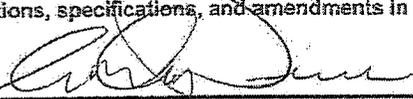


 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<h2>Offer and Acceptance</h2>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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**OFFER AND ACCEPTANCE FORM**

**TO PINAL COUNTY:**

The undersigned hereby offers and agrees to furnish the material, service, or construction in compliance with all terms, conditions, specifications, and amendments in the Solicitation.

	Attorney
_____ Authorized Signature	_____ Title
Stephen Aron Benson	3/25/16
_____ Printed Name	_____ Date
Sacks Tierney P.A.	480-425-2607
_____ Company Name	_____ Telephone
4250 N. Drinkwater Blvd., 4th Floor	Scottsdale, AZ 85251
_____ Address	_____ City, State, Zip

**For clarification of this offer, contact:**

Name: Stephen Aron Benson Phone: 480-425-2607 Fax: \_\_\_\_\_

Email: benson@sackstierney.com

**ACCEPTANCE OF OFFER  
(For Pinal County Use Only)**

The offer is hereby accepted and the Responder is now bound to sell or provide the materials, services, or construction as indicated by the Purchase Order or Notice of Award and based upon the solicitation, including all terms, conditions, specifications, amendments, etc. and the Offer as accepted by Pinal County.

The contract is for: Specialty Legal Services

This contract shall henceforth be referenced to as Contract No. ROQ-151721. The Offeror is cautioned not to commence any billable work or to provide any material or service under this contract until Offeror receives an executed purchase order or notice to proceed.

Awarded this 1st day of June, 2016.

<u>Todd House</u>	<u>Chairman</u>	
_____ Name (Print)	_____ Title	_____ Signature

Approved as to form:

  
Pinal County Attorney's Office

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<h2 style="text-align: center;">Offer and Acceptance</h2>	<p style="text-align: center;">Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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**OFFER AND ACCEPTANCE FORM - Page 2**

By signing the previous page of the Offer and Acceptance Form, Responder certifies:

- A. The submission of the bid did not involve collusion or other anti-competitive practices.
- B. The Responder shall not discriminate against any employee or applicant for employment in violation of Federal Executive Order 11246.
- C. The Responder has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the Submittal.
- D. The Responder certifies that it complies with Executive Order 12549 related to Federal Government Debarment and Suspension (see 4-7)
- E. The Responder certifies that the individual signing the bid is an authorized agent for the Responder and has the authority to bind them to the contract.

Sacks Tierney P.A.

Firm

  
Authorized Signature

 <p><b>PINAL COUNTY</b> <i>wide open opportunity</i></p>	<p align="center"><b>ROQ – 151721</b> <b>Specialty Legal Services</b></p>	<p align="right">Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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**PROFESSIONAL SERVICES CONTRACT**

This Contract for Professional Services (the "Contract") is made as of the latest date beneath the executions appearing at the end of the Contract, by and between: Sacks Tierney P.A.

("Contractor"), with its principal place of business at (address) 4250 N. Drinkwater Blvd. Ste. 400  
**AND**  
 Scottsdale, AZ 85251  
 Pinal County ("County"), with its principal place of business at 31 North Pinal Street, Florence,  
 AZ 85132.

**SECTION 1. PURPOSE AND SCOPE**

1. Contractor will furnish to the Customer by this Contract Professional Service(s) listed in the Statement of Work of the ROQ.
2. All pricing quoted in Schedule A: Pricing Supplement is valid for the term of the Contract.

**SECTION 2. TERM**

This Contract is effective from the date on which it is executed and will remain in effect for one year with four automatic one year renewal periods unless earlier terminated by mutual Contract of the parties.

**SECTION 3. PRICING AND PAYMENT TERMS**

All pricing and terms associated with this professional service requested are specified on Schedule A of the Supplement.

**SECTION 4. INSURANCE**

Without limiting any of the Contractor's liabilities or other obligations, Contractor shall provide and maintain the insurance coverage listed in Section 7 of the Special Terms and Conditions, as well as the coverage listed below. Such coverage shall remain in full force and effect until obligations under this Contract are satisfied. At a minimum the professional liability insurance shall be kept in force at least two years after final payment to Contractor.

1. Professional Liability insurance covering errors and omissions arising out of the work or services performed by Contractor or any such person employed by him with a minimum limit of not less than One Million Dollars each claim.

All insurance shall be maintained with responsible insurance carriers qualified to do business within the State of Arizona.

 <p><b>PINAL COUNTY</b> <i>wide open opportunity</i></p>	<p align="center"><b>ROQ – 151721</b> <b>Specialty Legal Services</b></p>	<p align="right">Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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Excepting the worker's compensation coverage, insurance certificates shall endorse Contractor as insured and Customer, its officials, employees and agents as additional insured and shall stipulate that the insurance afforded Contractor shall be primary insurance and that any insurance carried by Customer, its officials, employees or agents shall be excess and not contributory insurance to that provided by Contractor.

Certificates of insurance acceptable to Customer shall be issued to Customer prior to commencement of the Project as evidence that policies providing the required coverages, conditions and limits are in full force and effect. Such certificates shall contain provisions that coverage afforded under the policies will not be canceled, terminated or materially altered until at least thirty (30) days prior written notice is given to the Customer.

**SECTION 5. SUBCONTRACTOR INSURANCE**

In addition to insurance coverage required of Contractor, as set forth above, Contractor shall require insurance coverage in the same amounts from its Subcontractors on behalf of the Customer and Subcontractor shall comply with the paragraph entitled "Insurance" above, except certificates of insurance shall be issued and delivered to Customer prior to Subcontractor's performance under this contract.

**SECTION 6. INDEMNIFICATION**

In addition to the requirements in Section 6.2 of the Uniform Terms and Conditions, Contractor shall indemnify, defend, save and hold harmless Customer, its officials, employees and agents, from any and all claims, demands, suits, actions, proceedings, loss, costs and damages of every kind and description, including attorney's fees, litigation expenses and/or arbitration expenses, which may be brought or made against or incurred by Customer on account of loss of or damage to any property or for injuries to or death of any person, caused by, arising out of, or contributed to, by reason of any omission, professional error, fault, mistake or negligent act, whether active or passive, of Contractor, its employees, agents or representatives or Subcontractor, their employees, agents or representatives in connection with or incident to the performance of Contractor's employees and/or its Subcontractor's employees, or claims under similar such laws or obligations. Such indemnity shall not be limited by reason of remuneration of any insurance coverage herein provided. Such indemnity shall be required by Contractor from its Subcontractors on behalf of the Customer. Every provision of this indemnification paragraph shall survive the termination of this Contract.

