



## **JOHN ANTRACOLI**

**Partner**  
Litigation and Trial

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John Antracoli, Managing Partner of Rutan & Tucker's Northern California Offices and a Senior Partner of Rutan & Tucker's Chambers Band 2 construction law practice group, routinely represents owner-developers, top ENR national prime contractors, top national ENR specialty subcontractors, and others in the construction and real estate industry in both transactional matters and litigation arising out of major public and private infrastructure works.

John has over thirty years' expertise drafting and negotiating complex prime contracts, subcontracts, purchase orders, and design services agreements for industrial, energy, commercial and residential projects utilizing various types of project delivery methods, design-build and integrated project delivery. He regularly drafts and negotiates prime engineering, procurement and construction (EPC) agreements nationwide, the Commonwealth of Puerto Rico and the Territory of Guam for multimillion dollar 50-500 MW ac (net capacity) photovoltaic solar facilities, among other projects.

His litigation experience informs his transactional work and includes extensive experience in the trial of complex business litigation matters, as well as the representation of clients in both federal and state court, administrative proceedings, arbitration and mediation.

### **Representative Transactional Matters**

- Representation of engineer/contractor in drafting and negotiation of prime engineering, procurement and construction (EPC) agreement for the design, procurement and construction of a 500 MW ac (net capacity) photovoltaic solar facility on 4,300 acres of land south of El Campo, Texas in Wharton County with a construction-only (pre-module) capital expenditure of \$260 million.
- Representation of engineer/contractor in drafting and negotiation of prime EPC agreement for the design, procurement and construction of a 450 MW ac (net capacity) photovoltaic solar facility on 3,400 acres of land in Riverside County, California with a construction-only (pre-module) capital expenditure of \$200 million.

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### **Related Services**

- Litigation and Trial
- Construction
- Infrastructure, Public-Private Partnerships (P3)
- Landlord and Tenant Disputes

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### **Related Industries**

- Construction
- Infrastructure/Public-Private Partnerships (P3)

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### **Bar & Court Admissions**

- State Bar of California

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### **Education**

- University of California, Hastings College of the Law (J.D., 1987), cum laude, Order of the Coif,
- University of California, Davis (B.A., 1983)

- Representation of engineer/contractor in drafting and negotiation of prime EPC agreement for the design, procurement and construction of photovoltaic solar facilities on twenty-seven (27) separate school district campuses with ten (10) year design and construction warranty in California.
- Representation of prime engineer/contractor in drafting and negotiation of a series of prime EPC contracts for a total of 200 mW of solar arrays and associated substations and gen-tie lines in California.
- Representation of prime engineer/contractor in drafting and negotiation of multiple EPC contracts for solar facilities in the Commonwealth of Puerto Rico
- Representation of prime engineer/contractor in drafting and negotiation of prime EPC contracts for 100 mW solar facility in the Territory of Guam.
- Representation of prime engineer/contractor in drafting and negotiation of design/build prime agreement for fast track \$300 million, one million square foot manufacturing facility in Arizona.
- Representation of prime contractor in drafting and negotiation of a series of construction and real estate agreements for purposes of avoiding purchase of 10-year construction defect tail coverage for condominiums associated with \$100 million conversion of office building into residences in California.

## Representative Litigation Matters

- Prosecution of prime contractor's delay and labor productivity claims against municipality resulting from differing site conditions and misrepresentations in contract documents involving project for the installation of underground conduit for traffic communications.
- Prosecution of construction contract termination case on behalf of prime contractor against subcontractor involving three radio communication projects, and defense of cross-complaint by subcontractor.
- Prosecution of prime contractor's delay and impact claims against owner and design professionals arising from construction of senior residential and skilled nursing facility.
- Prosecution of extra work and contract claims by a subcontractor arising from international airport construction project in Northern California.
- Defense of owner/developer against claims of prime contractor for delay and time extensions on two low-cost residential housing projects.
- Defense of owner/public entity against lost profit claims of prime contractor arising from request for proposal process involving design and construction of electrical power facility.
- Defense of owner/lessor from tenant's fraud claims pertaining to environmental contamination of industrial property.
- Prosecution of owner/lessor's claims against tenant resulting from abandonment of leased office building.
- Prosecution of insurance coverage and bad-faith action on behalf of general contractor arising from claims made regarding allegedly defective repairs made to multi-unit housing complex.
- Prosecution of owner/developer's fraud claims against prime contractor arising from applications for payment and prime contractor's subsequent insolvency.
- Defense of lender against \$11 million in mechanic's lien and stop notice claims arising from mixed-use construction project.
- Prosecution of lender's fraud and constructive trust claims against mortgage

broker and its bankruptcy estate.

- Prosecution of prime contractor's delay and labor productivity claims against municipality resulting from differing site conditions and misrepresentations in contract documents involving project for the installation of underground conduit for traffic communications.

## Publications

- Co-author, Obtaining Insurance Coverage for Construction Defect Claims, California Real Property Journal, Volume 16, No. 4 (1998)
- Author, California's Collateral Source Rule and Plaintiff's Receipt of Uninsured Motorist Benefits, 37 Hastings Law Journal 667 (1986)

## Awards & Honors

- Northern California "Super Lawyer" 2005, 2006, 2009-2013, 2015-2020
- Northern California "Super Lawyer" Business Edition, 2012
- Northern California "Super Lawyer" Corporate Counsel Edition, 2010
- AV® Preeminent™ rating with LexisNexis/Martindale Hubbell

## Memberships & Associations

- Santa Clara County Bar Association
- American Bar Association - Forum on the Construction Industry
- Associated General Contractors of California - Legal Advisory Committee
- State Bar of California
- Instructor, Fundamentals of Construction Law, University of California, Berkeley Extension
- Judge Pro Tem, Santa Clara County Superior Court