



JUSTINE KASTAN

Partner
Construction

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Justine Kastan has broad transactional and litigation experience with an emphasis on infrastructure development and public-private partnerships.

Justine's prior work experience includes externships at both the U.S. Attorney's Office and the Federal District Court for the Eastern District of California.

While at UC Davis School of Law, Justine received the Witkin Award for excellence in legal research and writing. She was also one of two students selected to represent the school at the Constance Baker Motley National Moot Court Competition.

Representative Transactional Experience

- Phoenix Sky Harbor Intentional Airport Parking and Hotel P3. Ongoing representation of design-builder on Sky Harbor Parking and Hotel P3 pursuit in connection with negotiation of risk allocation and contract drafting. From the teaming agreement stage forward, has provided legal advice and contract drafting pertaining to key project documents.
- City of Napa Civic Center P3. Ongoing representation of design-builder on City of Napa's public safety and civic center administration building master development P3 in connection with negotiation of risk allocation and contract drafting. From the teaming agreement stage forward, has provided legal advice and contract drafting pertaining to key project documents.
- Merced 2020 Project. Key member of the legal team advising Design-Builder on a \$1.2 billion construction value DBFOM social infrastructure P3 from the proposal stage onward. In connection with ongoing representation and among many assignments, Justine assisted in risk analysis and contract administration and drafting.
- Long Beach Civic Center. Key member of the legal team advising Design-Builder on a \$200 million construction value DBFOM social infrastructure P3 from the preferred bidder stage through financial close. In connection with ongoing representation and among many

Related Services

- [Litigation and Trial](#)
- [Construction](#)
- [Infrastructure, Public-Private Partnerships \(P3\)](#)
- [Business and Commercial Litigation](#)
- [Real Property Litigation](#)

Related Industries

- [Builders and Land Developers](#)
- [Construction](#)
- [Clean and Renewable Energy](#)
- [Energy](#)
- [Water](#)

Bar & Court Admissions

- State Bar of California
- California State Courts
- U.S. District Court for the Northern and

assignments, Justine assisted in risk analysis and contract administration and drafting.

- California High-Speed Rail Authority. Key member of the legal team advising on elements of a planned 800-mile, over \$60 billion high speed train system connecting the state's major urban centers. In connection with ongoing representation and among many assignments, Justine assisted in risk analysis, scheduling analysis, and contract administration and drafting.
- California water treatment plant P3s. Owner-side legal advisory services in connection with procurements of water treatment plants. Ongoing participation in negotiation as to deal structure, risk allocation, and contract terms. From the teaming agreement stage forward, has provided legal advice and contract drafting pertaining to finance, design, build, operations and maintenance.
- California harbor development P3. Ongoing representation of private developer on a Southern California P3 design-build-finance-operate-maintain harbor master development P3 in connection with negotiation of deal structure, risk allocation, and contract drafting. From the teaming agreement stage forward, has provided legal advice and contract drafting.
- Routinely represents owners, developers, and contractors in drafting construction contracts for projects across industries including commercial, healthcare, hospitality, industrial, residential, public works and more.

Central Districts of
California

Education

- University of California, Davis, School of Law (J.D., 2012)
- Harvard University (B.A., 2009), cum laude

Representative Litigation Experience

- Representation of contractors and commercial and residential developers with regard to construction disputes of all types, including matters arising out of both public and private works, and relating to licensure status; payment and performance disputes; schedule analysis and delay claims; mechanic's lien claims and related remedies; bond and indemnification claims; and more.
- Representation relating to real estate investment including acquisition, development, financing, management, leasing, and disposition. Justine's representation of real estate lenders encompasses loan enforcement matters including workouts, foreclosures, and note sales.
- Represented commercial corrugator entity in federal court defending against former operating manager and broker's multi-million dollar claims for alleged breach of contract and intentional interference with contractual relations. After filing dispositive defensive summary judgment motion, settled case on very favorable terms.
- Won a dispositive summary judgment motion defending a commercial bank on the issue of whether a bank that extends a line of credit to a hard money lender, receives a collateral security interest in a note and deed of trust to secure that line of credit, and in its capacity as a security interest holder signs a substitution of trustee relating to the deed of trust, thereby participates in the hard money lender's foreclosure under the deed of trust. Fully defended claims of over \$2 million for quiet title, fraud, and wrongful foreclosure.

- Successfully represented a commercial bank pursuing a guarantor liable for non-payment of indebtedness, ultimately securing a settlement for 96 cents on the dollar of the underlying principal debt.

Recent Presentations

- The Evolving Federal Role in State and Municipal Infrastructure Delivery, P3C Dallas, 2019
- P3 Developments and Outlook: 2017, Rutan & Tucker Design Build Construction Symposium, click [here](#).
- Pressure Points for P3s in Higher Education, P3C Higher Education Summit, 2017
- Managing the Risks of Alternative Project Delivery at Every Level of Business, AGCC Construction Expo, 2017
- P3s for Emerging Sustainable Water Projects, P3 Water Summit, 2017
- Pressure Points for P3s in Higher Education, P3C Dallas, 2017
- Risk Transfer in Private Commercial Construction Contracts, Santa Clara County Bar Association, 2016
- Construction Bonds and Insurance, Small Business Development Center, 2015
- Recent Developments in Construction Law, American Society of Professional Estimators, 2015
- Litigation Strategy, National Association of Women in Construction, 2013

Awards & Honors

Northern California Super Lawyers, Rising Stars edition, 2016-2019

Memberships & Associations

- Chair, Real Property Executive Committee, Santa Clara County Bar Association, 2016
- Member, Legal Advisory Committee, Associated General Contractors of California
- Member, Performance Based Building Coalition
- Member, California State Bar Association