**SECTION 7. NOTICE OF CLAIM**

Contractor is required to notify Customer of any claim filed against Contractor or Contractor's insurance company arising from services performed under this Contract within thirty (30) days of such filing.

**SECTION 8. CLAIMS/LIMITATION OF ACTION**

No action shall be maintained by Contractor, its successors or assigns, against Customer on any claim based upon or arising out of this Contract or out of anything done in connection with

 <b>PINAL COUNTY</b> <i>wide open opportunity</i>	<b>ROQ – 151721</b> <b>Specialty Legal Services</b>	Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132
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this Contract unless such action shall be commenced within one year of the termination of this Contract.

**SECTION 9. CANCELLATION OR TERMINATION OF CONTRACT**

The County may cancel or terminate this Contract as set forth in Sections 3.6, 3.15, 4.5 and 9 of the Uniform Terms and Conditions.

**SECTION 10. INCORPORATION OF UNIFORM GENERAL TERMS AND CONDITIONS**

The Contractor agrees that the county's Uniform General Terms and Conditions for this ROQ are incorporated herein as if they were recited in full. If the Contractor takes exception to any such Terms and Conditions, such exception is fully explained on Response Form 1 and is subject to acceptance in writing by the County.

**SECTION 11. DISPUTE RESOLUTION**

Any disputes between the Customer and Contractor shall be resolved under the Pinal County Purchasing Code's Contract Dispute Process. In the event of litigation over the performance of this Contract, the prevailing party shall be entitled to attorney's fees and costs incurred during the course of litigation. This Contract shall be governed by the laws of the State of Arizona. In the event of a suit filed by either Contractor or the Customer under this Contract, the venue of such suit shall be the Superior Court of the State of Arizona in and for the County of Pinal, Florence, Arizona.

**SECTION 12. MISCELLANEOUS**

- a) **Assignability.** This contract is non-assignable in whole or in part by either party without the written consent of both parties.
- b) **Authority of Signatory.** The individuals signing this Contract and any supplements, warrant that they have been duly authorized and vested with the power to do so on behalf of their entity.
- c) **Beneficiaries.** This Contract shall inure solely to the benefit of Contractor and Customer, and shall create no rights in any other person or entity.
- d) **Comparable Treatment.** All of the prices, terms, warranties and benefits granted by Contractor herein are comparable to or better than the equivalent terms being offered by Contractor to any similar situated customer.
- e) **Exhibits, Plats, Riders and Addenda.** All plats, riders, exhibits or addenda, if any, affixed to the Contract are a part hereof.
- f) **Force Majeure.** Neither party shall be deemed in default for any delay or failure to have fulfilled its obligations under this Contract due to causes beyond its control.

 <p><b>PINAL COUNTY</b> <i>wide open opportunity</i></p>	<p><b>ROQ – 151721</b> <b>Specialty Legal Services</b></p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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- g) **General Compliance with Laws.** Contractor is required to comply with all applicable federal and state laws and local ordinances and regulations.
- h) **Headings.** The headings for each paragraph of this Contract are for convenience and reference purposes only and in no way define, limit or describe the scope or intent of said paragraphs or of this Contract nor in any way affect this Contract.
- i) **Incorporation of Documents.** All documents referred to in this Contract are hereby incorporated by reference into the Contract.
- j) **Independent Contractor.** Contractor acknowledges that it is an independent Contractor; that it alone retains control of the manner of conducting its activities in furtherance of the Contract; that it as well as any persons or agents as it may employ are not employees of the Customer; and that neither this Contract, nor the administration thereof, shall operate to render or deem either party hereto the agent or employee of the other.
- k) **Retention of Records.** The Contractor and any Subcontractor shall keep and maintain all records related to the Contract as set forth in Section 3.2 of the Uniform Terms and Conditions.
- l) **Severability.** If any part of the Contract shall be adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect or nullify the remainder of the Contract.
- m) **Survival.** Not as a waiver of any remedies either party may be entitled to under this Contract, the "Indemnification", "Retention of Records", and "Dispute Resolution" provisions will survive the termination of the Contract.
- n) **Time of Essence.** Under the authority of the Contract, both parties understand that time is of the essence.
- o) **Waiver.** Waiver of any of the terms of this Contract shall not be valid unless it is in writing and signed by all parties. The failure of either party to enforce the provisions of this Contract or require performance by opponent of any of the provisions shall not be construed as a waiver of such provisions or affect the right of either party to thereafter enforce the provisions of the Contract. Waiver of any breach of the Contract shall not be held to be a waiver of any other or subsequent breach of the Contract.
- p) **Governing Law.** This Contract shall be governed by and construed in accordance with the laws of the State of Arizona as further described in Section 5-1 and 5-2 of the Uniform General Terms and Conditions.

 <p><b>PINAL COUNTY</b> wide open opportunity</p>	<p align="center"><b>ROQ – 151721</b> <b>Specialty Legal Services</b></p>	<p align="right">Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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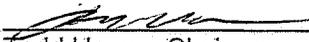
**MODIFICATIONS** to this Contract shall be in writing and signed by both parties.

**IN WITNESS WHEREOF**, the parties have executed this Contract for Professional Services as of the 28 day of MARCH, 2016.

