

# Trial-Focused Firm Finds Niche in Commercial Construction Defect Litigation

*Elliott & Elliott*

**W**ith more than 100 years of experience and hundreds of successful trials, the attorneys at Elliott & Elliott, headed by founding partners John W. Elliott (Of Counsel) and Thomas A. Elliott, offers clients in California and Arizona unmatched expertise, and a reputation for preparing complex commercial cases for trial and bringing them to successful conclusion.

The firm of Elliott & Elliott specializes in commercial litigation and trial practice with extensive experience in a wide range of construction-related matters. Elliott & Elliott's expertise includes cases involving design defects, construction defects, products liability, construction delay claims and construction-related insurance litigation.

"One thing we pride ourselves on is we are one of the few firms in the area that will take large commercial construction defect cases on a contingency-fee basis," says Shareholder Attorney Greg E. Meisenhelder. "That provides financial flexibility for property owners in complex cases that might take years to resolve. Our contingency-fee-based clients don't have to pay for our legal services unless and until we win."<sup>1</sup>

The firm also handles matters in areas such as insurance bad faith, commercial disputes, real estate matters, contract negotiations and investor fraud, typically on the plaintiff's side.

"We like being the aggressor and being proactive rather than reactive on behalf of our clients," Meisenhelder says.

Indeed, the practice's attorneys treat every case as if it will go to trial, placing a premium on the client's particular goals. In some cases, the focus is on maximizing compensation; in others, the goal is to get a



*John W. Elliott and Greg E. Meisenhelder.  
Not pictured: Thomas A. Elliott.*

case resolved in a timely and cost-effective manner. In every case, the Elliott & Elliott team provides clients with a litigation budget and frequent status updates.

"Our clients are typically business entities operated by business people, and they like to be kept informed. They want to know about the progress of a case and realistic outcome probabilities," Meisenhelder says. "Keeping them part of the process is important. Ultimately, it is our success that brings clients back."

Elliott & Elliott counts several large Northern California commercial developers, commercial property owners, investment funds and public housing agencies

among its repeat clients, and it's easy to see why. The firm's recent notable cases include a \$7.3 million recovery for Vacaville Community Housing, et. al., a \$5.5 million recovery for Capri Creek Associates LLC, a \$5.25 million outcome for Cypress Owners Association, et. al. in 2015 and a \$21.7 million result for San Mateo West, LLC et. al. in 2013. In 2015, the firm also won a jury verdict in a multimillion-dollar insurance coverage case in Arizona Federal District Court.

Over the years, the firm's attorneys have recovered hundreds of millions of dollars for their clients.

"In this day and age, there are fewer jury trials and arbitrations, and more often than not cases are resolved in alternative

## Aggressive, Knowledgeable Representation

*Founded in 2002, Elliott & Elliott provides a variety of legal services and handles all types of litigation, including:*

- Construction defect
- Product liability
- Commercial disputes
- Real Estate
- Insurance coverage
- Investor fraud

dispute resolution processes such as mediation," Meisenhelder says. "But it's known in California that if the Elliott & Elliott firm is on the other side, they are going to prepare the case for trial, and that will maximize settlement value. We're old-school; we won't take 'no' for an answer. If a client isn't satisfied with a settlement offer, we'll take the case to trial. We have a very successful track record in doing so."



**ELLIOTT & ELLIOTT**

Greg E. Meisenhelder, Esq.  
160 West Santa Clara Street, Suite 775  
San Jose, CA 95113  
408-280-2160  
gmeisenhelder@elliottandelliott.com  
[www.elliottandelliott.com](http://www.elliottandelliott.com)

<sup>1</sup> As part of Elliott & Elliott's typical contingency fee agreement, the client is responsible for the litigation and expert witness costs regardless of the outcome of the case.