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Mr. Dooling is a shareholder and chairs the RMKB Real Estate/Construction Practice Group. His practice consists of general trial work and outside general counsel work for business entities, individuals and insured's. His trial practice includes experience in construction and construction defect litigation, professional liability (architects & engineers, attorneys, and real estate and insurance brokers), real estate, commercial disputes and general liability matters in the California State Courts and the Northern District of California.

Mr. Dooling also represents and advises privately held and publicly traded companies in the capacity as outside general counsel; which includes the representation of general contractors, sub-contractors, engineering and construction management firms, real estate brokers and developers and a local community bank. The representation includes all aspects of the clients business, including, but not limited to, risk management, contract drafting and review, licensing, employment agreements and handling litigation matters.

Mr. Dooling is a native San Franciscan who earned his undergraduate degree from the University of San Francisco, where he was the recipient of a four-year Harney Foundation Scholarship. While at USF, John earned varsity letters in baseball, golf and crew. Subsequent to his graduation from USF, John obtained a Real Estate Broker's License and represented sellers and buyers in real estate transactions for Merrill Lynch Real Estate. He also owned and operated a popular sports restaurant and bar in San Francisco from 1990 to 1996. During this time John attended evening law school and earned his Doctor of Jurisprudence and was admitted to practice in 1991.

Outside the firm, John lives in Burlingame with his wife Eileen (a Jersey girl), their daughter Elizabeth (Lily), and their dogs, Bogey and Skipper. He is an avid Giants (ex-bat boy) and 49ers' (ex-ball boy) fan and enjoys the occasional round of golf.

John previously served as a Director and Officer (Vice President) for The Olympic Club and currently serves as a Director (Vice Chair) for the Pomeroy Recreation and Rehabilitation Center in San Francisco and The Jesuit Retreat Center of Los Altos. He is a member of the Sovereign Military Order of Malta, and past director of several non-profit organizations; including the Hibernian Newman Club, University of San Francisco Inn of Court, and the San Mateo Legal Aid Society. John also volunteers at St. Anne's Home in San Francisco and the Maple Street Shelter in Redwood City.

## Practice Areas

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- ❖ Professional Liability
- ❖ Construction
- ❖ Real Estate
- ❖ Business And Commercial Litigation
- ❖ Corporate Transactions
- ❖ Employment Litigation and Dispute Resolution
- ❖ Catastrophic/Personal Injury
- ❖ Advertising Injury

## Education

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- ❖ University of San Francisco, 1984 B.S.
- ❖ San Francisco Law School, 1991 J.D.

## Court Admissions

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- ❖ California
- ❖ USDC: Northern District of California

## Memberships & Associations

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- ❖ Licensed California Real Estate Broker
- ❖ Saint Thomas More Society of San Francisco
- ❖ Sovereign Military Order of Malta
- ❖ State Bar of California
- ❖ The Olympic Club of San Francisco

## Representative Experience

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**Practice Area:** Catastrophic/Personal Injury

**Key Issues:** Scaffold; General Contractor; Swing Stage Scaffold

**Venue:** California Superior Court, County of San Francisco

**Client Type:** Defendant General Contractor

**Description:** Defended a general contractor in a lawsuit in which the plaintiff was injured while walking on a sidewalk in a commercial district of San Francisco when she was hit by a wood plank that fell from the canopy of a scaffold 20 feet above. The plank was part of the canopy, but was dislodged when the employees of the sub-contractor that supplied a swing stage scaffold (akin to a window washer's rig) were moving the swing stage from one drop to the next, hitting the plank with one of the swing stage's casters. The plaintiff suffered a fractured clavicle and a T8 burst fracture, and filed suit against the property manager, the scaffolding subcontractor, the swing stage scaffolding subcontractor and our client, seeking damages far in excess of \$1 million.

**Result:** The matter settled shortly before trial, with our client contributing less than one-third of the settlement amount.

**Practice Area:** Real Estate

**Key Issues:** Commercial Leasing

**Venue:** Bay Area

**Client Type:** Sprint PCS

**Description:** Represented Sprint PCS in the leasing of hundreds of cell sites in various commercial locations in the San Francisco Bay Area. Work included due diligence, lease negotiation and preparation and interaction with planning departments and city councils.

