

# PARKER MILLIKEN

PARKER, MILLIKEN, CLARK, O'HARA, SAMUELIAN  
A PROFESSIONAL CORPORATION

THIRTIETH FLOOR  
555 SO. FLOWER STREET · LOS ANGELES, CA 90071-2440  
WWW.PMCOS.COM

Direct Dial: (213) 891-0319

E-mail: [BGOODRICH@PMCOS.COM](mailto:BGOODRICH@PMCOS.COM)

## **BRENTON F. GOODRICH**

### **Education:**

Mr. Goodrich was admitted to the California Bar in 1968, after receiving his law degree from Stanford University, and his undergraduate degree from Wesleyan University (*summa cum laude*, Phi Beta Kappa with High Honors in Economics).

### **Employment:**

Since January 1989, Mr. Goodrich has been a partner (now shareholder) with the law firm Parker, Milliken, Clark, O'Hara & Samuelian, a professional corporation. From 1967 to December 1988, Mr. Goodrich was an associate, partner, and managing partner and chairman of the Executive Committee of the law firm Overton, Lyman & Prince.

### **Professional Experience:**

Mr. Goodrich has more than thirty-five years of experience in major litigation. He has specialized in dispute resolution, both in and out of court, primarily in the fields of complex business and technical litigation and counseling. He has dealt with disputes in the following areas among others: Large-scale construction litigation, arbitration and mediation on behalf of owners; intellectual property litigation; securities litigation; data processing and computer hardware and software performance disputes and litigation; antitrust and distributor litigation and counseling; fire litigation; general business and commercial litigation and counseling; employment practices and wrongful termination; and aviation crash litigation. Mr. Goodrich has represented numerous, major corporate and governmental clients in these fields.

Mr. Goodrich's construction litigation and claim resolution experience, over three decades, has focused on representation of owners, both as plaintiffs and defendants. Mr. Goodrich has successfully prosecuted owner claims for design and construction deficiencies and contractor and designer project malperformance. He has also defended owners against numerous contractor claims seeking damages based on claimed delay, disruption, acceleration and design insufficiencies. Mr. Goodrich has developed extensive experience regarding fact-finding and concerning the management of extensive information and document databases, and the development of expert evaluation and testimony essential to such cases. He has also successfully conducted complex mediations and settlement negotiations on behalf of owners with contractors, subcontractors and design professionals. Among the substantial construction disputes Mr. Goodrich has handled for owners are those summarized in the appendix hereto.

Among the governmental clients Mr. Goodrich has represented in construction litigation is: the County of Los Angeles, the County of San Bernardino, The Los Angeles County Metropolitan Transportation Authority, the University of California, and California State University.

Mr. Goodrich has also served as consultant to owners in the development and evaluation of large-scale construction contract provisions relating to claims avoidance, definition, administration and resolution.

Mr. Goodrich lectures on topics concerning representation of owners in construction disputes. Mr. Goodrich represented the public agency's viewpoint at the False Claims Act sessions presented at the 1998, 2000 and 2001 Construction Superconferences. Mr. Goodrich has also presented a paper discussing the False Claims Act at the 2000 ABA Forum on the Construction Industry.

Mr. Goodrich has also counseled and represented numerous major corporate clients in various types of litigation.

Mr. Goodrich has in-depth trial experience in cases involving complex technical issues pertaining to: Intellectual property; geotechnical issues; structural and mechanical engineering; aerodynamics; metallurgy; fire propagation; computer hardware and software performance; forensic accounting and damages arising from business and other losses.

Mr. Goodrich is admitted to practice before the Supreme Court of the State of California, the Supreme Court of the United States, the United States Ninth Circuit Court of Appeals and before all United States District Courts in California.

**Professional Affiliations:**

California State Bar Association; Los Angeles County Bar Association; American Bar Association, including Litigation Section, Committee on Construction Litigation, and Forum on Construction Industry.

**Personal:**

Mr. Goodrich was born in Plainfield, New Jersey, January 27, 1942. He is married and has two children. He resides in Rancho Palos Verdes, California. He has been involved for many years in activities benefiting his community's schools. He was a two-term member and President of the Board of Education of the Palos Verdes Peninsula Unified School District (1989-1997), and has been a Trustee of the Peninsula Education Foundation, a volunteer group dedicated to marshaling community financial support for Palos Verdes public schools.

