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BURKE, WILLIAMS & SORENSEN, LLP



Timothy Alan Colvig

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Pronouns: he, him, his

Timothy A. Colvig is recognized as an expert in the fields of insurance, environmental, and construction law. He has over 30 years of legal experience litigating and resolving disputes in a broad range of disciplines, including real estate, landlord-tenant, business transactions, unfair competition, corporate, and employment law matters.

PRACTICES

Construction Law

Employment Law and Litigation

Environmental Land Use and Natural Resources

Insurance Coverage and Litigation

Litigation

Tort Claims and Products Liability

EDUCATION

J.D., University of California, Berkeley Boalt Hall School of Law, 1984

B.S., (high honors and departmental citation) University of California, Davis, 1979

ADMISSION

State Bar of California

AFFILIATIONS

American Bar Association, Construction Industry Forum Committee

American Bar Association, Insurance Coverage Litigation Committee

RECOGNITIONS

AV® PreeminentTM Peer Review Rated by Martindale-Hubbell

Selected to Northern California Super Lawyers, 2008-2012

Selected to Corporate Counsel Super Lawyers, 2009-2012

The Legal 500, Recommended Attorney, 2012

REPRESENTATIVE MATTERS

Insurance

- Major Insurance Company – Assisted company in drafting various construction industry forms, including Owner's Protective, Professional and Pollution Legal Liability Insurance Policy; Contractor's Protective, Professional and Pollution Legal Liability Insurance Policy; and Owner's Property Damage From Completed Operations Protective and Professional Liability Policy. Assist company as national coverage counsel on such policies involving a myriad of complex professional and environmental claims in the construction industry.
- Environmental Impairment Liability Insurer – Represented major insurance company in numerous complex environmental insurance coverage actions involving Fortune 500 policyholders and scores of insurers, with potential exposure to the client of well over $250 million. The coverage actions involved notorious contaminated

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American Bar Association, Natural Resources & Environment Section

American Bar Association, Tort Trial and Insurance Practice Section

American Bar Association, Litigation Section

State Bar of California, Litigation Section

State Bar of California, Environmental Law Section

sites, including Times Beach Missouri and Stringfellow Acid Pits, and the interplay between the client's environmental impairment liability policies and general liability policies issued by other carriers.

- Bay Area School District, Nevada School District and Airport Authority – Represented public entities in claims against first party property carriers involving catastrophic losses arising out of water, smoke, mold, and asbestos damages at three different schools and also arising out of people mover collision at airport.
- Major Insurance Company – Assisted company in drafting several form endorsements, one to provide limited coverage for subsidence damages, one to provide limited coverage for continuing damage, and one to exclude coverage for Exterior Insulation and Finish System (EIFS)-related claims.
- Port District – Represented the port district in connection with interplay between its owner controlled insurance program and proper form of construction documents for multibillion dollar capital improvement project involving airport and port facilities.
- City – Represented City in obtaining liability coverage for civil rights claims arising out of alleged systematic police brutality and false arrests involving numerous plaintiffs.
- Various Clients – Represented insurers and policyholders in a wide variety of insurance disputes in numerous jurisdictions, including bad faith, subrogation, inter-insurer disputes, reinsurance disputes, and all manner of disputes involving marine, directors and officers, professional liability, pollution, general liability, and first party policies.

Construction

- Engineering Company – Assist company with contract negotiations, payment disputes, professional claims, asbestos claims, insurance issues, and employment issues.
- High-rise Building Owner – Represented owner of high-rise building in action against contractor and architect arising out of defective curtain wall. Settled action against contractor, then tried action against architect. Received $8 million jury verdict against architect, after which matter was settled on confidential terms.
- Construction Subcontractor – Represented subcontractor against prime contractor in mistaken bid action involving government contract. Tried case in Superior Court to verdict in favor of client.
- Various Clients – Represented private owners, public owners, contractors, subcontractors, design professionals and material suppliers, in a myriad of construction disputes in all courts, in arbitration, and in mediation regarding public-private partnerships, high-rise buildings, sewage treatment plants, schools, public

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housing, condominiums, hospitals, subdivisions, and roadways, to name a few.

Environmental

- City – Assisted city in dispute with landfill and compost facility operators regarding noxious odors, including active input to Cal Recycle which resulted in revised regulations to enhance enforcement efforts.
- City – Represented city in litigation against gas station owners and operators to recover the City's costs to address MtBE in groundwater entering the city's storm drain system. Negotiated excellent monetary settlements from each defendant.
- City and Redevelopment Agency – Assisted public entities in negotiating terms of pollution liability and cost cap insurance policies with insurers and related environmental terms and conditions in contracts with developers.
- Multinational Holding Company – Acted as steering committee chairperson of potentially responsible party group responding to California Department of Toxic Substances Control consent order with PRP Group. Matter involves contaminated site on which School District constructed a $54 million middle school. Represented client in federal court CERCLA litigation with other parties involved at the site and nearby sites. Negotiated PRP resolution during mediation resulting in U.S. paying major share because of war time contamination, and negotiated terms of consent order with the DTSC.
- Large Corporation – Represented company in connection with six-acre industrial property and adjoining lands in Oakland, California, that have been occupied by numerous heavy industrial companies since the 1860's. Represented the company in a multi-party federal court action to allocate liability among potentially responsible parties.
- Large Corporation – Represent client in regional water quality control board matter involving a mine site discharging acid mine drainage. Provided oversight to environmental engineering firm involved in investigating and remediating the site. Previously represented client in defending a citizen's suit brought by a public interest group for alleged Clean Water Act violations at the mine site.
- Bay Area School District – Represented school district which was ordered by a regional water quality control board to investigate and clean up soil and groundwater contamination under adult education center. Successfully persuaded the board to name district secondarily liable party.
- Bay Area School District – Represented school district in connection with acquisition of contaminated property for use as school bus

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facility. Provided advice re potential liabilities, indemnity, transactional, due diligence, and brownfields issues.

Employment

- Various Clients – Represented several clients in employment-related matters, including internal investigations, California Department of Fair Employment and Housing investigations, and state court actions involving alleged sexual harassment, racial harassment, racial discrimination, wrongful termination, false imprisonment, battery, disputes with union, minority contracting requirements, and wage and hour issues.

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