate judgment establishing fraud and awarding punitive damages.
- Represented the owner of a historic building in Venice, CA defended against a million-dollar mechanic's lien claim brought by the general contractor. The owner countersued the contractor, subcontractors, and

architect for defective work. After a 7-month long arbitration, the owner obtained an arbitration award in excess of \$3 million dollars.

- Represented a general contractor on a large student housing project at a large public university. The framing contractor sued the general contractor for \$3 million, alleging delay and disruption. The general contractor countersued for delay and back-charges. Obtained a successful arbitration award against the framing contractor in excess of \$2 million dollars.
- Defended an HDPE pipe supplier against claims asserted by the general contractor of allegedly defective pipe installation and pipe fusing at a public works project in San Diego County. Obtained an arbitration award in favor of the pipe supplier after 6-week arbitration.
- Represented a general contractor after it was sued for wrongful termination by a private school. After a two-and-a-half-week arbitration, the general contractor recovered all its damages and attorney's fees. The net award was in excess of \$2 million dollars.
- Defended a property developer in a dispute arising from the construction of a sports facility near Downtown Los Angeles. The dispute involved claims alleging corporate malfeasance and excessive construction costs totaling over \$30 million dollars. Obtained dismissal of all plaintiff's claims in successful pre-trial motion practice.
- Defended a general contractor against over \$ 10 million in claims of allegedly defective construction and resulting damages asserted by the owner of a very large custom home in Santa Monica. The general contractor countersued seeking to recover the balance of its construction contract. After a three-and-a-half-week arbitration, the general contractor obtained an arbitration award in its favor together with attorney's fees and costs.
- Represented a Homeowner's Owner's Association in Beverly Hills alleging defective construction against a general contractor and several subcontractors. Obtained a multi-million-dollar settlement for the HOA.
- Represented a developer of a multi-story, multi-unit condominium project in Northern California. The developer alleged defective construction involving several aspects of the project. The developer ultimately obtained a multi-million-dollar settlement.
- Represented one of the nation's largest engineering and construction services firm and a subcontractor against a large general contractor for claims arising from a large construction project. Obtained a successful award in both clients' favor after a multi-week arbitration.
- Represented a plastering contractor in defense of a late public works bid withdrawal case brought by one of the nation's largest design and construction firms. The design firm alleged that the plastering contractor improperly withdrew its public works bid pursuant to the holding of *Drennan vs. Star Paving*.

After a week-long trial, the contractor completely defeated the design firm's claim by way of Court decision.

- Represented a well-known art house in a fraud action against a well-known entrepreneur and businessperson for wrongful acquisition of art. The case was successfully resolved.
- Represents a publicly traded company and its affiliate defending against construction defect claims brought by owners of a condominium development.
- Successfully represented a civil and environmental engineering firm that sought to recover money due and owing arising from a general engineering contract. After a week-long arbitration, the engineering firm recovered the full amount of its demand, prompt payment penalties, and attorney's fees.
- Represented an earthwork and paving contractor in a mechanic's lien/breach of contract suit against a general contractor. After a week-long trial, obtained a judgment, together with attorney's fees, in client's favor.
- Represented a structural steel contractor in a mechanic's lien foreclosure action in San Diego. The owner claimed the structural steel contractor could not prove incorporation of its steel into the work of improvement. After a week-long trial, the Court found in favor of the structural steel contractor on all of its claims and awarded interest and attorney's fees.
- Represented general contractor in a dispute arising from a large public works grading project. The general contractor sought to recover back charges and cost overruns incurred as a result of alleged defective performance of its grading contractor. After a two-week arbitration, the arbitrator ruled completely in the general contractor's favor but determined that it was improperly licensed and denied all recovery to the general contractor. Successfully reversed the arbitrator's award in Superior Court and received full principal, interest, and attorney's fees as a result.
- Represented a window manufacturer and installer in connection with a foreclosure of a mechanic's lien action. Client prevailed on all its claims after a successful 4-day trial.
- Represented an owner/developer from a dispute arising out of a 60-acre development. The dispute involved claims of breach of management agreement, breach of fiduciary duty, and illicit insider dealings. After many years of litigation, the matter was successfully resolved in favor of the owner/developer.
- Successfully represented large real estate developer on various projects in the state of California, both as an owner and through the developer's construction entities.
- Represented local general contractor in a number of matters, including in claims against publicly-traded home improvement retailer. Successfully negotiated a favorable settlement with the home improvement retailer.

