



→ John A. Yacovelle

Partner

12275 El Camino Real
Suite 100
San Diego, CA 92130

T: +1.858.720.8934

F: +1.858.509.3691

jyacovelle@sheppardmullin.com

John Yacovelle is a partner in the Business Trial Practice Group and a member of the Construction Litigation, Energy, Infrastructure and Project Finance and Tribal and Indian Law Teams.

Areas of Practice

John began practicing law in 1987 and represents clients in business disputes, with a special emphasis on energy (including nuclear power), construction, real estate, general commercial litigation and Native American law. He represents owners, developers, investors, general contractors, subcontractors, suppliers and product manufacturers in connection with private and public works projects. John provides these clients with services that include: (1) international arbitration; (2) representation in complex commercial litigation; (3) representation in private and public works payment disputes (including claims related to changed conditions, delay claims, bond claims, mechanic's lien claims and stop notice claims and early termination and breach claims); (4) the negotiation and review of engineering and construction contracts; (5) representation of developers, contractors and product manufacturers in construction defect and product liability matters; and (6) representation of developers in land acquisition disputes.

In addition, John represents clients in commercial disputes, including corporate dissolution proceedings, enforcement of covenants not to compete, unfair competition, trade secret disputes, matters before the Probate Court, breach of contract disputes and products liability matters.

John is experienced in trial, including representing clients in jury trials, bench trials and domestic and international arbitrations.

Honors

Best Lawyers in America (Commercial Litigation), *Best Lawyers*, 2016-2022

Real Estate and Construction, *Legal 500*, 2016, 2019

San Diego Super Lawyer, *Super Lawyers*, 2015-2021

Southern California Super Lawyer, *Super Lawyers*, 2007-2014

Leading Construction Lawyer, Practical Law Company, 2011-2012

Legal 500, 2011-2012

Experience

Representative Matters

- Representation of a utility in a multi billion dollar international arbitration against steam generator manufacturer with respect to the shutdown of a nuclear power plant.
- Representation of a utility in defense of \$486 million claim by a developer of a power plant.
- Represented a utility in connection with a dispute with another utility regarding certain administrative and general accounting costs with respect to the operation of a nuclear power plant. Received significant settlement payment.
- Representation of a utility in a dispute as to approximately \$50 million in energy project reimbursements.
- Represented a utility in defense of hundreds of wild fire claims brought by insurers, Cal Fire and landowners.
- Represented the National Repair Fund for polybutylene plumbing piping failures. Addressed tens of thousands of claims.
- Represented the owner of a diatomite quarry and processing plant in connection with claims for extras and delays brought by a general contractor who was retained to remodel the processing plant. The matter settled for 13% of the contractor's claimed amount.
- Represented a general contractor in connection with its claims for extras related to a project performed for the North County Transit District. The matter settled with a substantial payment to the general contractor.
- Represented the developer of a high-rise apartment/retail project in a lawsuit against its designer for extra costs and delays arising out of errors and omissions in the design documents. The matter settled with a substantial payment to the developer.
- Represented a general contractor in a jury trial relating to general's construction of an office building addition in Los Angeles. General sought payment for its work. Owner filed cross-complaint for defective work. Jury verdict in favor of client.
- Represented a general contractor in a bench trial regarding a dispute between the general and its subcontractor on a high-rise hotel. Midway through the project, the subcontractor walked off the job and sued the general for payment. Judgment in favor of general, including damages in favor of general for costs of repair.
- Represented a general contractor in a bench trial against a subcontractor on an Orange County hotel project. Judgment in favor of general on the grounds that subcontractor did not comply with licensing law.
- Represented a general contractor in a jury trial for collection of amounts owed by the owner of a hotel for general's construction of the hotel. Cross-complaint asserted for defective construction. Verdict for general.
- Represented a general contractor in lawsuit brought by the U.S. relating to alleged defective work allegedly performed by general on a naval project in San Diego. Negotiated successful settlement to litigation for general.
- Prepared numerous construction, project management and architectural agreements for various clients, including Native American clients.
- Represented a limited liability company in connection with a shareholder dispute involving the alleged breach of a covenant not to compete and an anti-solicitation clause. Achieved a successful settlement which included a stipulated injunction against the shareholder defendants.

- Represented shareholders in involuntary dissolution matter. Achieved successful settlement via buyout of the shareholders.
- Represented a large homebuilder in a dispute with a subdivision seller in a three-week judicial reference proceeding. The dispute centered around the homebuilder's alleged obligations following the homebuilder's termination of the purchase and sale agreement. Claims asserted by the seller were in excess of \$113 million.
- Represented a Native American Tribe in connection with litigation relating to a major design-build project. Issues involved contract compliance, code compliance, contractor's licensing and accounting. Achieved a successful settlement for the Tribe.
- Represented a large homebuilder in an arbitration with a property seller regarding alleged misrepresentations made by the seller regarding the condition of the property. The homebuilder sought the return of its deposit, plus development costs and attorneys fees. After a week-long arbitration and extensive briefing, the arbitrator found that our client was entitled to the return of its full deposit, plus interest, and denied the opposing party any relief on its cross-complaint. Judgment in favor of client in excess of \$2.1 million plus attorneys' fees and costs.
- Represented the owner of a retirement home in a defect lawsuit against general contractor, subcontractor and design professionals. Settlements in excess of \$21 million. Jury verdict against one subcontractor in the amount of \$1.1 million.
- Represented a large homebuilder in connection with a \$50 million claim filed by an adjacent property owner. The claim included claims for nuisance, trespass and the violation of various state and federal laws. Settled the matter for \$12,500.
- Represented a defendant in connection with a \$15 million Probate Code § 850 claim by alleged heirs. Defended all claims and successfully settled the matter for a nominal amount.
- Represented cabinet manufacturers in products liability action against materials suppliers. Achieved successful settlement recouping repair and lost business costs.
- Represented a large homebuilder developer in bench trial relating to distributions allegedly owed to seller of real property under a price participation agreement. Successfully settled matter midway through trial.
- Represented a large homebuilder developer in a trial between the developer and one of its contractors regarding payment. Verdict in favor of the developer.
- Represented cabinet manufacturers in separate lawsuits against their respective coatings manufacturers relating to hazing caused by coatings manufacturers' products. Damages sought included cost of repair damages and lost business damages. Negotiated successful settlement to claims.
- Represented a developer/homebuilder in dispute with a former partner, involving complex accounting issues. Successfully settled matter.
- Represented a large homebuilder/general contractor in the negotiation and preparation of its general contract, subcontracts and consultant contracts in connection with the construction of a major luxury residential project.

Articles

- The Enforcement of Residential Purchase Contracts
11.01.2002

- Abandonment of Contract: No Longer a Viable Claim Against a Public Entity
- Abandonment Claims and Cardinal Changes: Can the Federal and State Rules be Reconciled?

Media Mentions

SoCalGas Nabs \$170K Fees In Wildfire Damage Row
Law360, 11.16.2016

Memberships

Member, Associated Builders and Contractors
Member, American Subcontractors Association
Member, Associated General Contractors of America

Practices

Litigation
Wildfire Litigation
International Reach
International Arbitration
International Trade and Investment
Construction
Real Estate and Land Use
Tribal and Indian Law
International Arbitration

Industries

Construction
Energy, Infrastructure and Project Finance
Hospitality

Education

J.D., Southwestern University, 1987, *magna cum laude*
B.A., University of Southern California, 1984, *cum laude*

Admissions

California

U.S. District Courts for the Central and Southern Districts of California
U.S. Court of Federal Claims