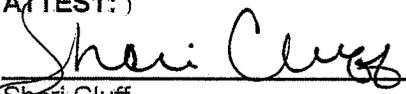
**CONTRACTOR**

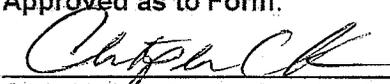
~~Sacks Tierney P.A.~~  
 By:   
 Title: Stephen Aron Benson, Partner  
 Date: 3/28/16

**PINAL COUNTY**

  
 Todd House, Chairman  
 Board of Supervisors  
 Date: 6/1/16



**ATTEST:**  
  
 Sheri Cluff  
 Clerk of the Board

**Approved as to Form:**  
  
 Chris Keller, Deputy County Attorney

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<p>ROQ – 151721 Specialty Legal Services</p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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### SCHEDULE A: PRICING SUPPLEMENT

The hourly rate of \$ See attachment will be the rate for all authorized and approved Specialty Legal Services under this contract. This rate will include all costs associated with these services. (NOTE: Respondent may provide a table of costs based on expertise of employee i.e. Senior Partner, Partner, Senior Associate or Of Counsel, Associate, Paralegal, Administrative Support.)

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Pinal County

3/25/2016

	Grad Date	Yrs of Experience	ID	Billing #	2016 Rate Effective 2/1/16	Discount Rate	%
<b>SENIOR SHAREHOLDERS (16+ Yrs)</b>							
Tierney, David C.	1965	51	DCT	2	450.00	382.50	85.0%
Lenn, Stephen A.	1970	46	SAL	136	450.00	382.50	85.0%
Benson, Stephen Aron	1973	43	SAB	5	450.00	382.50	85.0%
Hebert, John J.	1973	43	JJH	160	675.00	573.75	85.0%
Rooney, Michael R.	1974	42	MRR	6	450.00	382.50	85.0%
Leonard, Jeffrey S.	1974	42	JSL	106	450.00	382.50	85.0%
Kimball, Robert G.	1977	39	RGK	411	450.00	382.50	85.0%
Jackim, Janet	1978	38	JEJ	154	365.00	310.25	85.0%
Shively, Sharon B.	1983	33	SBS	20	440.00	374.00	85.0%
Ditsch, Brian E.	1983	33	BED	69	410.00	348.50	85.0%
Armstrong, James W.	1984	32	JWA	21	415.00	352.75	85.0%
Goldstein, Steven M.	1986	30	SMG	29	425.00	361.25	85.0%
Gould, Gaye L.	1986	30	GLG	35	350.00	297.50	85.0%
Dworkin, Judith M.	1986	30	JMD	51	425.00	361.25	85.0%
Moyer, Sharon S.	1987	29	SSM	52	410.00	348.50	85.0%
Holden, Helen R.	1990	26	HRH	144	360.00	306.00	85.0%
Winter, Matthew F.	1991	25	MPW	151	365.00	310.25	85.0%
Rudd, Philip R.	1991	25	PRR	161	450.00	382.50	85.0%
Merrett, André H.	1994	22	AHM	149	375.00	318.75	85.0%
Beeghley, Steven R.	1996	20	SRB	90	365.00	310.25	85.0%
Van Tuyl, Chris	2000	16	CVT	159	365.00	310.25	85.0%
<b>SHAREHOLDERS (10-16 Yrs)</b>							
Meaker, Matthew B.	2003	13	MBM	147	345.00	293.25	85.0%
Gottfredson, Bryan J.	2006	10	BJG	141	330.00	280.50	85.0%
<b>SENIOR ASSOCIATES (5-10 Yrs)</b>							
Samuelson, James S.	1996	20	JSS	152	315.00	267.75	85.0%
Ferguson-Bohnee, Pat	2001	15	PF	95	265.00	225.25	85.0%
Gallagher, Roxann S.	2002	14	RSG	137	355.00	301.75	85.0%
Tezanos, Jose N.	2003	13	JNT	156	340.00	289.00	85.0%
Ray, Wesley D.	2008	8	WDR	162	320.00	272.00	85.0%
Hiller, Evan F.	2010	6	EFH	163	275.00	233.75	85.0%
<b>ASSOCIATES (0-5 Yrs)</b>							
Aiken, Ellen K.	2011	5	EKA	148	235.00	199.75	85.0%
Winter, Samantha	2011	5	SNW	158	260.00	221.00	85.0%
Harris, Michael J.	2014	2	MJH	157	230.00	195.50	85.0%
<b>PARALEGALS</b>							
Chester, Jessica			JC	820	170.00	144.50	85.0%
Clark, Kathy			KC	982	210.00	178.50	85.0%
Ensslin, Susan			SE	934	170.00	144.50	85.0%
Velic, Taiba A.			TAV	943	170.00	144.50	85.0%
Wojtczak, Barbara			BW	946	170.00	144.50	85.0%
<b>LEGAL ASSISTANTS</b>							
Chapa, Mary			MC	756	150.00	127.50	85.0%
Cooper, Toni			TC	768	120.00	102.00	85.0%
Miranda, Silvia			SM	774	120.00	102.00	85.0%
Misquez, Cathie			CM	757	150.00	127.50	85.0%
Nielsen, Pat			PCN	701	120.00	102.00	85.0%
Urias, Rebecca			RU	809	120.00	102.00	85.0%

ORIGINAL DOCUMENT

## OFFER FORMAT

SECTION ONE. Section One contains the Title Page as well as the: Offer & Acceptance Form, Addendum Acknowledgment Form, W-9 Form, Responder's Checklist

SECTION TWO. Section Two contains a completed Response Form I.

SECTION THREE. Section Three contains a completed Attachment A - Professional Services Contract, including Schedule A Pricing.

\*Following the pricing schedule are our insurance forms.

\*\*Also included is our Sacks Tierney P.A. *Official Letter of Interest* that includes:

- Firm History
- Areas of Firm Practice
- Attorney Background and Expertise/Resumes
- Examples of Previous Projects
- Philosophy of Legal Practice
- Expertise at a Glance
- Pricing Schedule
- Additional Value (Awards & Rankings)

## *Section One.*

ORIGINAL

SPECIALTY LEGAL SERVICES  
ROQ-151721



P I N A L • C O U N T Y  
*wide open opportunity*

*Prepared for Pinal County  
Finance Department*

**SacksTierney P.A.**  
ATTORNEYS

RESPONDER:

Sacks Tierney P.A.  
4250 N. Drinkwater Blvd.  
4th Floor  
Scottsdale, AZ 85251  
480.425.2600

CONTACT PERSON:

Stephen Aron Benson  
Partner  
benson@sackstierney.com  
480.425.2607



PINAL COUNTY  
wide open opportunity

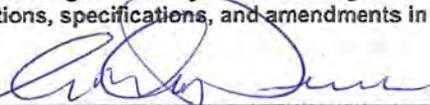
## Offer and Acceptance

Pinal County  
Finance Department  
31 N. Pinal St.  
Bldg. A  
P.O. Box 1348  
Florence, AZ 85132

### OFFER AND ACCEPTANCE FORM

#### TO PINAL COUNTY:

The undersigned hereby offers and agrees to furnish the material, service, or construction in compliance with all terms, conditions, specifications, and amendments in the Solicitation.