- Represented plaintiffs in a deed conveyance/fraud action involving a police murder investigation and allegations of coercion, wrongful deed transfers, and child abuse. Obtained a successful judgment for plaintiffs after a lengthy trial.
- Represented a local business in various aspects of its involvement with the second largest superfund site west of the Mississippi River. This representation involved civil engineering, geotechnical engineering, and efforts to develop the property notwithstanding the site's superfund designation.
- Represents a West Los Angeles property developer and owner of a high-end luxury hotel in Westwood. The general contractor sued the owner, alleging \$3 million dollars in delay damages, and over \$6 million dollars due and owing under the contract. The owner counterclaimed for defective work and lost revenues seeking damages in excess of \$8 million dollars.
- Represents a Southern California general contractor in various matters, including one arising from the construction of a large public works project in Orange County, for the general contractor sued its subcontractor for defective rebar installation that caused cost overruns in excess of \$1 million dollars. Prevailed in the bench trial portion of the case, which took place in the first quarter of 2019.
- Represented the heirs of a probated estate wherein an owner of a development constructed by the probated estate alleged defective construction. The case was settled in favor of the heirs.
- Represented a concrete subcontractor on a money-due-on-contract claim. The owner cross-complained for defective work, alleging that the concrete was improperly laid and discolored. After a 5-day trial, the court awarded full principal and interest to the concrete subcontractor.
- In addition, Mr. Darling has represented clients involved in every aspect of construction from private developers, public entities, general contractors, subcontractors, as well as material suppliers. He has represented parties on construction projects in various aspects of disputes arising from construction projects, including to defective work claims, delay and disruption, scope disputes, bid disputes, public contract code disputes such as subcontractor bid listing, unauthorized substitutions, §3400 violations, and other public works disputes such as prompt payment claims. Mr. Darling has also been involved in many proceedings alleging design failures that involve architectural, mechanical, plumbing, seismic, structural, and any other conceivable aspect of construction design.
- Mr. Darling has also represented many parties involving non-construction cases such as dissolution proceedings, corporate malfeasance, breach of fiduciary duty, fraud, business raiding, customer list theft, and breach of partnership and LLC agreements.

SPEAKING ENGAGEMENTS & SEMINARS

- EDUCATIONAL SEMINAR: The Seminar Group - Construction Project Scheduling & Delay Claims
- John Darling and Paul Rogoff to present at SCCA Legal Breakfast Briefing
- Construction Law Update
- Best Practices in Bidding Construction Contracts
- Drafting Airtight AIA Contracts: Proven Strategies for Complex Projects
- AIA Contracts Crash Course: Understand the Key Provisions Before You Sign the Contract
- Stay Ahead of the Game: Mechanic's Liens, Stop Payment Notices, and Payment Bond Claims in California
- Changes in California Mechanics Lien Laws, Including SB 474 Indemnity Provisions- Pacific Southwest Chapter
- Changes in California Mechanics Lien Laws, Including SB 474 Indemnity Provisions- Golden Gate Chapter
- Fundamentals of Construction Contracts: Understanding the Issues in California
- Joint Association Insurance Risk Transfer & Lien Law Seminar- Ontario
- AIA Contracts: How to Negotiate Provisions and Mitigate Risk
- Bids, Plans, & Specifications and Key Contract Terms
- Claims: Liens, Stop Notices, Bonds, Delay & Disruption, Termination
- AIA Contracts- Santa Ana
- Bids, Plans, & Specifications and Key Contract Terms
- Protect Your Lien Rights Under the New Law! Sponsored by the Southern CA Contractors Association
- Bid Protests: A Legal Seminar
- AGC of California- Legal Advisory Committee, Annual Legal Retreat
- What Construction Lawyers Need to Know About the International Green Construction Code (IGCC) and What It Will Mean for Clients (Webinar)
- Construction / insurance: The Instant Impact of Fortney & Weygandt, Inc. v. Am. Mfrs. Mutual Insurance Co. On Construction Lawyers and the Scope of Defective-Workmanship Exclusions in General Contractor CGL Policies (webinar)
- Construction Contracts: The 10 Most Important Terms (Long Beach)
- Construction Contracts: The 10 Most Important Terms (webinar)

- AIA Contracts- Santa Ana
- Effective Project Management – Addressing Risk Head On
- AIA Contracts- Pasadena
- Evaluation and Resolution of Delay and Extra Work Claims in California
- Public Contracts and Procurement Regulations in California
- Public Construction Contracts & The Bonding Process for Contract Bonds in California
- California Public Works Construction: New and Dramatic Legal Changes
- Construction Project Management
- Continuing Education of the Bar- Construction Law and Disputes
- AIA Contracts- Pasadena

Practice Areas

- **Construction Disputes & Litigation**
- Mechanic's Liens & Payment Remedies
- Contract Disputes
- Delay Claims
- Construction Defects
- Payment & Performance Bond Claims
- Arbitration, Mediation, Trial
- **Construction Agreements**
- Drafting / Negotiation / Review of Contracts
- **Public Works**
- Public Entity Disputes
- Bid Mistakes & Protests
- Change Orders / Extra Work

- Stop Payment Notice Claims
- Prevailing Wage Issues
- Design / Build Disputes
- Design Liability
- False Claims
- Debarment Proceedings

Bar & Courts

- California
- United States District Court of California, Central
- United States District Court of California, Northern
- United States District Court of California, Southern
- United States District Court of California, Eastern
- United States Court of Appeals for the Ninth Circuit

Education

- University of the Pacific, McGeorge School of Law, J.D.
- University of New Mexico, Bachelor of Arts