

D. Creighton Sebra

Member

D. Creighton Sebra has extensive litigation experience in the representation of clients in federal and state trial courts. Creighton worked for both a civil engineering contractor and a general building contractor as a project manager as well as a project estimator. This experience within the construction industry, combined with his experience litigating breach of contract matters and construction disputes, allows Creighton to provide invaluable service and expertise in the representation of his clients.

Creighton prosecutes and defends actions in commercial litigation with an emphasis in the areas of commercial contracts, corporate, limited liability company and partnership disputes, fraud and misrepresentation claims, unfair business practice claims, breach of contract, breach of warranty, breach of fiduciary duty, alter ego, and commercial and residential construction disputes.

In addition, Creighton represents architects, engineers, contractors, and subcontractors in a variety of complex commercial construction litigation. For example, he handles all matters of construction litigation, construction payment disputes including mechanic's lien and stop payment notice claims, contract disputes, personal injury claims, project delay claims, public works bid protests, prevailing wage claims, and construction defect matters. He also has extensive experience drafting and revising construction contracts and employment agreements for his clients as well as business litigation matters.

One of the highlights of Creighton's experience was securing a jury verdict involving a public works construction dispute, convincing the jury of intentional misrepresentation, fraud, breach of contract, and unfair business practices, which resulted in the jury awarding approximately \$1 million in the client's favor in *Asphalt Professionals, Inc. v. S.J. Louis Construction*, No. MC022185.

Publications/Presentations

- Presenter, Forum on Consultant Procurement and Qualifications-Based Selection, American Public Works Association California Central Coast Chapter, June 27, 2019
- Presenter, American Council of Engineering Companies – California 21st Annual Attorney's Roundtable, October 12, 2018
- Presenter, September Luncheon, American Council of Engineering Companies – California (Riverside/San Bernardino Chapter), September 20, 2018
- Presenter, "Forum on Consultant Hiring and Qualifications Based Selection," American Public Works Association Monterey Bay Chapter, September 18, 2018
- Co-Presenter, "Managing Indemnity Risk Panel Discussion," ACEC Regional Conference, February 23, 2018
- Co-Author, "Direct Contractors Potentially Liable for Subcontractors' Failure to Pay Wages," Clark Hill Email Alert, January 9, 2018
- Co-Author, "Bill is fair compromise on design professional liability," *Daily Journal*, June 26, 2017
- Presenter, "California's Duty to Defend Law (SB 496 - California's new law in response to Crawford & UDC)," American Bar Association Construction Law Forum webinar, June 7, 2017
- Presenter, "Understanding Prevailing Wage Law for Engineering Consultants," ACEC-CA Webinar, May 16, 2017
- "SB 496 Signed by Governor Brown," Email Alert, May 4, 2017
- Panel Leader, 20th Annual ACEC California Attorney's Roundtable, American Council of Engineer Companies (ACEC), May 1, 2017
- Presenter, "California Duty to Defend (Does Your Firm Understand the Risk)," 2016 ACEC CA Conference, September 28, 2016
- "SB-465 Mandates Additional Reporting Requirements for Contractors," Email Alert, September 28, 2016
- Presenter, "2016 Mechanic's Lien, Design Professional's Lien & Stop Notice Presentation," Presented to Psomas, July 21, 2016
- "California Senate Bill 885 – (California's Attempt To Curtail Crawford & UDC)," Email Alert, June 6, 2016
- Speaker, "2016 Advanced Mechanic's Lien Course," MPP Seminar, Long Beach, May 25, 2016
- Speaker, "In Defense of Engineers: Risk Management Tools and Legal Case Studies," American Society of Civil Engineers Los Angeles Chapter, May 24, 2016
- Speaker, "2016 Advanced Mechanic's Lien Course," MPP Seminar, Rancho Cucamonga, May 17, 2016



