



## Richard E. McCarthy

### Partner

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### Practice Areas

- Business Litigation
- Construction Law

### Noteworthy Experience

- Lead trial counsel in a six week jury trial resulting in a unanimous verdict and a 100% recovery via a \$4.6 million judgment in favor of a general contractor who built a 21 story high-rise, while completely defeating the \$16 million cross-complaint by the developer, along with the developer's additional claim for punitive damages.
- Successfully prosecuted a multi-million dollar construction claim against an Indian tribe arising out of the construction of an Indian casino.
- Successfully obtained a \$22 million Superior Court judgment on behalf of developers against their lenders for wrongful cancellation of construction loans.
- Obtained a finding of fraud against a foreign country in Federal Court, overcoming a claim of sovereign immunity.
- Successfully defended a fraud and breach of contract claim arising out of the sale of a travel agency chain.
- Successfully prosecuted a bad faith claim involving a multi-million dollar judgment where the insurance carrier wrongfully denied coverage.
- Represented plaintiffs and obtained a unique settlement in a libel claim against a major league baseball team and its general manager.
- Successfully prosecuted a claim by a subcontractor against a shipbuilder working on Navy projects for failure to timely pay contract amounts.
- Represented contractor in multi-million dollar claim arising out of design and construction of cogeneration plants.
- Successfully defended beverage manufacturer against a claim by a terminated distributor raising a claim as an alleged franchisee.

### Education

- McGeorge School of Law, *magna cum laude*, 1982
- U.C.L.A., B.A., *cum laude*, 1979
- International Law and Jurisprudence at Salzburg University, Austria, 1980

### Professional Affiliations and Admissions

- Member of the California State Bar Association
- Member of the San Diego County Bar Association
- Martindale-Hubbell *AV® Rated*
- Selected for inclusion in San Diego *Super Lawyers®* - Business Litigation, Construction Litigation, 2007, 2008, 2009, and 2010
- Member of the Order of the Coif
- Member of the 1981 U.S. National Championship Team in the Phillip C. Jessup International Moot Court Competition
- Chairman of the Litigation Department, Solomon Ward Seidenwurm & Smith, LLP

Meeting your legal needs... Exceeding your expectations.