



David J. Hyndman

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Pronouns: he, him, his

David Hyndman practices primarily in the area of commercial **litigation**, with a focus on construction disputes and related matters. He represents **public** and private entity clients in a variety of projects, including EPC contracting, **construction** management, public works projects, and other complex construction matters. His experience includes evaluating and resolving claims and disputes involving water processing plants, power plants, roadways, schools, hospitals, tunnels, and airports, among other issues. David also represents clients in commercial disputes and general litigation matters. During the course of his career, he has represented clients in jury trials, arbitrations, and mediations. David is admitted to practice in both California and Wisconsin.

David also has significant experience in implementing efficient and effective procedures for managing pretrial discovery in complex cases. This has frequently included managing document intensive e-discovery and electronic database issues, including implementing cost effective protocols for the review and production of millions of paper and electronic documents, as required by and in compliance with current and evolving Federal and State rules.

PUBLICATIONS

Electronic Discovery in Construction Disputes – Pitfalls for the Unwary
Essential Risk Shifting Provisions in Construction Documents

REPRESENTATIVE MATTERS

- **Surface Water Treatment Project.** Member of team that represented EPC contractor in litigation involving multi-party claims valued in excess of \$50 million.
- **Airport Runway Construction Project.** Represented client with disputes involving claims exceeding \$10 million and involving complex issues of design, construction and concrete placement in an FAA-sponsored airport expansion project. Arbitration proceeding

PRACTICES

Construction Law
Litigation
Public Law

EDUCATION

J.D., University of Wisconsin Law School, 1996
B.A., Political Science and French, University of California, Los Angeles, 1990

ADMISSION

State Bar of California
State Bar of Wisconsin
United States Court of Appeals for the Ninth Circuit
United States District Court for the Central District of California
United States District Court for the Eastern District of California
United States District Court for the Northern District of California
United States District Court for the Southern District of California

AFFILIATIONS

Alameda County Bar

Association

American Bar Association

Bar Association of San Francisco

resulted in award to client.

- **Municipal Utility Project.** Co-counsel in jury trial with favorable verdict to client regarding municipal utility project. Prepared and participated in all aspects of pre-trial case and jury trial, including percipient and expert depositions, jury selection, motion practice, witness and case presentation, jury instructions up to final verdict after six week trial.
- **Toll Road Project.** Member of four-attorney trial team representing EPC contractor in complex litigation involving panoply of multi-party claims and counterclaims exceeding \$1.0 billion. Participated in all aspects of case preparation, including motion practice, percipient and expert witness depositions, and presentation at arbitration in multi-phased proceedings. Successful in defeating over \$100 million in claims and in establishing validity of over \$145 million in client's claims.
- **Vineyard Development Project.** Co-counsel for plaintiff in jury trial of contract dispute involving nationally-known winemaker, in defense of counterclaims brought by vineyard developer for additional compensation outside of oral contract.
- **North American Power Plant.** Member of five-attorney trial team that represented a major EPC contractor in disputes involving in excess of \$500 million arising out of the design, construction and commissioning of a major EPC combined cycle co-generation power facility. Participated in all aspects of case preparation, including motion practice, percipient and expert witness depositions, and presentation at arbitration. Successful defense of \$450 million in claims against client in year-long proceeding.
- **European Wastewater Treatment Plant.** Involved in representing international EPC contractor in multi-million dollar disputes over large European wastewater treatment plant project. Favorable settlement for client before trial in international proceedings.
- **Middle Eastern Power Plants.** Part of trial team that represented major EPC Contractors in disputes involving megawatt Combined cycle, Co-Generation Gas Fired and Oil Fired Power Facilities in Middle East, including discovery and evaluation of delay, disruption and performance issues. Defense of client in multiple district court actions brought by owner seeking over \$50 million.