

Rosemary K. Nunn

Partner, Orange County Office

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PRACTICE GROUPS

- Construction
- Construction / Women in Construction
- Litigation
- Charter Schools
- Business Litigation

EDUCATION

Pitzer College, Political Studies, *High Honors, cum honoribus*, 1994

University of California, Los Angeles, J.D., 1997

PROFESSIONAL SUMMARY

Rosemary Nunn is a partner in the Firm's Orange County office and has over twenty years of experience in the construction field, including:

- Contract drafting/negotiation (AIA, ConsensusDocs, IPD, custom-created, public and private);
- Bid Protests
- Change order disputes
- Public Works Projects
- Prevailing wage compliance
- Delay claims (differing site conditions, defective plans and specifications, inefficiency, acceleration, suspension, impact, ripple)
- Construction site accidents and bodily injury defense
- Defense of trade partners enrolled in OCIPs/CCIPs
- Construction defects (commercial and residential)
- Environmental/safety regulations and Hazardous Materials (OSHA, SWPPP, Silica, mold, asbestos,

PCBs, LBP)

- Geotechnical and ground stabilization
- Minority contracting issues
- Mechanics liens, stop notices, performance/payment bond claims, prompt payment laws
- Collections and payment issues

Ms. Nunn has represented owners, developers, design professionals, contractors and subcontractors on myriad public and private projects. She counsels clients through every aspect of a construction project, from contracting to litigation, including: early assessment and minimization of liability exposure and risk; cost-effective dispute resolution; negotiating delay claims, disputed change order requests, and payment on projects with distressed parties, funding or bankruptcies; and robust representation through mediation, arbitration, or trial.

Construction projects at issue span public and private: light-rail, airport construction; multiple-story parking structures; underground pipeline systems; luxury hotels; ground-up and renovation projects; cold-storage refrigeration plants; power plants; concrete demolition, cutting and pouring; utility construction; resort construction and upgrades; geothermal power energy plants; Army barracks and associated campuses; community colleges; charter schools; LAUSD renovations; warehouse and distribution centers; micro-tunneling under a large river bed; and residential developments (homes, condos and townhomes); and high-end luxury homes.

REPRESENTATIVE EXPERIENCE

- Secured multi-million dollar settlement for owner of cold-storage facility that contained electrical, mechanical and soil defects
- Defense of developers and trade partners from myriad bodily injury lawsuits brought by employees of other trades, all covered under an OCIP
- Prevailed at trial in lawsuit concerning defective concrete specifications causing a nine-month project delay against County owner, project engineer and structural engineer, concerning defective concrete specifications causing a nine-month project delay, on behalf of large prime contractor and various subcontractors,
- Represented contractor in dispute with the U.S. Government regarding constructing of military bases wherein the government sought to void multiple contracts and recoup all payments based on alleged bidding errors.
- Counseled hotel owner on construction contracts and project issues arising from substantial remodel of luxury hotel.
- Argued successful bid protest for contractors against various public entities such as public school districts, cities and counties.
- Counseled multiple owners replacing defaulting contractors with new primes, including negotiating associated indemnities, assignments and drafting new contracts with all trade partners and vendors
- Counseled myriad schools performing both ground up and retrofit of campus from one use to another

- Assisted contractors in collecting payment from project developer in a financial crisis.
- Counseled contractor taking over a large commercial project from a financially distressed predecessor who terminated mid-project.
- Defense of myriad construction defect claims against developers, general contractors and subcontractors.

RECOGNITION

Super Lawyers *Rising Stars* in the fields of Construction and Business Litigation 2011 through 2012.

NEWS

- Privette Doctrine Stronger Than Ever In Protecting Land Owners, Developers, and General Contractors From Liability For Injuries to Contractor's Workers 09.22.2021
- Musick Peeler Partner Rosemary Nunn Named 2021 Commercial Real Estate Visionary 06.22.2021
- Musick Peeler Attorneys Advise on \$90 Million School Construction Project 06.01.2021
- Congratulations to Partner Rosemary Nunn on her new appointment as Vice-Chair of the Legal Advisory Committee of the Associated General Contractors of California 09.27.2018
- We are pleased to welcome Partner Rosemary Nunn to our Orange County office. 04.18.2018

EVENTS

- Panelist, "Schedule Delays In The Construction Industry," joint event by AACE San Francisco and AGC California 04.27.2021
- Partner Rosemary Nunn leads Orange County Construction team to obtain big win for client in commercial construction defect case 12.17.2020
- Rosemary Nunn, Co-Presenter at 2019 Associated General Contractors Annual Conference 10.18.2019
- Partners Don Bradley and Rosemary Nunn presented an extensive construction seminar. 05.30.2018
- Co-Presenter. "Mediating the Luxury, Single-Family Home Construction Case" at the West Coast Casualty Construction Defect Conference 5.18.2018
- Presenter, "Green Building Construction: Best Practices to Mitigate your Company's Liability Through Educated Bidding Strategies and Negotiation of Specific Contract Clauses," National Association of Women in Construction, Orange County Chapter 06.2010
- Co-Presenter, "Green Building Construction: Rewards, Rules and Risks," The 24th Annual Construction Superconference 12.01.2009
- Co-Presenter, "Mechanic's Liens," Associated General Contractors Fall Conference 10.29-30.2009
- Co-Presenter, "Rewards and Risks to Green Building Construction, Associated General Contractors Annual Legal Retreat 10.23-25.2009
- Co-Presenter, "Rewards and Risks to Green Building Construction," U.S. Green Building Council 09.24.2009

- Co-Presenter, "Legally Green: Avoiding the Pitfalls of Green Building Construction," AFG-CLC Working Weekend 08.28.2009
- Panelist, "California Wage and Hour Issues: What You Don't Know Will Cost You," The Construction Superconference 12.01.2008
- Co-Presenter, "Lean & Green Legally: Avoiding the Pitfalls of Lean Construction and Green Building," CURT National Conference 11.11.2008
- Speaker, "E-Discovery in the Age of Shared, Dynamic Databases Like BIM," The Construction Users' Roundtable Quarterly Meeting 04.08.2008
- Presenter, "Update on Lien, Bond, Stop Notice and Prompt Payment Laws." Presented March 2001 and updated July 2003. 07.01.2003
- Speaker, "Timetable for Mechanics' Liens, Stop Notices, Lis Pendens, and Prompt Payment Issues" 05.01.2002

ADMISSIONS & PROFESSIONAL ASSOCIATIONS

- State Bar of California
- United States District Court for the Central District of California
- Associated General Contractors, Board of Directors, Orange County District
- Associated General Contractors, Legal Advisory Committee, Chair 2020 -2021, Vice-Chair 2019
- Orange County Bar Association