



ftblaw.com

e dscholz@ftblaw.com
p 858-737-3100 Ext. 3031
f 858-737-3101

Brittany Romero
Legal Secretary

e bromero@ftblaw.com
p 858-737-3100 Ext. 3073

Dan Scholz is an effective negotiator and litigator who works with construction company owners, employers, and general contractors and subcontractors. He has broad construction industry experience pertaining to claims, collections, lease-leaseback negotiations and disputes, and conflict of interest litigation and transactional matters.

The majority of Dan's legal experience is exclusive to construction industry matters, so he is very knowledgeable about construction company operations, industry practices, and clients' cost concerns. Combined with a highly detailed strategic view of the law and the firm's aggressive representation approach, Dan readily understands what needs to be accomplished to settle or win a dispute.

DELAY, INEFFICIENCY, AND EXTRA WORK CLAIMS

For general contractors and subcontractors, work delays and disputes over liquidated damages and cost overruns are common; together they can undermine the best intentions of either party. Well-versed in the preparation of delay and extra work claims for public and private owners, Dan understands the facts and evidence necessary to prove such claims. He also understands that maintaining healthy business relationships is often as important – if not more so – than purely resolving matters monetarily. With Dan in your corner, client frustrations are minimized, disputes are mitigated, and amicable resolutions are achieved.

LIENS, STOP PAYMENT NOTICES, AND BOND CLAIMS

No business owner is immune from the frustrations caused by delayed, disputed, or withheld payments. In the complex construction industry, however, they can prove disastrous if not promptly resolved. Because Dan has experience pursuing stop payment notices and Miller Act payment bond claims on a daily basis, claims are usually settled quickly with a cost-effective strategy. When they are not, Dan aggressively accelerates the matter to the next stage of the litigation process.

PRACTICES

- ☐ Construction Law
 - Claims & Disputes
 - Local Agency, Municipal & State Contracts
 - Federal Procurement & Claims
 - Project Counsel
 - Prime Contracts & Subcontracts
 - Real Estate
 - Labor & Employment
 - Collections
- ☐ Business & Commercial Litigation
- ☐ Labor & Employment

ADMISSIONS

- ☐ California: State Courts
- ☐ U.S. District Courts of California: Central, Eastern, Northern, Southern
- ☐ U.S. Court of Federal Claims

Finch, Thornton & Baird, LLP
4747 Executive Drive, Suite 700
San Diego, CA 92121

LEASE-LEASEBACK NEGOTIATIONS AND DISPUTES

The legal statutes that govern lease-leaseback provisions of school construction projects are complex. It is why Dan's successful track record in negotiating over \$100 million in lease-leaseback contracts is so valuable; he was also involved in recent legislative amendments to California's lease-leaseback laws. His deep understanding of this unique delivery method – including options for best structuring these transactions so they are cost-effective and in accordance with the law – can be an education all its own. It can also help to ensure your lease-leaseback project gets started on a solid foundation.

CONFLICT OF INTEREST ISSUES

Navigating California's complicated conflict of interest laws between private parties and public entities are a challenge to contractors and consultants alike. Dan's experience defending these matters – at trial and appellate court levels – is invaluable. Clients benefit in two ways. First, they gain first-hand compliance knowledge about the potential risks and liabilities that can occur from conflicts. Second, they benefit from the proactive strategies Dan can offer to help manage or minimize those risks. If your business is wrestling with conflict of interest issues, a call to Dan Scholz and Finch, Thornton & Baird, LLP should put your mind at ease.

EXPERIENCE

- Construction litigation
- Public works of improvement and government contracts, including projects with local public agencies, cities, counties, state agencies, and federal government
- Delay, inefficiency and extra work claims
- Coordination with schedule, design, accounting, and subject matter experts on construction claims
- Contract defaults
- Surety obligations
- Mechanic's liens
- Stop payment notices
- Payment bond claims
- Performance bond claims
- Requests for equitable adjustments (REAs)
- Contract Disputes Act claims
- Miller Act claims
- Counsel on specialized delivery methods, including lease-leaseback and construction management at-risk projects
- Transactional matters specializing in the drafting and review of construction project agreements and public procurement compliance
- Local, state and federal bid protests
- General business litigation
- Wage and hour class action defense

EDUCATION

- University of San Diego School of Law, J.D., *cum laude*
 - *Order of the Coif*
 - *International Law Journal*
 - CALI (AmJur) Awards recipient in Corporations and Criminal Law
- University of Arizona, B.S., *summa cum laude*, Political Science

MEMBERSHIPS

- State Bar of California

COMMUNITY

- Political Action Committee (PAC), Associated Builders & Contractors, Inc., San Diego Chapter

RECOGNITION

- San Diego Rising Star
by Super Lawyers Magazine
in 2015-2019

LEADERSHIP

Mr. Scholz is an accomplished public speaker and regularly addresses the construction community on a range of legal, training and educational topics:

Using Job Costs to Preserve Claims and Defenses

Performance & Closeout: Project Management Mistakes And How To Avoid Them

Contracts: Project Management Mistakes And How To Avoid Them

Statutory Changes Impacting Construction Contracts

Lease-Leaseback Construction Under AB 2316

Collection Strategies & Practical Advice: How To Get Paid On Public & Private Works