

## Weil & Drage News & Views

### What's News?

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#### **A Word on Arizona's Anti-Indemnity Statutes**

Public entities and private owners have historically been able to demand and require contractual indemnity provisions which shift the responsibility to pay damages (which may include attorney's fees, expert expenses, and litigation costs) from themselves (the indemnitee) to another party with less bargaining power (the indemnitor) in design and construction contracts.

*Read more...*

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#### **Nevada Lien Law Update: Clearing and Grading May Constitute Visible Commencement of Construction**

Many who advise clients on Mechanics' Liens in Nevada have long awaited a decision from the Nevada Supreme Court which held that preparation of a site, including grading, would be considered a work of improvement in order to obtain priority over other encumbrances. That day has finally arrived.

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## **Could the Tides Be Turning? Possibly a New Standard for Recovery in Chapter 40 Cases**

In an unpublished decision, the Nevada Supreme Court established a new standard of proof for plaintiffs in Chapter 40, Residential Construction Defect cases. In *Dark Park Drive Homeowners Association v. Del Webb Communities of Nevada*, 2014 WL 2964437, the Court ruled that in order to recover damages, plaintiffs “must show that a repair of the defect is actually...

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## **Read Christine Drage interview in Engineering Inc. Magazine**



Christine Drage

Founding partner Christine Drage was recently interviewed for an article on handling unrealistic contract expectations in the September / October 2014 issue of *Engineering Inc.*

*Click here to read full article*

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## **New Law Regarding Architect's Instruments of Service**

Design professionals know all too well the struggles involved in negotiating contracts. This year, the California Legislature threw us a bone. Effective January 1, 2014, Assembly Bill 630 went into effect as Business and Professions Code Section 5536.4. The statute provides that no individual may use an architect's instruments of service without written authority from the architect. The statute reads as follows:

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# Did you know?

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## **Nevade Supreme Court Ruling**

**The Nevada real estate market changed forever when the Nevada Supreme Court recently ruled that homeowner's association's liens may trump mortgages.** Neil Durrant, a partner with the firm, is general counsel for First One Hundred (a real estate group) that is at the forefront of battling the banks for the benefit of the homeowner's associations. Mr. Durrant believes that the recent case law will positively impact the real estate market in Nevada to the benefit of the homeowner's associations, property owners, and investors. See a copy of the Supreme Court opinion which we've provided.

Vegas, Inc., a subsidiary of the Las Vegas Sun, recently interviewed Jay Bloom, a Director with First One Hundred, regarding the impact of the recent Supreme Court decision. Mr. Bloom opines that the decision has an overwhelmingly beneficial impact for Nevada. The link to the complete interview with Mr. Bloom follows.

*[Click Here to Read full Interview with Jay Bloom of First One Hundred \(via Vegas Inc.\)](#)*

*[Download the Supreme Court Advanced Opinion PDF](#)*

## **Trial Victory**

Partner Trevor Resurreccion and associate Kate Maxson were victorious in a bench trial venued in the Orange County Superior Court on behalf of their client, So. Cal. Sandbags, Inc. (“SCSI”). The case, entitled Ruiz v. TNHC Realty and Construction, Inc.; et al., arose out of a construction site personal injury accident which resulted in the amputation of plaintiff’s left leg. The plaintiff sued TNHC (general contractor) and LR8 (project owner) for negligence. Plaintiff was the employee of SCSI. TNHC and LR8 filed a Cross-Complaint against SCSI for express indemnity, breach of contract regarding additional insured obligations, express warranty and declaratory relief. TNHC and LR8 essentially sought indemnity for a potential eight figure jury verdict in the underlying lawsuit in addition to its attorneys’ fees and costs. Following a three-day bench trial limited to the issues raised in the Cross-Complaint, the Court found in favor of SCSI on all causes of action.

**Trevor Resurreccion** has been invited to join the prestigious Claims and Litigation Management Alliance. The CLM is a nonpartisan alliance comprised of thousands of insurance companies, corporations, Corporate Counsel, Litigation and Risk Managers, claims professionals and attorneys. Through education and collaboration, the organization’s goals are to create a common interest in the representation by firms of companies, and to promote and further the highest standards of litigation management in pursuit of client defense. Selected attorneys and law firms are extended membership by invitation only based on nominations from CLM Fellows.

## Interview with Peter L. Stacy, partner at Weil & Drage

**What are the major types of clients and projects with which you work at Weil & Drage?**



**Peter Stacy:** I have many client types – small business owners, architects, engineers, contractors, property owners, property managers, horse owners, breeders, veterinarians, franchisees, senior living communities amongst others.

My focus is on the concept of advising clients with respect to their business structure, their business regulatory licensing, and in the area of joint venturing, preparing, negotiating and reviewing contracts with those potential partners. *Read more...*

See [www.weildrage.com](http://www.weildrage.com) for a full listing of legal services provided.

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