

LITIGATION PROCESSES AND PROTOCOLS

(a cooperative effort of the NSBIA Trade/Builder Alliance Council in association CalPasc)

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Disclaimer:

The LPP is not intended to replace your legal council, but rather to assist you and them in organizing and coordinating your efforts with those of the other defense parties to the claims. Because they have been assembled for the most part by non-legal volunteers, it is important for the users of this information to verify the accuracy and appropriateness for use in their own applications. The NSBIA/TBAC would appreciate feedback, suggestions and additional strategies and tactics that others in our industry may have.

		Builder	Subcontractor	Insurance Co.	ALL
PURPOSE STATEMENT					●
SB800 CLAIMS PROCESS					
	SB800	●	●		
	TIMELINE & PROCESS FLOW CHART	●	●		
	CBIA SB800 Booklet – The Homebuilder “FIX IT” Construction Dispute Resolution Law ... A Summary Compliance Guide for the California Homebuilding Industry				●
	BEST PRACTICES	●	●		
	TERMINOLOGIES				●
	Sample forms and form letters: Protecting Your Homes Equity	●			
RECEIPT OF TENDER FOR CD LITIGATIONS					
	Subcontractor tender to Attorney Process		●		
	Subcontractor tender to Insurance Process				
	BEST PRACTICES	●	●		
	TERMINOLOGIES				●
	Sample forms and form letters:				
	Sample Armstrong Election Tender Letter		●		
	Sample Insurance Matrix	●	●		
	Sample Contractor Position Statement Letter		●		
	Sample Standard Interrogatory Response Letter		●		
	Sample Litigation Case Action Database – SCREEN SHOTS		●		
	Sample Litigation Case Action Database (Microsoft ACCESS required)		●		
Wrap Insurance & Wrap Insurance Claims Handling					
	BEST PRACTICES				●
	Claims Procedures				●
	Policy Selection Considerations				
	Sample forms and form letters				
Miscellaneous					
	AB758 Approved by Governor 9/29/2005 – applies to contracts and amendments entered into after 1/1/2006.				●
	AB2738 Approved by Governor 9/27/2008 – applies to contracts entered into after 1/1/2009.				●
	Calderon Process – HOA/Builder pre-litigation process for Multi-Family	●			
	Crawford -vs- Weathershield				●
	Heppler v J.M. Peters Co. (1999) 73 CA4th 1265, 87 CR2d 497,				
	Montrose Decision			●	

TERMINOLOGIES – Contract, Insurance, & Litigation Terms				●
Acknowledgements				●