MR. GOODRICH'S CONSTRUCTION LITIGATION EXPERIENCE

The following is a brief summary of major construction matters that Mr. Goodrich has handled in the past or is presently handling on behalf of owners:

1. Suit in superior court on behalf of the owner of a large hospital complex against the designer and the contractor and subcontractors to recover costs to remedy design and construction deficiencies to a large, multistory post-tensioned concrete structure used for medical facilities and parking. Settled on eve of trial by substantial payment to the owner. The case required management of over 25,000 pages of technical documents, and preparation and presentation of expert testimony in several fields.
2. Suit in superior court on behalf of the owner of a medical research facility against the designer and contractor to recover costs incurred to remedy numerous design and construction deficiencies involving below-grade and roof moisture intrusion and structural problems. Settled just before trial, following extensive pretrial discovery, by substantial payment to the owner.
3. Suit in superior court on behalf of the owner of a large bio-science research center against the designer, associated engineers and the general contractor and a number of subcontractors, to recover expenses incurred to remedy a host of design and construction deficiencies involving water intrusion, cracking in poured-in-place concrete exterior walls; defective roof membrane; inadequate seismic joints; defective window details and piping; and defective air handling units. Settled during extensive discovery by substantial payment to the owner. Case preparation required management of tens of thousands of documents, presentation of expert testimony in structural engineering, moisture control, concrete formulation, design and HVAC areas.
4. Suit in superior court on behalf of the owner of a cancer research facility to recover from the general contractor the cost to replace a defective pressurized hot water heating system. Case involved mechanical engineering and construction defect issues and related expert opinions.
5. Defense of owner in a superior court action by contractor and subcontractor, asserting delay and direct damage claims arising out of construction of major biotechnology laboratory facility.
6. On-going representation of major health care provider engaged in multiple hospital construction projects, to advise concerning claims avoidance and mitigation during major acute care hospital reconstruction project.
7. Representation of health care provider concerning remediation of underdesign of electrical service for large medical office building and surgical facility.
8. Defense of multimillion dollar contractor extra claim arising from large hospital seismic retrofit project.
9. Defense of the owner of a library storage facility against a contractor's delay claim. Settled prior to discovery for a small fraction of the contractor's claim.

10. Defense in federal court of the owner of a \$13.5 million medium security prison project against multimillion dollar contractor and subcontractor claims for extras and delay and impact/acceleration claims. Settled following a year of discovery, claim analysis and negotiation for a minor fraction of the contractor's claim. Defense required CPM schedule analysis as well as development of expert analyses regarding construction management, cost estimates, and structural analyses.
11. Defense in superior court of the owner of a university dormitory against multimillion dollar claims by both the contractor and subcontractors, arising out of a major seismic improvement and renovation project. The case involved structural engineering issues, caisson issues, soils issues, design questions, CPM issues, and project management and inspection issues. More than 55,000 documents were produced in discovery and evaluated.
12. Representation of the owner of a multistory court building in resolution of multimillion dollar contractor and subcontractor delay claims. Favorably resolved without suit following claim analysis and negotiation. Scheduling issues were of central importance.
13. Suit in superior court on behalf of the owner of a university faculty housing project against the designers and engineers to recover costs to remedy civil and structural engineering and architectural deficiencies. Successfully mediated.
14. Defense of owner in federal court against multimillion dollar contractor and subcontractor delay, disruption and associated claims, and prosecution of owner counterclaims, arising out of a \$100 million maximum security jail project.
15. Defense of the owner of a sheriff's substation project in a superior court suit by the contractor and subcontractor claiming extras arising out of the construction of the substation and attendant microwave communications facilities.
16. Suit in superior court on behalf of the owners against the contractor to recover substantial cost overruns incurred in a major renovation project.
17. Suit in superior court on behalf of owner of a university housing project against the general contractor to recover costs necessary to remedy major water intrusion problems resulting from construction deficiencies. Successfully mediated.
18. Owner representation in non-litigation mediation of multimillion dollar contractor and subcontractor claims arising from the construction of multistory, multimillion dollar complex engineering laboratory facility.
19. Successful defense of owner, and prosecution of owner cross-claim, in arbitration before the American Arbitration Association.
20. Defense of owner and prosecution of owner counterclaims in federal court arising out of multimillion dollar jail construction project.

