



Eileen M. Diepenbrock ,Esq.
Sacramento,California



Current Employer-Title

Diepenbrock Elkin Dauer McCandless LLP - Partner

Profession

Attorney

Work History

Partner, Diepenbrock Elkin Dauer McCandless, 2020 - Present; Partner, Diepenbrock Elkin Gleason LLP, 2011 - 2020; Shareholder, Diepenbrock Harrison, 1994 - 2011; Associate, Petit & Martin, 1990 - 1994; Associate, Wolf Bloch Shorr and Solis-Cohen, 1988 - 1990; Associate, Diepenbrock Wulff Plant & Hannegan, 1987 - 1988; Judicial Attorney to Presiding Justice Robert K. Puglia, California Court of Appeal Third Appellate District, 1985 - 1987.

Experience

Focus on construction law, government contract and business litigation.

Represented contractors; subcontractors and owners in construction delay claims; claims involving differing site conditions; extra work; construction defects; and professional negligence; mechanics' lien; bond and stop payment notice claims; and challenges to awards of public contracts.

Assisted legislators as an expert on legislation for the construction industry, including in 2016 for new lease-leaseback legislation in California. Drafted all manner of public and private construction documents. Representation includes: prime contractor in a complex, multi-party case involving delays and extra work in the construction of a \$50M water treatment facility; prime contractor in a default termination on the construction of a \$106M power plant project; the State of California in a default termination of a contractor on a \$19M project related to the State Water Project; contractor in prosecuting extra work claims related to the construction of a bridge; steel fabricator prosecuting extra work and delay claims on the new San

Eileen M. Diepenbrock ,Esq.

Neutral ID: 4504069

The AAA's Rules provide the AAA with the authority to administer an arbitration including, arbitrator appointment and challenges, general oversight, and billing. Accordingly, arbitrations that proceed without AAA administration are not considered AAA arbitrations, even when the parties select an arbitrator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual arbitrator and may, or may not, be a complete reflection of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in an arbitrator's resume. If you have any questions about an arbitrator's experience or background, you are encouraged to contact your case manager.

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Francisco TransBay Terminal; design builder in a hospital project; owner of a major hospital system in numerous extra work and/or delay claims; and numerous local public entities and school districts on a variety of construction disputes.

Represented parties in complex business disputes; including trade secret claims; unfair business practices; and ownership disputes.

Alternative Dispute Resolution Experience

Served as an arbitrator in a matter involving the construction of the infrastructure and underground utilities for a new subdivision. The parties included the owner, prime contractor and a key subcontractor. The prime contractor and subcontractor sought delay damages and payment for extra work.

Arbitrated many cases as an advocate, including cases before the California Office of Administrative Hearings; Public Works Arbitration proceedings; hospital projects; bridge and highway construction; business disputes; real estate disputes; termination of a contractor on a prison project, and the hearing lasted approximately 7.5 months.

Another arbitration involved representing a business pursuing breach of contract claims against 27 parties, with approximately \$70M at issue. The hearing was approximately 30 days, with 30 percipient witnesses, 5 retained experts, over 1000 exhibits, and more than 500 pages of post-hearing briefing.

Education

University of the Pacific, McGeorge School of Law (JD - 1985); University of Santa Clara (BA - 1982).

Professional Licenses

Admitted to the Bar: California (1985); U.S. District Court: Eastern District (1985), Northern District (1990), Central District (2010) and Southern (2010) Districts of California, Eastern District of Pennsylvania (1988), District of Colorado (2002); U.S. Supreme Court (1989).

Professional Associations

American College of Construction Lawyers; American Bar Association: Forum on the Construction Industry, Public Contract Law Section; Sacramento County Bar Association; Federal Bar Association; Associated General Contractors of America; Associated General Contractors of California: Legal Advisory Committee; The Beavers; Coalition for Adequate School Housing.

Recent Publications & Speaking Engagements

"The Potentially Catastrophic Design Error and the Ethical Response" (American College of Construction Lawyers, 2017)
"Lease Leaseback Delivery with Legal Confidence" (Associated General Contractors of CA, 2016-2017)
"Lease Leaseback Project Delivery" (Lorman, 2016)
"Construction Law: How to Plan for a Successful Project (Lorman, 2016)
"When is Enough, Enough? Considering when a Contractor Can Stop Work as a Result of Owner Changes" (AGC, LAC 2015)
"Alternative Project Delivery", Sections on Design Build and CM at Risk

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in Chapter 18 of Construction Subcontracting, A Comprehensive Practical and Legal Guide (ABA Forum on the Construction Industry, 2014)
“Stop Payment Notices, Bonds and Payment Issues” (Associated General Contractors of California, Shasta District, 2014)
“Current Issues in Public Contracting” (Central Valley City Attorneys’ Association, 2014)
“Design-Build: Have We Perfected It, or is There Work Left to be Done?” (ABA Forum on the Construction Industry, 2012)
“Overview of Common Claims in Public Construction Projects” (Association of California Water Agencies, 2012)
“Issues in California Public Construction Contracts” (Various Cities, 2012).

Citizenship

United States of America

Languages

English

Compensation:

Hearing:	\$5,000.00 per day
Study:	\$550.00 per hour
Cancellation Period:	20 days
Comment:	Per-diem fee includes full day of hearing time (7 hours). Travel expenses are extra. Full refund if cancelled 30 or more days before hearing; 50% refund if cancelled 15-30 days before hearing; no refund if cancelled less than 15 days before hearing. Cancellation charges are based on the per diem hearing rate for every hearing day scheduled.

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