

PRACTICES

Real Estate Litigation

INDUSTRIES

Construction and Development
Fitness and Outdoor Recreation

EDUCATION

University of Denver College of Law, J.D., 1996
University of Denver Law Review
Order of St. Ives

California State University, Northridge, B.A., 1993

BAR ADMISSIONS

Colorado
Nebraska

Timothy Gordon

Partner

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Tim Gordon helps developers, contractors, and commercial real estate clients achieve optimal outcomes when planning projects and facing complex disputes.

Dispute Resolution: Tim understands the interrelationship of real estate development, project construction, and long-term property management, and uses this knowledge when representing clients in litigation and arbitration.

Avoiding Disputes: Tim also assists his clients in avoiding disputes by drafting construction and design contracts and related project documents that appropriately apportion risk and protect his clients' interests. In addition, Tim regularly helps his clients address and resolve disputes before they ripen into lawsuits.

A Respected Resource: Tim is the co-managing editor of *The Practitioner's Guide to Colorado Construction Law*, and is a regular lecturer on various construction and real estate topics. He was the author of *Construction Law in Colorado*, a blog that ran from 2006-2016, discussing key cases and developments in this sector.

EXPERIENCE

Construction

In addition to drafting and negotiating construction-related contracts and documents, Tim prepares, defends, and litigates construction claims on behalf of both contractors and owners, including:

- Delay claims
- Differing site conditions claims
- Change order disputes
- Impact claims
- Termination claims
- Mechanics' lien claims
- Trust fund violations

Real Estate Litigation

Tim represents real estate developers and property owners in a wide range of real estate disputes, including:

- Commercial and retail landlord/tenant and lease disputes
- Condemnation/eminent domain actions
- Unlawful detainer actions
- Quiet title and judicial foreclosure actions

CLIENT RESULTS

Construction

Successful defense at arbitration of subcontractor's claim of over $1,364,000, resulting in award of less than $200,000.

Secure payment of $500,000 for supplier in claim against general contractor for unpaid transfer taxes for materials used on construction project.

Successful prosecution in arbitration of termination claim on behalf of general contractor.

Successful defense of through motions practice of claims by metropolitan district against client for alleged negligent construction of well system.

Clear title to client's property from mechanics' liens so that refinancing of project would be possible.

Successful appeal of dismissal of differing site conditions and superior knowledge claims by contractor against municipality, resulting in reinstatement of claims and favorable settlement for client.

Successful appeal of judgment entered against general contractor, resulting in reduction of judgment by several millions of dollars.

Favorable settlement of construction defects claims against client regarding construction of power plant.

Real Estate Litigation

Successful defense at trial, where liability was admitted, of tenant's damages claim against landlord of over $1,700,000, resulting in judgment of only $105,000.

Successful defense against attempt to de-annex client's property.

Quick and favorable arbitration award giving client control of LLC created to develop parcel of land.

Successful prosecution of countless unlawful detainer actions and damages claims for national real estate investment trusts and other commercial and retail landlords.

Successfully clear clients' title of mechanics' liens.

Successful defense via trial of unlawful detainer action and damages claim

against commercial tenant.

Eminent Domain

Obtained award after final valuation hearing for owner 1663% higher than Colorado Springs Utilities' last written offer for property taken for Southern Delivery System pipeline project.

Obtained award after final valuation hearing for owner 260% higher than RTD's last written offer for property taken for FasTracks project.

Obtained award after final valuation hearing for owner 130.3% higher than City's last offer for property taken for widening of highway.

Obtained award after final valuation hearing for owner 155% higher than City's initial offered for the property taken for construction of underground clearwell water storage facility.

Multiple successful administrative appeals of CDOT payment determinations under the Uniform Relocation Act related to the T-Rex project.

PUBLICATIONS

"Primer on Social Media," *The Sedona Conference*®, Co-Author and Co-Editor, 2012

"Mechanics' Liens," *Chapter 19 in the Practictioner's Guide to Colorado Construction Law*, January 2012 and 2018 supplement

"The Practitioner's Guide to Colorado Construction Law,", Co-Managing Editor, January 2011

SPEAKING ENGAGEMENTS

"Want To Be My Friend? Social Networking, Ethics & Discovery," *ACC Annual Meeting Panel Discussion*, October 2011

"Recent Developments in Mechanics Liens," *CLE In Colorado*, February 2011

"Lease Defaults," *CLE In Colorado*, November 2010

"Panel Discussion on Social Media," *The Sedona Conference® Working Group on Electronic Document Retention & Production, Co-Leader*, October 2010

"Fundamentals of Construction Law - Schedules and Time Impact Issues and Changes and Differing Site Conditions," *ABA Construction Forum*, November 2009

"AIA/ConsenualDOCS Seminar," February 2008

RECOGNITION

- *Chambers USA*, Construction, 2022-2026
- *The Best Lawyers in America*®, Construction Law, 2016-2024, 2026, 2027; Litigation - Construction, 2017-2027; Eminent Domain and Condemnation Law, 2021-2027
- Colorado Super Lawyers®, Construction Litigation, 2013, 2018-2026
- ColoradoBiz, Colorado 500, Real Estate/Construction Law, 2026
- *5280 Magazine* Top Lawyers, Construction, 2021
- Construction Lawyers Society of America, Charter Fellow

PROFESSIONAL AND CIVIC AFFILIATIONS

- Construction Lawyers Society of America, Fellow
- Associated General Contractors of Colorado, Legal Advisory Committee, Member
- Colorado Bar Association, Construction Law Section, Member and Past Chair
- American Bar Association, Forum on the Construction Industry, Member
- Colorado High School Mock Trial, Volunteer Attorney Coach, 2007-present
- *Construction Law in Colorado Blog*, Author, 2006-2016