



## Eric C. McAllister, Partner

[emcallister@millermorton.com](mailto:emcallister@millermorton.com) | (408) 292-1765

Eric McAllister's practice focuses on construction and commercial transactions and litigation. His clients include both private and publicly traded developers, REITs and general contractors. Eric generates and negotiates construction agreements for his clients and provides counsel on claim documentation, evaluation, prevention, and enforcement. Eric is experienced in evaluating and litigating high-value defect, delay and payment claims, as well as a wide range of commercial matters.

Eric has served on a number of committees for the Santa Clara County Bar Association, and is the former chair of the association's Real Property Executive Committee. He writes and speaks on construction topics for various industry publications and organizations, and has been recognized as a Northern California Super Lawyer in Construction.

### Education

University of Arizona, James  
Rogers College of Law, J.D., 2007

Santa Clara University, B.A.,  
Philosophy, 2002

Bellarmino College Preparatory,  
1998

### Practice Areas

Construction  
Business Litigation

### Bar Admissions

State Bar of California  
State Bar of Nevada

### Representative Experience

- Has assisted California property owners and developers in recovering more than \$100 million in construction defect damages.
- Assisted a national developer resolve a multi-million dollar mechanic's lien and stop notice claim arising from alleged delay and impact claims on a residential high-rise project.
- Argued an appeal of a motion denying class certification before the California Court of Appeals, Sixth District.
- Argued an appeal of a permit revocation before the Mountain View City Counsel.
- Awarded Judgment Notwithstanding the Verdict on a Crawford defense claim, overturning a \$300,000 jury verdict.
- Obtained summary judgment on a \$1 million payment claim against a general contractor for violation of the single-trade rule.

### Affiliations

- Santa Clara County Bar Association
- California State Bar Association
- Nevada State Bar Association
- Apartment Owners Association of California
- Tri-County Apartment Association

### Speaking Events

- Lecturer, "Accounting for Building Defects in the Purchase and Sale of Commercial Property," Santa Clara County Professional Brokers Broker's Forum, 2011
- Lecturer, "Indemnity Agreement Basics," National Association of Residential Property Managers, 2011
- Lecturer, "Discover How Building Defects are Affecting and Increasing Landlord Liability," Apartment Owners Association of California, 2011

### Publications

- CGL Endorsements and Exclusions Impacting Defective Workmanship, *Construction Executive*, July 2015
- The In-House Counsel's Guide to Insurance Construction Work, *InsideCounsel*, May 2015
- Apartment Acquisitions Require Due Diligence, *Western Real Estate Business*, March 2015
- Buyer Beware: Due Diligence Do's and Don'ts, *Multifamily Executive*, October 2014 and January 2015
- EB-5 Development and Target Employment Areas, *Development*, Winter 2014
- Latent Construction Defects: Discovering Damage Before It's Too Late, *Apartment Owner's Association News*, March 2011