	Attorney
_____	Title
Stephen Aron Benson	3/25/16
Printed Name	Date
Sacks Tierney P.A.	480-425-2607
Company Name	Telephone
4250 N. Drinkwater Blvd., 4th Floor	Scottsdale, AZ 85251
Address	City, State, Zip

#### For clarification of this offer, contact:

Name: Stephen Aron Benson Phone: 480-425-2607 Fax: \_\_\_\_\_

Email: benson@sackstierney.com

#### ACCEPTANCE OF OFFER (For Pinal County Use Only)

The offer is hereby accepted and the Responder is now bound to sell or provide the materials, services, or construction as indicated by the Purchase Order or Notice of Award and based upon the solicitation, including all terms, conditions, specifications, amendments, etc. and the Offer as accepted by Pinal County.

The contract is for: Specialty Legal Services

This contract shall henceforth be referenced to as Contract No. ROQ-151721. The Offeror is cautioned not to commence any billable work or to provide any material or service under this contract until Offeror receives an executed purchase order or notice to proceed.

Awarded this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

_____	_____	_____
Name (Print)	Title	Signature

Approved as to form:

\_\_\_\_\_  
Pinal County Attorney's Office

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<h2>Offer and Acceptance</h2>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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**OFFER AND ACCEPTANCE FORM – Page 2**

By signing the previous page of the Offer and Acceptance Form, Responder certifies:

- A. The submission of the bid did not involve collusion or other anti-competitive practices.
- B. The Responder shall not discriminate against any employee or applicant for employment in violation of Federal Executive Order 11246.
- C. The Responder has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the Submittal.
- D. The Responder certifies that it complies with Executive Order 12549 related to Federal Government Debarment and Suspension (see 4-7)
- E. The Responder certifies that the individual signing the bid is an authorized agent for the Responder and has the authority to bind them to the contract.

Sacks Tierney P.A.

Firm



Authorized Signature





**PINAL COUNTY**  
wide open opportunity

## Responder's Checklist

Pinal County  
Finance Department  
31 N. Pinal St.  
Bldg. A  
P.O. Box 1348  
Florence, AZ 85132

### RESPONDERS CHECKLIST

	Yes/No
Did you <b>sign</b> your Offer sheet? <i>See Page 33 &amp; 34 of this solicitation.</i>	YES
Did you acknowledge all addendums, if any? <i>See page 30. Any addendums would be posted on the Pinal County website on the Bids/Proposals page of the Finance/Purchasing Department.</i>	YES
Did you complete all required Response Forms? <i>Any Response forms would be posted on the Pinal County website on the Bids/Proposals page of the Finance/Purchasing Department.</i>	YES
Did you include your W-9 Form? <i>See page 31 of this solicitation.</i>	YES
Did you include any necessary attachments?	YES
Is the outside of your sealed submittal marked with the Solicitation #, Due Date and Time? <i>See page 1 for this information.</i>	NA
Did you include one original and the required number of copies? <i>See page 1 for the quantity.</i>	NA
Did you follow the order for submissions of documents? <i>See Section 3.4 – Offer format in the Special Instructions of this solicitation.</i>	YES
Did you include proof of insurance(s) if requested?	YES

## *Section Two.*

 <p><b>PINAL COUNTY</b> <i>wide open opportunity</i></p>	<p><b>Response Form 1</b> <b>ROQ-151721</b> <b>Specialty Legal Services</b></p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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**Responder Name:** *Responder Response*

Responders shall complete the following Response Form, indicating their responses in the spaces provided. Additional pages may be added so long as they are clearly referenced in the spaces provided.

**Please note: Any exception to the terms and conditions of the ROQ will not be accepted. Compliance to Terms and Conditions has been identified as an evaluation criterion for this solicitation.**

**Acceptability of Responses**

Offers that do not include fully completed copies of Response Forms 1 and 2 may cause the entire offer to be deemed unacceptable and therefore non-responsive. Forms with incomplete or unacceptable responses will also be considered non-responsive.

**1 Responders Profile**

1.1 Provide the name of the person who will be the primary Respondent and the address for the primary servicing office. Please also include a resume for major assistants or staff.

Firm Name: Sacks Tierney P.A.

Mailing Address: 4250 N. Drinkwater Blvd. 4th Floor

City: Scottsdale State: AZ Zip Code: 85251

Representative Name: Stephen Aron Benson Title: Attorney- Partner

Phone Number: 480-425-2607 Fax Number: 480-970-4610

Email Address: benson@sackstierney.com

1.2 Provide the number of years local servicing office has been working with County/State Agency Clients.

16 years

1.3 How many years of experience does the local Respondent have: Sacks Tierney PA - 56 years

1.4 How many years of experience does the key employee have: 40 years

1.5 Will a Business Liaison be assigned to our account? Yes  No

If yes, identify who: Stephen Aron Benson



PINAL COUNTY  
wide open opportunity

Response Form 1  
ROQ-151721  
Specialty Legal Services

Pinal County  
Finance Department  
31 N. Pinal St.  
Bldg. A  
P.O. Box 1348  
Florence, AZ 85132

Liaison Phone: 480-425-2607

Liaison Email Address: Stephen.Benson@sackstierney.com

How many years of experience does Liaison have handling public entity clients? 16 years

2 Areas of Practice

Respondent shall indicate the areas of practice they meet the mandatory requirements for (see Section 2.1 of Statement of Work).

