

# SCOTT W. BARTON

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ATTORNEY | BERDING & WEIL LLP  
[sbarton@berdingweil.com](mailto:sbarton@berdingweil.com)



## AREAS OF PRACTICE

Scott W. Barton is General Counsel to the firm and has more than twenty years of experience as a trial attorney. He has been awarded the highest rating (“av”) by Martindale Hubbell a national attorney rating service, and selected as a Northern California Super Lawyer in 2014. Mr. Barton represents a wide range of clients in both litigation and transactional matters involving highly complex technical and legal issues. The scopes of these matters include construction defects, real estate and contracts.

Mr. Barton’s practice focuses on the representation of commercial and residential property owners in large scale construction defect litigation throughout California and Nevada. This representation includes advising clients on ancillary issues involving post-litigation reconstruction, contracts and disclosure requirements.

## EDUCATIONAL HISTORY

Santa Clara University School of Law, *Juris Doctor, magna cum laude* (1992)

United States Merchant Marine Academy, *with honors* (1985)

## LICENSES

Alabama State Bar, 2014

California State Bar, 1992

Nevada State Bar, 2000

New Jersey State Bar, 1993

Pennsylvania State Bar, 1993

United States District Court, Northern District of California

United States District Court, District of Nevada

United States District Court, Eastern District of Pennsylvania

United States District Court, District of New Jersey

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## SAMPLE CASES

Solano County Hotel - Construction defects, six week jury trial, verdict \$3.8 million.

Five Star Napa Valley Resort – Construction defects settled for \$20 million.

Marin County Homeowners Association - First and third party casualty loss settled for in excess of \$4 million.

Popeye's Chicken & Biscuits Restaurant - Trial re: deed restrictions - verdict for Popeye's deed restrictions do not limit franchise operations.

Clark County, Nevada – Construction defects jury trial verdict against non-settling subcontractor for \$1.2 million. Judgment affirmed on appeal with direction to trial court to add attorney's fees to the judgment.

Contra Costa County Homeowners Association - Construction defects settled for \$4.1 million.

Santa Clara County Homeowners Association – Construction defects settled for in excess of \$2 million in 18 months.

Alameda County Homeowners Association - Construction defects settled for \$4.85 million.

Moraga single family home - Construction defects settled for \$220,000.

Thompson, et.al. v. Toll Brothers - Reported Decision - 165 Cal App 4th 1360 (2008) - Binding arbitration provisions in Toll Brother's Sales Agreement held unconscionable.

Apartments - Construction defects partial settlements and trials in excess of \$100 million.

Clark County, Nevada – Construction defects bench trial verdict against non-settling subcontractor for \$1.5 million.

## REPRESENTATIVE CLIENTS

Equity Residential Properties

Magellan REIT

MCE Corporation

Olen Residential Realty Corp.

Olympus Real Estate Partners numerous homeowners association and individual property owners.