

CALIFORNIA CONSTRUCTION LAW MANUAL

2024-2025 Edition
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HIGHLIGHTS OF THE 2024-2025 EDITION

This 2024-2025 Edition of the *California Construction Law Manual* has been updated to reflect recent trends and to include all of the latest case law, statutory law, and regulatory developments affecting construction law in California.

This volume includes **Appendix B**, which is a summary of all California construction-related legislation signed into law in 2023.

In addition, this edition includes cases addressing the following active and emerging issues:

- **Attorney fees and costs**

Lee v. Cardiff, 94 Cal. App. 5th 398, 312 Cal. Rptr. 3d 25 (1st Dist. 2023), *K & S Staffing Solutions, Inc. v. Western Surety Company*, 98 Cal. App. 5th 647, 316 Cal. Rptr. 3d 834 (2024). Chapters 1 and 8

- **Home Improvement Contract**

Sample form. Chapter 2

- **Arbitration**

Submission agreement: *Roofco, Inc. v. Hilbers, Inc.*, 2023 WL 5341716; Waiver of right to compel arbitration: *Quach v. Commerce Club, Inc.*, 2024 WL 3530266; Enforcement of arbitration agreement: *Swinerton Builders, Inc. v. Argonaut Ins. Co.*, 2024 WL 1057473; Enforcement under the Federal Arbitration Act: *Badgerow v. Walters*, 596 U.S. 1, 142 S. Ct. 1310 (2022), *Coinbase, Inc. v. Bielski*, 599 US 736, 143 S.Ct. 1915 (2023), *Smith v. Spizzirri*, 144 S. Ct. 1173 (2024); Determination of arbitrability: *Coinbase, Inc. v. Suski, et al.*, 144 S.Ct. 1186 (2024), *Coinbase, Inc. v. Bielski*, 599 US 736, 143 S.Ct. 1915 (2023); [New] Circumstances in which litigation must be stayed by federal courts when a dispute is subject to arbitration under the Federal Arbitration Act: *Coinbase, Inc. v. Bielski*, 599 US 736, 143 S.Ct. 1915 (2023), *Smith v. Spizzirri*, 144 S. Ct. 1173 (2024); Attack on and appeal of the award: *Roofco, Inc. v. Hilbers, Inc.*, 2023 WL 5341716, *Housing Auth. of the City of Calexico v. Multi-Housing Tax Credit Partners XXIX, L.P.*, 94 Cal. App. 5th 1103, 312 Cal. Rptr. 3d 792 (4th Dist. 2023), *Badgerow v. Walters*, 596 U.S. 1, 142 S. Ct. 1310 (2022). Chapter: 3

● **Product defects**

Camacho v. JLG Industries Inc., 93 Cal. App. 5th 809, 311 Cal. Rptr. 3d 372 (2023). Chapter 5

● **Responsibility of owner**

Miller v. Pacific Gas & Electric Co., 97 Cal. App. 5th 1161, 316 Cal. Rptr. 3d 183 (2023), *Stack v. City of Lemoore*, 91 Cal. App. 5th 102, 308 Cal. Rptr. 3d 45 (2023). Chapter 5

● **Privette doctrine**

Acosta v. MAS Realty, LLC, 96 Cal. App. 5th 635, 314 Cal. Rptr. 3d 507 (2d Dist. 2023), *CBRE v. Superior Court of San Diego County*, 102 Cal.App.5th 639, 321 Cal.Rptr.3d 697 (2024), *Bowen v. Burns & McDonnell Engineering Company, Inc.* 2024 WL 3408792. Chapter 5

● **Limitations**

Oswald v. Landmark Builders, Inc., 97 Cal.App.5th 240, 315 Cal.Rptr.3d 245 (2023). Chapter 5

● **Immunity**

Stufkosky v. California Department of Transportation, 97 Cal.App.5th 492, 315 Cal.Rptr.3d 331 (2023). Chapter 5

● **Insurance**

Bodily injury: *California Specialty Insulation, Inc. v. Allied World Surplus Lines Insurance Company*, 102 Cal.App.5th 1, 321 Cal.Rptr.3d 193 (2024); Products-completed operations and Duty to defend: *Zurich American Ins. Co. v. Old Republic General Ins. Corp.*, 2024 WL 827710. Chapter 5

● **Mechanics liens**

Summary of fundamentals. Labor contractor: *K & S Staffing Solutions, Inc. v. Western Surety Company*, 98 Cal. App. 5th 647, 316 Cal. Rptr. 3d 834 (2024); Bankruptcy: *In re: 450 S. Western Ave., LLC v. Philmont Management, Inc.*, 2023 WL 2851378 (9th Cir. 2023). Chapter 6

● **Public contracts**

Debarment: *GRFCO, Inc. v. Superior Court*, 89 Cal. App. 5th 1295, 306 Cal. Rptr. 3d 414 (2023); Warranty of plans and information: *Suffolk Construction Co., Inc. v. Los Angeles Unified School Dist.*, 90 Cal. App. 5th 849, 307 Cal. Rptr. 3d 603 (2d Dist. 2023); Government Claims Act: Summary; *Stronghold Engineering Inc. v. City of Monterey*, 96 Cal.App.5th 1203, 315 Cal.Rptr.3d 34 (2023). Chapter 7

● **Anti-SLAPP**

Paglia & Associates Construction, Inc. v. Hamilton, 98

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Cal.App.5th 318, 316 Cal.Rptr.3d 59 (2023). Chapter 9

● **Labor laws**

Glacier Northwest, Inc. v. International Brotherhood of Teamsters Local Union No. 174, 143 S. Ct. 1404, 216 L. Ed. 2d 28 (2023), *Killgore v. SpecPro Professional Services, LLC*, 51 F.4th 973 (9th Cir. 2022). Chapter 9

● **Environmental impacts**

Cave Landing, LLC v. California Coastal Commission, 94 Cal. App. 5th 654, 312 Cal. Rptr. 3d 447 (2023). Chapter 9

● **Compliance with administrative rules**

Casa Blanca Beach Estates Owners Association v. County of Santa Barbara, 102 Cal. App. 5th 1303, 322 Cal. Rptr. 3d 316 (2024), *Cave Landing, LLC v. California Coastal Commission*, 94 Cal. App. 5th 654, 312 Cal. Rptr. 3d 447 (2023). Chapter 9

We work diligently each year to make this publication the most important resource available on these and other topics, and hope that you will find it valuable in your practice. Should you have any questions or comments or notice anything you think is not accurate, please let me know at annettedavis@aol.com.

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Annette Davis Perrochet

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