Area of Practice	Check Yes or No	
	Yes	No
Appellate Practice	X	
Attorney conduct and professionalism		X
Bond and disclosure counsel	X	
Collections and bankruptcy	X	
Commercial transactions and litigation	X	
Construction litigation	X	
Contractual liability defense	X	
Election and voter registration law		X
Eminent domain and relocation	X	
Environmental law		X
Federal and State taxation matters		X
General governmental practice (open meetings, public records, etc.)		X
General litigation	X	
Health care, including public health and managed care	X	
Housing	X	
Immigration law		X



PINAL COUNTY  
*wide open opportunity*

Response Form 1  
ROQ-151721  
Specialty Legal Services

Pinal County  
Finance Department  
31 N. Pinal St.  
Bldg. A  
P.O. Box 1348  
Florence, AZ 85132

Infrastructure design	X	
Insurance contracts		X
Intellectual property	X	
Labor law and enforcement	X	
Land use		X
Legislative matters		X
Medical malpractice		X
Mental Health		X
Planning and zoning		X
Probate litigation	X	
Property tax appeals, tax lien sales and foreclosures. Treasurer's matters		X
Public contracts and procurement	X	
Public official liability	X	
Public fiduciary	X	
Real estate transactions	X	
Road design, construction or maintenance liability	X	
Section 1983 civil rights defense		X
Special taxing district law		X
Tort liability		X



PINAL COUNTY  
*wide open opportunity*

Response Form 1  
ROQ-151721  
Specialty Legal Services

Pinal County  
Finance Department  
31 N. Pinal St.  
Bldg. A  
P.O. Box 1348  
Florence, AZ 85132

3 References

Please list a MINIMUM of three (3), preferably five (5), clients for whom you have performed services similar to the Statement of Work in this solicitation.

1. Company Name: Great Western Bank  
Address: 1721 N. Arizona Ave., #1 Chandler, AZ 85225  
Contact Person: Lyle Fredrickson  
Phone: 480-732-0732 Email Address: Lyle.Fredrickson@greatwesternbank.com  
Project Name: Multiple Projects
  
2. Company Name: Maricopa County  
Address: 222 N. Central Ave., Suite 1100 Phoenix, AZ 85004  
Contact Person: Pauline Hecker - Director of Risk Management  
Phone: 602-506-7888 Email Address: heckerp@mail.maricopa.gov  
Project Name: Multiple Projects
  
3. Company Name: Arizona State University  
Address: PO BOX 87-7405, 300 E. University Dr., Suite 335 Tempe, AZ 85287-7405  
Contact Person: Lisa Loo - Associate General Counsel  
Phone: 480-965-4550 Email Address: lisaloo@asu.edu  
Project Name: Multiple Projects
  
4. Company Name: Vestar Development Co.  
Address: 2425 E. Camelback Rd., #750 Phoenix, AZ 85016  
Contact Person: Edward J. Reading  
Phone: 602-553-2620 Email Address: ereading@vestar.com  
Project Name: Multiple Projects
  
5. Company Name: Wilson Electric Services Corp.  
Address: 600 E. Gilbert Dr. Tempe, AZ 85281  
Contact Person: Todd Klimas - Vice President  
Phone: 480-505-6532 Email Address: Todd.Klimas@wilsonelectric.net  
Project Name: Multiple Projects



PINAL COUNTY  
*wide open opportunity*

Response Form 1  
ROQ-151721  
Specialty Legal Services

Pinal County  
Finance Department  
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Bldg. A  
P.O. Box 1348  
Florence, AZ 85132

4 **Prior Experience**

Please provide examples of projects previously conducted that are related to the work described in the ROQ. Description should include the client name, description of the type of work performed, approximate date the work was completed and the professional staff who participated. (Additional pages may be used if necessary)

*Responder Response*

See attachment titled, "Government/Public Entities Represented by Sacks Tierney P.A."

5. **Resumes**

Please provide resumes for each professional who will assist in providing services or be a member of the project team. Resumes must include qualifications and experience of each professional. (Additional pages may be used if necessary)

*Responder Response*

See attachment in our letter of Interest titled, "Attorney Background and Expertise/Resumes"

**End of Response Form 1 for ROQ - 151721 Specialty Legal Services**

GOVERNMENT/PUBLIC ENTITIES REPRESENTED BY  
SACKS TIERNEY P.A.  
*(Examples of Previous Projects)*

Maricopa County: The firm has represented and currently does represent the Office of the Maricopa County Attorney with respect to the following matters:

■ Healthcare Partners Incorporated

Attorneys: Steven M. Goldstein

Reviewed loan documents for compliance with fraud and abuse and Stark laws.

■ HPI/Ching/MFA, Arizona

Attorneys: David C. Tierney

Represented the County in the defense of a matter relating to the County's attempt to sell the County Hospital and the litigation related thereto.

■ Maricopa County Indigent Health

Attorneys: David C. Tierney, Steven M. Goldstein

Represented the County in the development of a new system for handling health care services to indigents (including legislative changes to assist in the implementation of the new system) related to claims from various hospitals which provided health care to indigents and then made claims against County for reimbursement of costs.

Represented the County in a three-tiered approach aimed at dealing with the burgeoning County costs resulting from reimbursement claims brought against the County by virtually every hospital in the region. The effort involved assisting with the restructuring of the County system charged with handling indigent eligibility for health care services provided through AHCCCS; pursuit of remedial legislation and litigation of disputes over the hospitals' claims in court. The litigation was handled primarily by another private law firm.

■ Maricopa Faculty Associates

Attorneys: David C. Tierney, Steven M. Goldstein

Assisted the County in the negotiations of their annual contract between the Maricopa Faculty Associates and the Maricopa County Hospital.

■ Repco Waste Recovery

Attorneys: David C. Tierney, Stephen Aron Benson.

Represented the County in a dispute with Repco Waste Recovery regarding contractual dispute over recycling of tires.

■ Tobacco Settlement

Attorneys: David C. Tierney

Represented Maricopa County and 12 other Arizona counties in a claim against the State of Arizona relating to the State's participation in settlement of the nationwide tobacco litigation.

- Maricopa County Department of Transportation

Attorneys: David C. Tierney, Steven R. Beeghley

Represented Maricopa County in litigation relating to a million-dollar road design issue.

#### OTHER GOVERNMENTAL AND QUASI-GOVERNMENTAL MATTERS

The firm also represents and has represented the following:

- Ak-Chin Indian Community, Arizona

Attorneys: Judith M. Dworkin

Represented the Tribe in government relations with the State of Arizona.

