



ftblaw.com

e [jgauthier@ftblaw.com](mailto:jgauthier@ftblaw.com)  
p 858-737-3100 Ext. 3026  
f 858-737-3101

**Jillian C. Robinson**  
*Senior Paralegal/Trainer*

e [jrobinson@ftblaw.com](mailto:jrobinson@ftblaw.com)  
p 858-737-3100 Ext. 3075

Tenacious and methodical, Jon Gauthier is an experienced attorney and litigator who represents business owners and executives, in-house counsel, and project managers regarding construction claims, collections, course-of-performance issues, contract requirements, and construction-related disputes. His clients include general contractors, subcontractors, suppliers, sureties, and engineering firms.

The majority of Jon's legal experience over thirty-five years has been focused on construction industry matters; he is highly knowledgeable about construction operations, industry practices, and clients' business concerns. Jon has excellent relationships with many attorneys and other professionals involved in the construction industry. This experience enables him to resolve most claims – usually without lengthy litigation – either before court or shortly after court proceedings are started. Importantly, Jon always considers the cost and impact to business operations, opportunities, and reputation before advising clients how best to proceed.

#### **LIENS, STOP PAYMENT NOTICES, AND PAYMENT BOND NOTICES**

Prompt and aggressive action is vital in pursuing all available remedies to recover money owed on a construction project. Jon has worked on such matters for over thirty years, so he can provide the experienced representation necessary to effectively achieve client goals.

#### **ENFORCEMENT AND COLLECTION OF CLAIMS FOR PAYMENT**

Non-payment of services rendered always raises the danger that sufficient resources will be inadequate to fully satisfy a claim once a judgment or arbitration award are obtained. Jon's experience of legal techniques combine with his knowledge of business, corporate, and financial frameworks to provide welcome relief to any business faced with unpaid

#### **PRACTICES**

- Construction Law
  - *Claims & Disputes*
  - *Local Agency, Municipal & State Contracts*
  - *Prime Contracts & Subcontracts*
  - *Collections (including bankruptcy claims by creditors & collections of claims and judgments)*
- Business & Commercial Litigation
- Business & Commercial Transactions

#### **ADMISSIONS**

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

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

obligations. If engaged early enough in the process, Jon will endeavor to ensure that collection of a claim is secured by assets other than the debtor's credit. If the collection remedies are unavailable or inadequate, he will locate and seize other assets or place liens against them. That often puts Jon's client in a great position – at the front of the line – when multiple creditors are pursuing the same assets.

**DEFENSE OF CLAIMS BY SUBCONTRACTORS AND SUPPLIERS**

General contractors, sureties, and owners faced with overstated or invalid claims regularly rely on Jon's know-how to resolve these disputes. Reassuring and protecting the client's surety or customer is paramount, as is the need to swiftly resolve the matter. Jon's expert negotiation skills frequently succeed in achieving early resolutions. When adverse parties are unreasonable, however, he immediately turns to aggressive litigation tactics. This methodical process ensures the matter is contained and that most claims against the client are resolved at steep discounts. Importantly, Jon strives to make certain that the valuable business relationships between client and customer are fully protected. Case closed.

**CONSTRUCTION PROJECTS, DISPUTES, AND CLAIMS WHERE ONE OF THE PARTIES IS IN BANKRUPTCY**

When one of the parties involved in a construction job files for bankruptcy, prompt action must be taken to protect one's legal rights and avoid adverse impact upon existing contracts or subcontracts. Good judgment must be exercised to avoid being drawn unnecessarily too deeply into a bankruptcy – as this can be just as costly as failing to take prompt and timely action. Jon has practiced in all California bankruptcy courts, as well as in courts which hear bankruptcy appeals and writs. This is exactly the kind of legal expertise you want leading your claim strategy in a construction bankruptcy situation.

**EXPERIENCE**

- Construction arbitration, mediation, and litigation
- Claims on public works of improvement and government contracts, including projects with local public agencies, cities, counties, state agencies, and federal government
- Contract defaults
- Surety obligations
- Mechanic's liens
- Stop payment notices
- Payment bond claims
- Attaching assets for collections
- Collection of judgments
- Bankruptcy court proceedings and appeals
- Miller Act claims
- Transactional matters specializing in the drafting and review of documents relating to construction projects
- General business litigation
- Compelling production of important documents

**MEMBERSHIPS**

- State Bar of California

**EDUCATION**

- University of San Diego School of Law, J.D.
- University of California at Santa Cruz, B.A., Psychology

**LEADERSHIP**

Mr. Gauthier is an accomplished public speaker and regularly addresses the construction community and fellow attorneys on legal, training and educational topics:

**California Construction Payment Remedies: Liens, Stop Notices and Bond Claims**

**Handling Construction Payment Claims in a Bankruptcy Situation**