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Education

J.D., Pepperdine University School
of Law, Malibu, California, 2002

B.A., Brigham Young University-
Provo, Provo, Utah, 1999

State Bar Licenses

California

Court Admissions

U.S. District Ct., C.D. of California

U.S. Court of Appeals, 9th Circuit

U.S. Supreme Court

- Panel Leader, 19th Annual ACEC California Attorney's Roundtable, American Council of Engineering Companies (ACEC), May 4, 2016
- "DIR Reverses Prevailing Wage Assessment Against Design Professional," Email Alert, September 21, 2015
- "Are ACEC Members Required to Register Pursuant To SB 854?," American Council of Engineering Companies California (ACEC-CA), Legislative Brief, January 2015
- "New California Law Closes Loophole on Retention for Public Works Projects," Email Alert, October 13, 2014
- "Keep Your Business in the Black: Strategies for Getting Paid - A Guide for Enforcing Mechanic's Liens, Stop Notices and Payment Bonds," Presenter, MPP Seminar for general contractors, subcontractors, material and equipment suppliers
 - Rancho Cucamonga, September 2014
 - Long Beach, September 2014
- Co-author: *An Overview of Indemnification and the Duty to Defend*, American Council of Engineering Companies (ACEC), 2014
- "Prevailing Wage and Apprenticeship in California," Presenter, Lorman Education Services Seminar, Los Angeles, January 2014
- "Prevailing Wage Law in California," Presenter, Lorman Education Services Seminar, Pasadena and San Bernardino, July 2013
- "Protect Your Business: Understanding Indemnity and Contractual Provisions," Presenter, MPP Seminar for general contractors, subcontractors, material and equipment suppliers, Los Angeles and San Francisco, June 2013
- "Protect Your Business: Legal Tools and Strategies for Keeping Your Business in the Black," Presenter, MPP Seminar for design professionals, Los Angeles and San Francisco, April 2013
- "Keep Your Business in the Black: Know the Facts - A Guide for Enforcing Mechanic's Liens, Stop Notices and Payment Bonds," Presenter, MPP Seminar for general contractors, subcontractors, material and equipment suppliers
 - Long Beach, May 2013
 - Rancho Cucamonga, May 2013
 - San Francisco, April 2013
 - Irvine, March 2013
- "New California Laws Significantly Modify Indemnity Obligations in Construction Contracts," Email Alert, February 27, 2013
- "Subcontractor Awarded Attorney's Fees Despite General Contractor Prevailing at Trial," Email Alert, January 23, 2013
- "Recent Modifications Related to Indemnity Law," Co-Presenter, ACEC 2012 Fall Conference, October 2012
- "Modification of California's Mechanic's Lien and Stop Notice Law Commencing July 1, 2012 - A Guide for Enforcement of Mechanic's Liens, Stop Notices and Payment Bonds Pertaining to California's Modified Law," Presenter, Seminar for AIA|LA, June 2012
- "Using Legal Tools to Get Paid," kTalk video from "Risk Management Best Practices" acknowledge continuing education course, March 2012
- "Modification of California's Mechanic's Lien and Stop Notice Law Commencing July 1, 2012 - A Guide for Enforcement of Mechanic's Liens, Stop Notices and Payment Bonds Pertaining to California's Modified Law," Presenter, MPP Seminar for general contractors, subcontractors, material and equipment suppliers
 - San Francisco, June 2012
 - Irvine, March 2012
 - Long Beach, March 2012
 - Rancho Cucamonga, March 2012
- "Modification of California's Mechanic's Lien and Stop Notice Law Commencing July 1, 2012 - A Guide for Preventing Mechanic's Liens, Stop Notices and Payment Bonds Pertaining to California's Modified Law," Presenter, MPP Seminar for design professionals
 - San Francisco, June 2012
 - Los Angeles, April 2012
 - Irvine, February 2012
- "Modification of California's Mechanic's Lien and Stop Notice Law Commencing July 1, 2012 - A Guide for Preventing Mechanic's Liens, Stop Notices and Payment Bonds Pertaining to California's Modified Law," Presenter, MPP Seminar for owners and developers,
 - San Francisco, June 2012
 - Los Angeles, April 2012
 - Irvine, February 2012
- "Getting Paid? Tricks of the Trade for Tough Economic Times - Mechanic's Liens & Stop Notices," Presenter,

- MPP Seminar provided for owners and developers, San Francisco, September 2011
- "CA Supreme Court Modifies Personal Injury Construction Claims," Email Alert, August 22, 2011
- "Paving the way for more public-private partnerships," Los Angeles Daily Journal, August 12, 2011
- "Getting Paid? Tricks of the Trade for Tough Economic Times - Mechanic's Liens, Stop Notices & Design Professional Liens," Presenter, MPP Seminar provided for design professionals
 - San Francisco, September 2011
 - Newport Beach, July 2011
- "Getting Paid? Tricks of the Trade for Tough Economic Times - Mechanic's Liens & Stop Notices," Presenter, MPP Seminar provided for general contractors, subcontractors and material and equipment suppliers
 - San Francisco, September 2011
 - Newport Beach, July 2011
- "Digital Jeopardy: What Every Design Professional Needs to Know to Avoid a Lawsuit," Presenter, AEC Technology Strategies 2011 Conference, June 2011
- "Subcontractors/Suppliers' Guide to Mechanic's Liens (California)," May 2011
- "Subcontractors/Suppliers' Guide to Stop Notices (California)," May 2011
- "Design Professionals' Guide to Design Professionals' Liens (California)," January 2011
- "Design Professionals' Guide to Mechanic's Liens (California)," January 2011
- "Design Professionals' Guide to Stop Notices (California)," January 2011
- "UPDATE: New California Statute Restricts Indemnity Liability for Design Professionals," Email Alert, October 2010
- "Keep Your Business in the Black: Legal Tools to Ensure Firm Success," Presenter, ACEC 2010 Fall Conference, October 2010
- "Changes to Mechanic's Lien Law in 2011," AIA California Council *Relevance* e-newsletter, September 2010
- "Know Your Lien Rights," Presenter, MOBIUS LA Conference, June 2010
- "Legal Tools that will Ensure Your Business Remains in the Black," Presenter, Seminar for ACEC-CA Sequoia & San Joaquin Valley Chapters, March 2010
- "Mechanic's Liens, Stop Notices, and Bond Claims," Presenter, Seminar for Consulting Structural Engineers Society, February 2010
- "Legal Tools/Issues in 2010 that will Ensure Your Business Remains in the Black," Presenter, American Council of Engineering Companies - California, Annual Conference, January 2010
- "California Prompt-Payment Statutes - *Martin Brothers Construction, Inc. v. Thompson Pacific Construction, Inc.*," Email Alert, January 2010
- "How to Get Paid in a Down Economy," Presenter, Seminar for National Association of Women in Construction, Orange County Chapter, June 2009

Practices, Industries & Services

Construction Law
Litigation

Memberships

- California State Bar Association
- American Council of Engineering Companies - California: Business Management Committee (2014-2018); Prevailing Wage Committee (2014-2018); Legislative Action Committee (2012-2018)
- Fellow & Founding Member of the Geoffrey H. Palmer Center for Entrepreneurship & the Law (Pepperdine University)
- J. Reuben Clark Law Society
- American Bar Association: Construction Forum Member