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Erich Luschei has successfully represented clients for over twenty-five years. He specializes in complex matters involving the construction, energy, health care, and utilities .

Mr. Luschei's broad client base includes individuals, corporations, partnerships, limited liability companies, cities, counties, school districts and other governmental entities.

He has achieved successful outcomes in numerous complex disputes between parties in adversarial proceedings involving internal corporate and partnership affairs, as well as dissolutions, receiverships and other proceedings involving the personal assets of the various entities' principals.

Mr. Luschei is also a leading voice in construction law, and has co-authored several noteworthy articles.

Before joining Theodora Oringher PC, Mr. Luschei was counsel at the international law firm Jones Day, and prior to that a partner at the international firm McDermott Will & Emery.

Representative Matters

Represented design engineer responsible for 500-megawatt combined cycle power plant in lawsuit brought by contractor against owner and design engineer for \$20 million in extra costs

Represented operator of oil concession in \$20 million dispute involving defective welds, delays and extra work in construction of 12-mile underwater pipeline

Represented purchaser of major construction and engineering firm in litigation and arbitration of \$600 million purchase price adjustment relating to valuation of and accounting for large projects throughout the world, including power plants, dams, infrastructure and industrial projects

Represented public owner in \$100 million subway construction litigation involving contractor claims for extra compensation related to asserted differing site conditions, defective specifications, delay and need for extensive chemical grouting program

Represented public owner in multiple lawsuits seeking in excess of \$100 million arising from termination of prime contractor on major tunnel project

Represented major school district in dozens of construction cases, including new school construction and renovation of existing school structures, arising from multi-billion dollar construction program, including disputes with general contractors, subcontractors,



architects and engineers, construction managers, sureties and insurers on a wide range of issues

Represented lead company in connection with teaming agreement providing for the preparation of bids for the design, construction and operation of two major process plants in action by other team member for wrongful termination of agreement and to enjoin asserted misappropriation of trade secrets

Represented limited partner of investment limited partnership in Hawaii resort hotel against claim of wrongful transfer of partnership interests in violation of right of first refusal and claims of breach of fiduciary duty and fraud

Represented general partner of investment partnership owning multiple cogeneration plants in lawsuit by other general partner over control of business and funding of investments, including claims of breach of fiduciary duty and fraud

Represented hospital in arbitration brought by individual partners in clinical laboratory start-up business for breach of fiduciary duty arising from unilateral termination of business by hospital

Represented public education institutions in litigation with water utility involving recovery of capital costs utility was not entitled to charge to such institutions under California Constitution and statutory provisions

Represented coalition of electric generators in adjudicatory proceedings before the California PUC involving capacity, cost allocation and bypass issues relating to a major California natural gas utility

Represented unregulated subsidiary of public utility in arbitration against public utility for payment in connection with breach of demand side management contracts involving dispute over actual energy savings resulting from installed conservation measures

Represented owner of hydroelectric facilities in adjudicatory proceedings involving fuel clause adjustment in which utility attempted to change basis for payments to hydroelectric suppliers by linking utility payments to such suppliers to utility's own fuel costs

Represented oil company in arbitration and related litigation concerning the design, construction and operation of hydrogen plant located at refinery following reliability and other problems in operator's ability to assure hydrogen supply for refining operations

Represented home electronics company in trial of false advertising and unfair competition claims associated with price comparison advertisements

Represented bank against outside general counsel in politically sensitive and complex malpractice arbitration

Represented provider of fetal ultrasounds in billing fraud arbitration brought by health care insurer for recovery of payments made for contested services

Represented city in challenge to at-large election system brought by plaintiffs alleging that voting system operated to dilute votes of minority voters

Provided advice and consultation to numerous hospital and other health care clients on wide variety of construction related claims and disputes prior to institution of litigation or



arbitration, enabling clients to resolve these claims and disputes without litigation or arbitration, including claims for defective specifications, delay, disruption, interference, lost productivity, inefficiency, acceleration and differing site conditions

Represented hospital in dispute involving contracts to construct specialty facilities after contractor defaulted prior to completion and made assignment for benefit of creditors; worked with client to complete project through subcontractors and to recover damages for delay and defective work from assignee of contractor's assets

Represented hospital in dispute with contractor over defective concrete in parking structure, warranty issues relating to coating specified for concrete, and multiple subcontractor claims

Represented hospital in connection with dispute with architect for errors in piping specification discovered after piping was installed, resolving dispute without litigation by requiring architect to secure variance from planning authority

Represented large public transportation agency in connection with litigation brought by contractor responsible for 1-405 HOV expansion and infrastructure improvement project involving over \$400 million in claims asserted by contractor involving dozens of major issues relating to delay, acceleration, disruption and schedule.

PUBLICATIONS

Mr. Luschei co-authored Chapter 3, titled *Prequalifications of Contractors by State and Local Agencies*, of *State and Local Construction Projects: An Attorney's Handbook - 2017*, Daniel McMillan, Editor

News

Kevin Dorse and Erich Luschei Presented at the California Construction Contract Seminar in Irvine

Theodora Oringher Retained for Gerald Desmond Bridge Replacement Project

Erich Luschei Co-Authors Chapter in Book - *State and Local Construction Projects: An Attorney's Handbook*

Kevin Dorse and Erich Luschei Presented at the California Construction Law Seminar in Santa Monica

Kevin Dorse and Erich Luschei Presenters at the Construction CPM Conference

Practice Areas

Business and Commercial Litigation



Construction
Corporate and Transactional

Admissions

Bar Admissions

California

Court Admissions

Ninth Circuit Court of Appeals
United States District Courts for the Eastern, Central and Southern Districts of California

Education

Loyola Law School, Los Angeles (J.D., 1986)
cum laude
St. Thomas More Law Honor Society
Law Review - Notes & Comments Editor
University of California, Santa Barbara (B.A., 1982)

Memberships & Associations

American Bar Association

Speaking Engagements

California Construction Contract seminar, Irvine, February 2020
California Construction Law seminar, Santa Monica, January 2017
Construction CPM Conference Presenter, San Diego, January 2015
County Counsels' Association of California Public Works Conference - Spring 2014
Panelist, California Council of School Attorneys/County Counsels' 2008 Joint Annual Workshop
County Counsels' Association of California Public Works and Contracts Study Session Conference, Panelist
Construction Law Superconference, Panelist
Primavera Conference, Panelist
Jones Day University