21. Defense of owner in superior court against contractor claims, and prosecute cross-claims for construction deficiencies arising out of multimillion dollar auditorium construction project. Successfully mediated.
22. Defense of owner in superior court against multimillion dollar contractor claims, and prosecution of cross-action for contractor misconduct, arising out of \$50 million institutional building.
23. Prosecution of construction deficiency lawsuit for owner arising out of construction of major aquarium project.
24. Defense of owner against contractor and subcontractor claims arising out of graduate school construction project.
25. Successful mediation on behalf of owner, resulting in multi-million dollar settlement in owner's favor of major, multi-trade construction deficiency claim.
26. Six million dollar judgment for public agency, following a nearly three-month jury trial involving complex geotechnical and engineering issues, arising from collapse of a 130-foot high compacted slope.
27. Mediated \$10 million settlement in favor of owner against design professionals, arising out of \$250 million jail construction project.
28. Successful defense of public agency owner against a \$11 million contractor claim, resulting in contractor's abandonment of entire claim and agreement to bid ban.
29. Secured construction deficiency mediation award of \$13.3 million on behalf of major public university against numerous contractors and design professionals.
30. Representation of major public university in mediated resolution of substantial contractor extra claim involving Type I and Type V construction. Claim satisfactorily resolved without litigation.
31. Recovery of substantial indemnity from architect as to the preceding matter, again without need for litigation.
32. Successful resolution of public university's claims for substantial water intrusion damages against contractors and architects.
33. Representation of public agency in defense of class action regarding ADA compliance of multiple public buildings.
34. Representation of public agency in defense of multimillion dollar claims under cost plus rail design, engineering and project management contract, and prosecution of multimillion dollar cross-complaint on behalf of public agency.

MR. GOODRICH'S EXPERIENCE IN TECHNICAL  
LITIGATION MATTERS OTHER THAN CONSTRUCTION

In addition to construction litigation, Mr. Goodrich has extensive experience in all phases of litigation presenting analogous disputes and complex technical issues. A brief description of some of those cases follows:

1. Secured multimillion dollar superior court jury verdict and judgment (affirmed on appeal) on behalf of public agency, arising out of massive landslide destroying agency's road and associated property. One and a half month-long trial involved presentation of extensive geotechnical and damages expert testimony and a massive volume of exhibits.
2. Successful three month superior court bench trial in substantial trade secret litigation involving numerous technical and financial issues.
3. Representation of a major airline in superior and federal court, prosecuting a major aircraft design defect claim, presenting a myriad of complex technical engineering issues, against a major airframe manufacturer and associated vendors. The case involved discovery and management of hundreds of thousands of pages of technical documents, and marshaling of and defense against experts. Judgment in the client's favor, following a three and one-half month jury trial and appeal, in excess of \$30 million, including prejudgment interest.
4. Defense of a major computer manufacturer and software developer in federal court against claims of defective hardware and software, presenting extremely complex engineering and expert issues. Defense verdict following eight week jury trial.
5. Defense of public agency in a major landslide litigation brought by hundreds of claimants alleging structural damage to their homes and presenting complex geological and engineering issues.
6. Defense of dealership termination litigation involving complex forensic accounting issues.
7. Successful prosecution of substantial property loss claim caused by oil field tank explosion and fire.
8. Successful prosecution of fire damage claim by owner of supertanker against shipyard.
9. Successful prosecution of major propane fire loss claim on behalf of business owner.
10. Successful representation of public agency in prosecuting multimillion dollar product deficiency claims against product suppliers.

**MR. GOODRICH'S EXPERIENCE IN ANTITRUST  
AND OTHER TRADE REGULATION MATTERS**

Mr. Goodrich has extensive experience in all phases of antitrust litigation and other and complex trade regulation matters. A brief description of some of these matters follows:

1. Lead representation in defense of a major oil company in the Westinghouse uranium antitrust litigation. This massive international-scope litigation in the United States District Court in Chicago involved numerous complex legal and technical issues relating to antitrust questions, to international discovery and jurisdictional issues, and to the management of very large document libraries.
2. Lead representation of the same company in subsequent uranium antitrust litigation in several forums.
3. Defense of a major real estate multiple listing board in both a Justice Department antitrust investigation and ensuing attempted treble damage class action.
4. Representation of witnesses in connection with federal grand jury antitrust investigation.
5. Representation of major oil company in state parens patriae antitrust litigation.
6. Representation of major branded lubricant manufacturer in several dealership termination cases in both state and federal courts.
7. Representation of insurance company in antitrust-McCarren Act litigation.
8. Representation of takeover target in antitrust and securities litigation.
9. Representation of defendant in grower antitrust litigation.

In addition to the above examples, Mr. Goodrich has had extensive federal complex litigation experience in cases involving claims of federal securities law violations, RICO cases, trade secret litigation, air crash litigation and large-scale computer and construction litigation.