- Anthem Community Council, Arizona

Attorneys: Judith M. Dworkin, Roxann S. Gallagher

Represented Anthem Community Council in connection with a preliminary water feasibility study and formation of an Anthem domestic water improvement district.

Represented Anthem Community Council in water rate case proceedings and wastewater district deconsolidation proceedings before the Arizona Corporation Commission.

- Arizona State University (through the Arizona Board of Regents)

Attorneys: Stephen Aron Benson, Roxann S. Gallagher

Represented the Board over various real estate issues involving real property owned or leased by Arizona State University, tax-exempt financing relating to such real property, and other unrelated contract work.

Represented the Board, for and on behalf of Arizona State University, or other special purpose entities, for and on behalf of Arizona State University, as bond counsel for approximately \$720,224,000 in aggregate principal amount of tax exempt bonds or certificates of participation issued between 2004 and 2010.

- California Public Employees' Retirement System ("CALPERS")

Attorneys: Stephen Aron Benson

Represented CALPERS in various real estate investment and leasing issues.

- City of Bullhead City, Arizona

Attorneys: Steven R. Beeghley, Roxann S. Gallagher

Represented the City in litigation relating to a zoning dispute.

Represented the City or its political subdivisions as bond counsel for approximately \$49,510,000 in aggregate principal amount of tax exempt bonds.

# SacksTierney P.A.

ATTORNEYS

- City of Glendale, Arizona

Attorneys: Steven R. Beeghley

Represented the City in litigation relating to police use of force.

- City of Globe, Arizona

Attorneys: Steven R. Beeghley

Represented the City in negotiations with private companies and an Indian tribe involving water issues and litigation relating to inspection of private construction project.

- City of Lake Havasu City, Arizona

Attorneys: Roxann S. Gallagher

Represented the City or its political subdivisions as bond counsel for approximately \$52,914,429 in aggregate principal amount of tax exempt bonds.

- City of Scottsdale, Arizona

Attorneys: Roxann S. Gallagher

Represented the City or its political subdivisions as bond counsel for approximately \$809,163,000 in aggregate principal amount of tax exempt bonds.

- City of Tucson, Arizona

Attorneys: Judith M. Dworkin, Roxann S. Gallagher

Represented the City on various water issues, including allocation of Central Arizona Project Water; negotiations with the Central Arizona Water Conservation District, and with the Department of Water Resources; representing the City in litigation over groundwater rights; negotiating with other governmental entities over effluent exchange; negotiating and representing the City in litigation with an Indian tribe over water issues, litigation with United States over repayment obligation for Central Arizona Project.

Lobby on behalf of the City, at both the state and federal levels, on water issues.

Represented the City or its political subdivisions as bond counsel for approximately \$236,530,000 in aggregate principal amount of tax exempt bonds.

- Hualapai Indian Tribe, Arizona

Attorneys: Judith M. Dworkin

Represented a wholly-owned enterprise of the Tribe on various legal matters.

- Navajo Nation, Arizona

Attorneys: Judith M. Dworkin, Patty Ferguson, Roxann S. Gallagher

Represented the Nation in various election law matters and internal investigations.

- Pisinemo District of the Tohono O'odham Nation

Attorneys: Judith M. Dworkin

# SacksTierney P.A.

ATTORNEYS

Represented the District on negotiation of contracts, leases and various other legal matters.

- Town of Carefree, Arizona

Attorneys: David C. Tierney, Steven R. Beeghley

Represented the City in litigation regarding various land use disputes.

- Town of Cave Creek, Arizona

Attorneys: David C. Tierney

Represented the City in litigation regarding a land use dispute.

- Town of Paradise Valley, Arizona

Attorneys: Roxann S. Gallagher

Represented the City or its political subdivisions as bond counsel for approximately \$16,055,000 in aggregate principal amount of tax exempt bonds

**ATTORNEY BACKGROUND AND EXPERTISE/RESUMES**

**JAMES W. ARMSTRONG**

**General Information:** Mr. Armstrong's practice is in the area of general commercial litigation, with an emphasis on appeals and intellectual property issues. He has significant experience in the protection and registration of federal trademarks and copyrights, as well as health care confidentiality and consent issues. Mr. Armstrong is a Partner with the firm.

**Education:** Arizona State University (B.A., *summa cum laude*, 1980); University of Chicago (J.D., 1984); Phi Beta Kappa; Phi Kappa Phi.

**Professional Activities:**

State Bar of Arizona: Intellectual Property Section,  
Appellate Practice Section  
Maricopa County Bar Association

**Court and Bar Admissions:**

U.S. Court of Appeals (Fifth, Ninth and Eleventh Circuits), 1990  
State Bar of Arizona, 1984

**Reported Cases:**

*Harris Trust Bank of Arizona v. Superior Court*, 188 Ariz. 159, 933 P.2d 1227 (App. 1996)

*In re Bowen*, 198 B.R. 551 (9th Cir. Bankr. 1996)

*Sabelko v. City of Phoenix*, 68 F.3d 1169 (9th Cir. 1995)

*Waste Mfg. & Leasing Corp. v. Hambicki*, 900 P.2d 1220 (Ariz. App. 1994)

*Hunter Distributing Co. v. Pure Beverage Partners*, 820 F.Supp. 284 (N.D. Miss. 1993)

*Estate of Ellingson v. Commissioner*, 964 F.2d 959 (9th Cir. 1992)

Commercial & Civil Litigation; Trademarks Law; Copyright Law; Appeals

**STEVEN R. BEEGHLEY**

**General Information:** Steve Beeghley focuses his law practice on construction law, civil litigation, loan workouts and representing employers in employment law disputes involving non-compete and other restrictive covenants.

In the community, Steve is a life member of the Fiesta Bowl Committee and Executive Council 70, a member of the Board of Directors of the Boys & Girls Clubs of Metropolitan Phoenix and the Board of Trustees of the Maricopa County Self-Insured Trust Fund.

Steve and his wife are the parents of twins (a boy and a girl), and in his spare time he is an avid golfer. He is a Partner with the firm.

