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Lindsey Herzik is a pragmatic litigator who works with business owners, senior executives, and in-house counsel in areas of business and commercial litigation, and construction law including pre-litigation dispute resolution through trial and/or arbitration, and judgment. Her practice involves complex and large-scale public and private works, owner and general contractor disputes, general and subcontractor disputes, joint-venture disputes, contract defaults, surety bond and Miller Act claims, writs, and lien law. Clients include general contractors, specialty subcontractors, and tenants and landlords.

Ever passionate about resolving client problems, Lindsey takes the time necessary to thoroughly understand each client's unique business and legal challenges and objectives. An innate curiosity drives her methodical analysis of legal, judicial, and administrative precedents. It can be rigorous work. But it is essential to informing the creative thought process required to shape legal strategies that are most favorable to our clients.

#### **DELAY, INEFFICIENCY, AND EXTRA WORK CLAIMS**

Construction project participants regularly suffer the monetary and operational pains caused by delays, design mistakes, project inefficiencies, interferences, and other unforeseen issues. Lindsey understands the questions to ask, what information to obtain, and which legal strategies to deploy. This helps ease client concerns, contain disputes, and accelerate the resolution process.

#### **FEDERAL PROCUREMENT AND CLAIMS**

Federal prime contractors and subcontractors know that achieving success in the highly regulated federal construction arena can be a challenge. Payment disputes with the government or between subcontractors and prime contractors are common. Whether

#### **PRACTICES**

- Construction Law
  - *Claims & Disputes*
  - *Local Agency, Municipal & State Contracts*
  - *Federal Procurement & Claims*
  - *Real Estate*
  - *Collections*
- Business & Commercial Litigation

#### **ADMISSIONS**

- California: State Courts
- U.S. District Courts of California: Northern
- Arizona: State Courts
- U.S. District Court for the District of Arizona

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she is coordinating schedule, design, accounting, and construction industry experts or evaluating a potential request for equitable adjustment, Lindsey is a task master focused on getting the job done – and done right. It is this kind of experience that Lindsey – and her Finch, Thornton & Baird, LLP colleagues – delivers when efficient resolution of claims or reconsideration of procurement decisions is the goal.

### **COLLECTIONS PROSECUTION**

General contractors, design-builders, and construction managers often encounter payment delays from project owners. In turn, trade subcontractors suffer from not being paid their contract balance or for extra work performed for the general contractor or owner. Lindsey offers experience in securing payment rights through mechanic's liens, stop payment notices, and payment bonds. The goal is simple: maximizing recovery through early resolution and fast collections.

### **EXPERIENCE**

- Construction litigation
- Public and private works disputes
- Delay, inefficiency, and extra work claims
- Construction defect and defective work claims
- Local, state, federal, private collection, and bond actions
- Coordination with schedule, design, accounting, and subject matter experts on construction claims
- Contract defaults
- Mechanic's liens
- Stop payment notices
- Payment bond claims
- Request for equitable adjustments (REAs)
- Surety obligations
- General business litigation
- Real property
- Landlord/tenant disputes
- Arbitration

### **EDUCATION**

- University of San Diego School of Law, J.D., *magna cum laude*
  - *Order of the Coif*
  - *Judicial Extern to the Honorable Gonzalo P. Curiel*
  - *Comments Editor, San Diego Law Review*
  - "A Better IDEA: Implementing a Nationwide Definition for Significant Disproportionality to Combat Overrepresentation of Minority Students in Special Education," *52 San Diego L. Rev.* 951 (2015)
- Loyola University of Chicago, B.A., Journalism, *cum laude*
  - *Law Clerk to the Honorable Diane Humetewa, U.S. District Court, District of Arizona*

### **MEMBERSHIPS**

- State Bar of California
- State Bar of Arizona