**Practice Area:** Real Estate

**Key Issues:** Enforcement of Water Rights Under Real Estate Purchase Agreement

**Venue:** Napa County Superior Court

**Client Type:** Plaintiff Winery

**Description:** Represented the owner of a winery in a breach of contract action against a large commercial winery who refused to abide by the terms of a well-sharing agreement.

**Result:** Matter settled favorably as to our client at mediation, resulting in a new well-sharing agreement.

**Practice Area:** Professional Liability, Real Estate Agents and Brokers

**Key Issues:** Professional Negligence

**Venue:** Alameda County Superior Court

**Client Type:** Real Estate Broker and it agent

**Description:** Represented a real estate broker and its agent in a professional negligence action filed by the buyers of a high end home in the East Bay. The agent double-ended the transaction. The case involved allegations of negligence, misrepresentation and concealment.

**Result:** The case settled for nominal amount at a mandatory settlement conference.

**Practice Area:** Real Estate

**Key Issues:** Partition Action

**Venue:** San Mateo County Superior Court

**Client Type:** Co-Owner of Residential Property

**Description:** Prosecuted a partition action relative to a residential property owned by co heirs of an estate.

**Result:** The case was quickly resolved with the co-owner agreeing to place the property on the market. The property was quickly sold and the proceeds were split accordingly.

**Practice Area:** Real Estate

**Key Issues:** Nondisclosure, Fraud

**Venue:** Contra Costa County Superior Court

**Client Type:** Purchasers of Real Property

**Description:** Represented the purchasers of a residential property who discovered multiple and significant Code

violations not disclosed prior to the close of escrow. Sought and was able to enforce a rescission remedy.

**Result:** The sellers purchased the property back from the buyers at the purchase price and paid for the purchaser's attorney's fees and all costs related to the transaction.

**Practice Area:** Real Estate

**Key Issues:** Commercial Real Estate Transactions

**Venue:** San Francisco, California and Nevada

**Client Type:** Real Estate Development Company

**Description:** Currently represent a development company who regularly buys, sells, leases and develops real property in California and Nevada.

**Practice Area:** Business And Commercial Litigation, Contract/UCC, Lawyers, Professional Liability

**Key Issues:** Secured Lending, Usury, Promissory Note, Security Agreement, U.C.C., Malpractice

**Venue:** County of San Francisco Superior Court

**Client Type:** Defendant private lender

**Description:** Represented limited partnership, managing general partner (a limited liability company), and the managing member of the limited liability company in action by plaintiff lender to recover on a promissory note. Tried defendants' rescission defense to the court and prevailed, resulting in no personal liability for the managing member and plaintiff abandoning his claims against the other defendants through settlement. Plaintiff lender had also been the defendants' attorney in several prior lawsuits.

**Result:** A defense verdict on our affirmative defense for rescission of the promissory note and security agreement, resulting in a settlement in which plaintiff abandoned his remaining claims.

**Practice Area:**

**Key Issues:** Workout of Large Private Commercial Loan

**Venue:** Sonoma County

**Client Type:** Owner and Operator of Large Horse Facility in Sonoma County

**Description:** Represented the buyer/borrower of an equestrian center in Sonoma County in the successful complex workout of private first and second deeds of trust and promissory notes.

**Result:** Achieved a successful workout.

**Practice Area:** Professional Liability, Real Estate

**Key Issues:** Non-Disclosure; Professional Negligence; Construction Defect

**Venue:** JAMS San Francisco, CA

**Client Type:** Defendant Testing & Inspection Firm

**Description:** Defended a testing and inspection firm in an action for non-disclosure and construction defect. Our client provided periodic special inspection and testing on an extensive re-model of a \$6.5 million home in the Pacific Heights neighborhood of San Francisco.

**Result:** A favorable result was reached at mediation before Bruce Edwards of JAMS.

## News

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- ❖ Commercial Real Estate - How to Protect Yourself in the Booming Bay Area Marketplace, *Smart Business* , 09/02/2013