**Education:** University of Arizona (B.S.B.A., 1993); University of Houston Law Center (J.D., 1996).

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

**Professional Activities:**

State Bar of Arizona: Construction Law Section

**Court and Bar Admissions:**

State Bar of Arizona, 1996

U.S. District Court, District of Arizona, 1996

**Community Leadership:**

Boys & Girls Clubs of Metropolitan Phoenix: Board of Directors

Fiesta Bowl Committee: Life Member

Maricopa County Self-Insured Trust Fund: Member, Board of Trustees

Executive Council 70: Life Member

**Commercial Litigation; Construction Law; Employment Law**

# SacksTierney P.A.

ATTORNEYS

## STEPHEN ARON BENSON

**General Information:** As head of the firm's Real Estate Group, Mr. Benson has an established base of experience in a wide range of real estate matters. His practice includes acquisitions and dispositions of unimproved and improved property, financing, hotel and shopping center development, leasing and other real estate issues. Mr. Benson is a Partner with the firm.

**Education:** University of Delaware (B.A., *with high honors*, 1969); Georgetown University (J.D., 1973); Phi Beta Kappa; Phi Kappa Phi.

### **Honors and Recognition:**

AV-Preeminent® Rating, Martindale-Hubbell®

*The Best Lawyers in America*® (Real Estate Law), 2008-2016

Super Lawyers (Real Estate Law), 2009-2015

Arizona's Finest Lawyers®, 2010-present

"2013 Top Rated Lawyers," Real Estate Law, *The American Lawyer*

Super Lawyers: Corporate Counsel Edition (Real Estate), May/June 2010

Arizona Business Magazine: Top Lawyers List, April 2011

AZ RE Magazine: Top People to Know in Commercial Real Estate, 2009, 2010

### **Court and Bar Admissions:**

State Bar of Arizona, 1976

The District of Columbia Bar, 1974

Maryland State Bar Association, 1973

### **Articles:**

"New Law Limits HOA Power to Restrict Renting," Sacks Tierney Client Newsletter, July 2015

"The Last Word: Arizona Supreme Court Confirms that Fair Market Value Protection Cannot Be Waived," Sacks Tierney Client Newsletter, March 2015

"The Unexpected 'Vendee's Lien,'" Sacks Tierney Client Newsletter, October 2014

"Fiduciary Duty in an Arizona LLC," Sacks Tierney Client Newsletter, April 2014

"Arizona Anti-Deficiency Protection Is Not Available for Vacant Land," January 2014

"Borrowers Cannot Waive Fair Market Value Protections, Court Rules," September 2013

"Solvency Covenants in Non-Recourse Loans on Shaky Ground?" June 2013

"Signature Requirements in an Arizona Real Estate Commission Agreement," October 2012

"Is an Estate Tax Hike in Your Future?" August 2012

"Refinancing, Construction and Arizona's Anti-Deficiency Laws" (co-author), May 2012

"Medical Marijuana Dispensary Update," April 2012

"Equitable Subrogation in a Down Real Estate Market," April 2012

"Medical Marijuana in Arizona: The Dispensary Application Process" (co-author), September 2011

"Arizona Court Ruling Could Weaken the Centuries-Old Merger Doctrine" (co-author), August 2011

"Medical Marijuana Act Raises Thorny Challenges for Commercial Landlords" (co-author), June 2011

"A New Source of Concern for Foreclosing Lenders?" May 2011

"The 'Medicare Tax,'" February 2011

"Due Diligence Periods and the Enforceability of Purchase Contracts," (co-author) May 2010

"Supreme Court Resolves Key Issue in CityNorth Controversy," April 2010

"'Bad Boy' Provisions in Commercial Real Estate Transactions," January 2010

"The Protecting Tenants at Foreclosure Act: Changing the Rules of the Game," July 2009

"Defeasance," October 2007

"Potential Pitfall in Non-Recourse Loans," June 2004

"Effect of 'As Is' Clauses in Real Property Purchase and Sale Agreements," October 2001

**Community Leadership:**

Town of Paradise Valley, Arizona: Town Council Member, 2000-2004; Planning Commission, 1996-2000

Scottsdale Chamber of Commerce: Public Policy Committee

Ronald McDonald Foundation

**Real Estate Law; Real Estate Planning Law; Secured Transactions**

**BRIAN E. DITSCH**

**General Information:** Mr. Ditsch is a member of the firm's Litigation Group, his practice includes the prosecution and defense of claims in commercial disputes before state and federal courts, at both the trial and appellate levels. He also provides general commercial representation of business clients in diverse industries, including retail automotive sales, advertising, and watercraft and trailer manufacturing. Mr. Ditsch is a Partner with the firm.

**Education:** Indiana University (A.B., *with high distinction*, 1980); University of Virginia (J.D., 1983). Phi Beta Kappa.

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

**Court and Bar Admissions:**

State Bar of Arizona, 1983

U.S. Court of Appeals, Ninth Circuit, 1984

U.S. District Court, District of Arizona, 1984

Commercial Litigation Law; Uniform Commercial Code

**JUDITH M. DWORKIN**

**General Information:** Ms. Dworkin devotes the majority of her time to the representation of economic development efforts by Indian tribes and has broad expertise in Indian law issues. Judy is admitted to the Navajo Nation Bar and has practiced before the Courts of the Tohono O'odham Nation, Gila River Indian Community, Hopi Tribe, Hualapai Tribe, San Carlos Apache Tribe and Navajo Nation.

Ms. Dworkin frequently lectures and writes articles on issues in Indian law and business development. She is an Appellate Justice of the Salt River Pima-Maricopa Indian Community Council Court and has served as a judge pro tem for the Tohono O'odham Nation and a special judge to the Fallon-Paiute Shoshone Tribe in Nevada as well as a Solicitor to the Hualapai Tribe.

In addition to her Indian Law practice, she has spent a great deal of her career focused on water rights and has taught Water Law and Natural Resources Law at the Arizona State University Sandra Day O'Connor College of Law. Ms. Dworkin is a Partner with the firm.

