



## **John A. O'Hara**

Partner

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Malcom Gladwell had it right when he asserted that it takes 10,000 hours of serious commitment and practice to get to the top of your field. Sometimes there is just no substitute for experience. Mr. O'Hara's experience includes over 34 years of handling complex and high stakes litigation. He has put in his 10,000 hours and then some.

There are not many construction and business litigation situations that John O'Hara has not seen, analyzed, litigated and successfully resolved. He joined the firm in 1987, just a few years after its inception, and embodies the precept that clients come first. A litigation partner in the firm's Newport Beach and Las Vegas offices, John applies a keen understanding of business realities to meet his clients' needs. He concentrates his practice on civil litigation involving business, construction, real estate, insurance coverage, and class action claims.

### **Construction and Real Estate Litigation**

John represents residential real estate developers in complex, multi-party construction matters and real estate litigation. Closely allied with local and national homebuilders throughout California and beyond, John, along with other members of the firm's construction and real estate litigation teams, provide undivided loyalty to real estate clients. Staunchly representing builders, he effectively resolves the problems that can arise at every phase of construction and land development, to keep projects on track throughout the construction life cycle, with a focus on overall profitability.

### **Risk Management and Insurance Litigation**

In the insurance arena John advises on the complexities of insurance coverage, and tackles insurance industry giants to ensure his clients are treated fairly and receive their policy benefits. He represents corporate and individual policyholders in disputes with insurers, including bad faith litigation. From project inception, John ensures that his developer, homebuilder, and contractor clients have the cost-effective coverage they need to address every contingency. He counsels policyholders on policy terms, determines the full range of benefits, makes the claim, supports the claim, argues the claim and effectively litigates the claim if necessary. Litigation-

savvy, he builds cases and negotiates settlements, having represented multiple clients to maximize insurance coverage, and recovered tens of millions of dollars that policyholders never expected to receive.

### **Business and Corporate Litigation**

Focused on the substantive litigation issues that impact business operations, John works with key players in the real estate development, homebuilding, and construction industries. With regard to business litigation, his experience includes breach of contract claims, partnership disputes, trade secret disputes, fraud claims, franchise litigation, lender liability and unfair business practice claims.

### **Services**

- Business Litigation
- Construction Litigation
- Coverage & Bad Faith Litigation
- Risk Avoidance, Transfer & Management
- Real Estate Litigation

### **Awards & Recognition**

- Selected to the Southern California Super Lawyers list, 2005-2018
- Selected to the Southern California Super Lawyers Top 50 Orange County Lawyers list, 2008
- AV® Preeminent Rating by Martindale-Hubbell Peer Review
- Selected to the Orange County Best Lawyers list, Construction Litigation, 2016-2020

### **Professional Affiliations**

- Orange County Bar Association
- Association of Southern California Defense Counsel
- American Bar Association
- Association of Business Trial Lawyers
- Clark County Bar Association
- District of Columbia Bar Association
- Fellow - Construction Lawyers Society of America

### **Admissions**

- California, 1985

- District of Columbia, 1986
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. Court of Appeals, Ninth Circuit
- United States Supreme Court
- U.S. District Court, District of Nevada

### **Education**

- The Catholic University of America Columbus School of Law (*J.D.*, 1985)
- University of California, Irvine (*B.A.*, 1982)

## **Successes**

### **Construction Litigation Victory for Homebuilder**

Successfully defended a builder in a large attached housing construction defect case in Los Angeles where the association was claiming over \$100 million in damages. A substantial portion of the alleged damages were arguably not covered by the insurance policies and subjected the builder to a large out of pocket verdict. Through careful selection and deployment of expert witnesses, and strategic discovery, we were able to persuade the association to drop its demand by almost five times while simultaneously persuading a tower of insurers to pay tens of millions of dollars in settlement. The builder paid nothing out of pocket.

### **Business Litigation Trial Rejects Claim and Awards Fees to Franchise Operator**

Prevailed in multi-week jury trial representing a franchise operator being sued by a large international corporation. We were able convince the jury that the corporation's true motive for the suit was to trump up technical arguments for wrongful termination of the franchise agreement so that the corporation could take over the profits that the franchise operator had developed. In the end, the jury completely rejected the corporation's claim and awarded our client all of its almost \$600,000 in attorneys' fees.

### **Arbitration Win in Pacific Coast Residence Fire Claim**

Won a significant arbitration award against an insurer who wrongfully denied coverage to the owner of a large seaside mansion that burned down while being leased. The insurer attempted to defeat coverage by arguing that commercial use of the home by the tenant triggered a commercial use exclusion. We were able to show that the owner had no knowledge of the alleged commercial use and that the fire originated from a covered event.

### **Client Triumphs in Insurance Bad Faith Lawsuits**

We represented a large public company client in dozens of lawsuits initiated by a mammoth insurance company attempting to intimidate the client into walking away from significant insurance policy benefits. We were able to turn the tide on the insurance company by weaving together from the evidence a compelling story of a pattern and practice of bad faith claims handling conduct. Once the insurer realized that we were going to tell a compelling punitive damage story at trial, a favorable settlement was quickly reached.

### **Recovery of Policy Benefits**

Insurance companies never volunteer policy benefits or search for coverage. Instead, they write insurance policies that are confusing and obtuse and sit back and wait to see if the policyholder is willing to chase the benefits. In order to maximize recovery of policy benefits, the policyholder needs to understand the policy terms, determine the full range of benefits to which it is entitled, make the claim, support the claim, argue the claim and effectively litigate the claim if necessary. I have represented multiple clients in maximizing the insurance coverage to which they are entitled and recovered tens of millions of dollars that the clients never expected.

### **Insurance Litigation**

Defended dozens of contentious lawsuits by a major insurance carrier seeking to shirk its obligation to defend its insured and/or to seek reimbursement for policy benefits already paid. These actions ended favorably to the insured.

## **Beyond the Office**

John was born in Virginia and raised in the Los Angeles area with seven siblings but put down his roots after law school in Newport Beach in 1986. He and his wife Catherine have raised three children in the community and have been active in school, youth sports, charitable and community activities. When not working, John enjoys music, golf, basketball, politics and two grandkids (so far).