

George A. Guthrie
Of Counsel

About George A. Guthrie

George A. Guthrie's practice focuses on litigation involving Construction, Real Estate and Insurance Coverage law. He has successfully handled complex civil matters including private and public construction disputes, real estate non-disclosure, insurance bad faith denial of policy benefits and premises liability. His clients include property owners, property managers, general contractors, subcontractors, insurance policyholders, manufacturers and material suppliers. His practice also includes counseling and representation in contract negotiation and drafting, including construction contracts, commercial and residential leases, real estate purchase agreements and property management agreements.

George is also a licensed general contractor, with a background in residential construction and light commercial development.

Practice Areas

- Construction Law and Construct Defect Litigation
- Property Management
- Real Estate, Construction and Land Use
- Insurance Coverage Disputes
- Business Litigation
- ADA Compliance

Education

- University of the Pacific, McGeorge School of Law: J.D. (1998)
- California State University, Sacramento: B.A., Cum Laude, History (1995)

Professional Experience

- Construction: George's construction experience provides him with a depth of understanding about the construction process and jobsite realities that most attorneys who practice in this area do not possess. Acting as lead counsel, George has successfully represented his clients in both commercial and residential construction matters involving construction defects, delay claims, mechanic's lien and stop notice claims, Miller Bond claims, extra work claims, indemnity claims and construction-related insurance coverage disputes.
- Real Estate: A significant portion of George's practice also involves representing and advising property owners and property management companies. For over 12 years, George has acted as general counsel to FPI Management, Inc., the 12th largest property management company in the nation and the largest management company in California. He routinely handles matters that include premises liability, commercial and residential lease drafting and disputes, real estate non-disclosure, landlord/tenant disputes, ADA and Fair Housing compliance, habitability claims, mold contamination, discrimination and property management policies and procedures.
- Insurance Coverage – Policyholder Representation: George is at the forefront of representing insurance policyholders in disputes with their insurance companies. George often acts as independent/*Cumis* counsel for policy holders when the insurance company's reservation of rights entitles the insured to select its own attorney at the expense of the insurer

Representative Matters

Schaefer v. Elder – Insurance Coverage Case Where Right to Independent/*Cumis* Counsel found
217 Cal.App.4th 1 (2013) (Depublished, but not overturned)

- George represented insurance policyholder, Kelly Elder dba Elder Construction, in an action where the California Court of Appeal found it was appropriate for the trial court to grant a motion disqualifying insurer appointed counsel due to a conflict of interest and require that the insurance company provide Elder with independent counsel of his choice. The Court held that the question of whether a subcontractor was an independent contractor or an employee created a conflict giving rise to a right to independent "Cumis" counsel under Civil Code section 2860, where the policy conditioned coverage on Elder obtaining certificates of insurance and written indemnity agreements from any independent contractors performing work for the insured.

William L. Lyon & Associates, Inc. v. Superior Court – Real Estate Fraud/Failure to Disclose Case (2012) 204 Cal.App.4th 1294

- George represented home buyers, Ted and Patti Henley, in a real estate fraud disclosure case. The California Court of Appeal held that the two-year statute of limitations set forth in Civil Code §2079 does not apply to claims brought by buyers against a dual agent. The Court also held that the two-year statute of limitations in the buyer-broker agreement is subject to the discovery rule. The Court also held that Lyon & Associates owed a common law fiduciary duty to the buyers requiring "the highest good faith and undivided service and loyalty and that the statute of limitations on breach of fiduciary duty is 4 years.

Dickens v. Hess (El Dorado Superior Court) – Construction Defect Case in Custom Built Home (2014)

- George obtained a \$650,000 settlement in favor of plaintiffs which was funded by the general contractor and certain of its subcontractors that constructed the plaintiffs' high-end custom built home overlooking Folsom Lake.

ADA and Reasonable Accommodation (Los Angeles County)- Tenant Suit against. Property Manager and Owner (2013)

- George succeeded in obtaining summary judgment on behalf the property manager of an apartment complex; defeating claims by a prospective disabled tenant who claimed the property manager failed to provide her a reasonable accommodation. The prospective tenant had claimed her disability entitled her to receive, as a reasonable accommodation, "priority" in a lottery that was conducted to equitably determine which low income individuals would receive a limited amount of low-income housing being made available in a new complex.

Federal Miller Act Bond Claim – U.S. Naval Base (Subcontractor Extra Work Claim) (2013)

- George represented a general engineering subcontractor that performed grading, paving and concrete work at a new fire station on a United States Naval Base. The project was a federal design-build construction project. After performing extra work on a time and material basis at the request of the general contractor, the general contractor failed to make payment sufficient to compensate subcontractor. Following a four-day arbitration, the arbitrator issued an award in favor of the subcontractor and against general contractor for failure to fully compensate the subcontractor. The arbitrator awarded recovery against the general contractor in *quantum meruit* and under the Miller Act payment bond claim. After taking into account the fees and costs expended fighting the claim, the general contractor incurred expenses and paid an award that together more than doubled a pre-arbitration settlement offer made by the subcontractor.

Licenses and Admissions

George is admitted to practice law before the following courts:

- All courts of the State of California
- The United States District Courts for the Eastern, Central, Southern and Northern Districts of California
- The United States Court of Appeals for the Ninth Circuit

George is a licensed general contractor:

- California Class B General Building Contractor, License No. 796364 (Inactive)

Professional Involvement and Memberships

- Sacramento Bar Association
- Association of Defense Counsel, Northern California
- California Apartment Association

Presentations and Publications

- *Insurance Coverage and Indemnity Issues:* Association of Defense Counsel of Northern California's Basic Training for Civil Defense Attorneys – George A. Guthrie, Presenter 2012
- *California Construction Defect Law Update:* Continuing Legal Education seminar by MC Consultants, April 2010. Moderator – George A. Guthrie April 2010

Honors and Awards

- "AV® Preeminent™" Peer-Rated attorney, Martindale-Hubbell

Personal

- George was born and raised on a dairy and crop farm just outside of Kalamazoo, MI. During college, he moved to San Diego but has lived in Sacramento for 20 years. George has played guitar and sang in various bands and he still does when he can find the time. He also likes playing and coaching basketball, as well as traveling.