

GORDON E. McCLINTOCK

Special Master/Mediator
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GORDON E. McCLINTOCK, born Salinas, California, November 21, 1942. Admitted to bar in California (1967) and Colorado (1999); U.S. District Court, Northern and Eastern Districts of California; U.S. Tax Court. Preparatory education, Whitman College (B.A., 1964). Legal education, Hastings College of Law, University of California (J.D., 1967). Order of the Coif. Member, Thurston Society. Staff Member, California Law Revision Commission, 1967 - 68.

Gordon has specialized in alternative dispute resolution since 1989. His training includes Mediation for Construction Lawyers (ABA/AAA 1994 - 16 hours) and Advanced Mediation Practice (Peppardine University 1996 - 20 hours). He has a high success rate in resolving cases in which he has been selected as a neutral. He has assisted parties in reaching settlements totaling more than \$450,000,000 in over 500 matters, involving construction defects in residential and commercial properties, private and government contract claims, mechanic's liens, leaking underground fuel and waste tanks, environment cleanup, partnership dissolutions, insurance coverage, real estate sales contracts, product liability and premises liability.

Illustrative cases include: (1) Class action brought by commercial users of telephone lines severed by pile driver during construction of a new bridge for a city. Actions by two telephone providers for damages to their lines were consolidated; (2) Multiple claims arising out of the 1999 San Francisco Sea Cliff area sink hole incident. This included one house and contents totally destroyed, one that was condemned because it overhung the sink hole, and one that lost irreplaceable landscaping. There were numerous smaller claims and a claim by the City against contractors involved in two contiguous projects; (3) A construction defect case involving a new courthouse, which included severe water intrusion and mold; (4) A condominium construction defect case with 10" of slab displacement. There was also a separate suit involving additional insurance coverage issues, and a later contribution action by one insurance carrier against multiple other insurers; (5) A suit between the buyer and seller of real property with leaking underground fuel tanks. He is still monitoring remediation as between current owners, county and Regional Water Quality Control Board; (6) A dispute between primary and excess insurers for developer/general contractor and additional insurers; (7) A dispute between a city and homeowners over vibration and noise from public transit system; (8) A construction contract claim involving a school remodel that included a cross-complaint for liquidated damages and false claims act violations, and multiple stop notice claims; (9) A class action arising out of claim that a funeral home mishandled bodies and cremated remains; (10) A construction contract claim involving a single tenant high rise commercial building in which the HVAC system did not work for reasons that could not be easily determined. Resolution of case involved working with the experts and parties to design and test a repair to the installed system rather than a total remove and replace.

Gordon founded the litigation firm of McClintock & Quadros in 1988 and practiced there until he withdrew as a partner in 1993. The firm specialized in handling complex multi-document, multi-party cases. It included among its clients, Prometheus Development Company, Blue Cross of California, Ryder Truck Rental, Inc., Yellow Freight System, Inc., Browning Ferris Industries of California, Pacific Gas and Electric Company, and Sears, Roebuck & Co. In his practice, Gordon emphasized construction and insurance coverage matters. He represented owners, developers, general contractors, subcontractors, materialmen, insurance carriers and insureds.

Before the formation of McClintock & Quadros, Gordon supervised a general civil litigation practice for Hession & Creedon and became familiar with a broad spectrum of bodily injury, property damage, insurance coverage, contract and commercial issues.

Member: The State Bar of California (Member, Executive Committee of the Law Office Management Section, 1982 - 86); Colorado Bar Association; American Bar Association (Forum Committee on the Construction Industry; Section of Litigation - Committee on Insurance Coverage; Torts and Insurance Practice and Dispute Resolution Sections); Association of Conflict Resolution; California Dispute Resolution Council; Associated General Contractors of California, 1985-1993 (Legal Advisory Committee 1985 - 93; Insurance and Bonds Committee 1989 - 93); San Mateo County Bar Association (Alternative Dispute Resolution Committee 1987 - 94, Chair 1990; Real Property Section 1985 - 93; Bench-Bar Committee 1991 - 2001; Attorney Fee Arbitration Panel); Santa Clara County Bar Association (Executive Committee Insurance Law Section 1990 - 93).

Author: "Fictitious Business Name Legislation -- Modernizing California's Pioneer Statute," Hastings Law Journal, 1968; "What To Tell Your Clients About The Use Of Special Masters," The Docket, 1989; "ADR and the Construction Case," The Docket, 1994.

Faculty: Hastings College of Advocacy (1984 - 88).

Speaker: on liability insurance coverage for contractors: 11th Annual Construction Insurance Conference (IRMI 1991); interviewing and negotiating (C.E.B. 1989); Alternative Dispute Resolution Seminar Series (San Mateo 1992); Western Construction Consultants Association (1995); at various local bar and trade association seminars on insurance coverage matters and methods of resolving complex litigation 1989 - present.

Participant in the Bar Leaders ADR Roundtable Program sponsored by the California State Bar ADR Taskforce, 1992 - 97).

Judicial Arbitration Panel Member and Judge Pro Tem in San Mateo County Consolidated Courts 1980 - 2001 and Santa Clara County Superior Court (to 1993). Special Master and Discovery Referee by Court Appointment in numerous California jurisdictions and in the U.S. District Court - Northern District of California.

References are available upon request.