**Education:** Clark University, (A.M., 1975; Ph.D., 1978); Arizona State University (J.D., *cum laude*, 1986).

**Honors and Awards:**

*The Best Lawyers in America*<sup>®</sup> (Native American Law and Water Law), 2009-2016

Super Lawyers (Native American Law), 2014-2015

AV-Preeminent<sup>®</sup> Rating, Martindale-Hubbell<sup>®</sup>

Fellow, American Bar Foundation

Top 100 Lawyers in Arizona, *AzBusiness Magazine*, 2013-2015

Az Business Leaders (Environmental Law), 2015

50 Most Influential Women in Business, *AzBusiness Magazine*, 2013

Arizona's Finest Lawyers, 2010-present

Arizona State University College of Law Award for Outstanding Alumna for Class of 1986, September 2011

Recipient, President's Medal for Social Embeddedness, Arizona State University, 2009, in recognition of the Arizona Native Vote – Election Protection Project

**Professional Activities:**

American Bar Association

Appellate Justice, Salt River Pima-Maricopa Indian Community Council Court, 2015-2019

Solicitor, Hualapai Judiciary, Hualapai Indian Tribe

Judge Pro Tem, Tribal Court of the Tohono O'odham Nation, 1995-1999

Law Clerk to Judge William C. Canby, Jr., U.S. Court of Appeals, Ninth Circuit, 1986-1987

**Court and Bar Admissions:**

U.S. Supreme Court, 2009

Bar of the Navajo Nation, 1995

U.S. District Court, District of Arizona, 1986

U.S. Court of Appeals, Ninth Circuit, 1986

# SacksTierney P.A.

ATTORNEYS

State Bar of Arizona, 1986

Southwest Intertribal Court of Appeals

Courts of the Hualapai and Hopi Tribes and the Tohono O'odham Nation

## Community Leadership:

DNA Peoples Legal Services: Member, Board of Directors, June 2011-present

Arizona State University: Adjunct Professor, 1986-present

Arizona State University Advisory Committee, Indian Legal Program, 2006-present

Arizona Native American Economic Coalition: Board Member, 1995-1997; Conference Chair, Annual Tribal Economic Summit, 1996

University of Arizona, Department of Hydrology and Water Resources: Assistant Professor, 1978-1983

## Articles:

"Tribes and Cannabis," Sacks Tierney Client Newsletter, July 2015

"Examination of the Phoenix Regional Water Supply for Sustainable Yield and Carrying Capacity" (with Jan C. Bush, Subhrajit Guhathakurta and John L. Keane), Natural Resources Journal, Fall 2006

"Waivers of Sovereign Immunity Key to Contracting with Indian Tribes," Southwest Contractor, 2005

"Doing Business With Our Neighbor: The Salt River Pima-Maricopa Indian Community"

"Treatment of Indian Tribes Under Federal Environmental Statutes," Indian Law in Arizona, 1995

"Tribal Economic Developments: Some Legal Ramifications of Organizational Form" (with C. Peter Delgado, Jr.), The Arrow, June 1995

"Plaintiffs' Expanding Concepts of Compensation and the Courts' Responses" (with Janet E. Kornblatt), Gonzaga Law Review, 1994/95

"Tribal Claims to Arizona's Appropriable Waters," Forum, Fall 1988

"Comment: Private Parties' Rights to Recover Losses from Groundwater Contamination in Arizona," Arizona State Law Journal, 1985

## Presentations:

"Tribes and Cannabis," The Seminar Group, Seattle, July 2015 | Related Article

"Getting Deals Done: Case Study of Common Issues in a Construction Contract," Tribal Economic Development in the Southwest, April 2015

“Indian Tribes Within the Federal System of Government,” U.S. Consulate, Chengdu, Sichuan Province, May 2014

“The Legal Complexity of Management of Water Resources in the United States,” Sichuan University, May 2014

“The Colorado River: Converting a Natural Menace into a National Resource and Learning to Manage the Resource,” Sichuan University, May 2014

“Government Ethics in Funding & Procurement,” Navajo Law Seminar, March 2013

“Doing Business in Indian Country,” NALS of Phoenix, March 2013

“Indian Law 101,” National Business Institute Teleconference, January 2012

“Indian Water Rights: Relevant Case Law,” Indian Water Law Conference, Arizona State University, October 2011

“Groundwater Management in Arizona,” presented at the Annual Meeting, Association of American Geographers, April 1988

Indian Law; Environmental/Natural Resources; Water Law

# SacksTierney P.A.

ATTORNEYS

## PATTY A. FERGUSON-BOHNEE

**General Information:** Ms. Ferguson-Bohnee is the director of the Indian Legal Clinic at the ASU Sandra Day O'Connor College of Law. Her practice areas include Indian Law & Tribal Relations, Environmental/Natural Resources and Civil Litigation Appeals.

**Education:** Columbia Law School, J.D., 2001 - *Parker School Certificate of Foreign and Comparative Law; Notes Editor, COLOMBIA HUMAN RIGHTS LAW REVIEW, 2000-2001.*

Universite de Paris VII, Fulbright Scholar, 1997-1998

Stanford University, A.B. with Honors, 1997

### **Professional Activities:**

Director, Indian Legal Clinic, Sandra Day O'Connor College of Law, Arizona State University

State Bar of Arizona: Indian Law Section Executive Council

Arizona State, Tribal and Federal Court Forum: Intergovernmental Cooperation Workgroup

Federal Bar Association: Indian Law Section

Northwest Indian Bar Association

Native American Bar Association

New York State Certified Mediator

Law Clerk to the Honorable Betty Binns Fletcher, U.S. Court of Appeals, Ninth Circuit, 2002-2003

### **Honors and Awards:**

Fellow, American Bar Foundation

Woman of the Year, Arizona American Indian Excellence in Leadership Awards, Phoenix Indian Center, 2015

Judge Learned Hand Award (Emerging Leadership): American Jewish Committee (Arizona Region), 2011

### **Court and Bar Admissions:**

State Bar of Arizona, 2001

U.S. District Court for the District of Arizona, 2002

U.S. Court of Appeals for the Ninth Circuit, 2003

Tohono O'odham Justice Court, 2004

Ak-Chin Indian Community Court, 2007

Fort McDowell Yavapai Nation Court, 2007

Gila River Indian Community Court, 2007

U.S. Supreme Court, 2009

### **Reported Cases:**

*Arizona Minority Coalition for Fair Redistricting v. Arizona Indep. Redistricting Comm'n*, 121 F.3d 843 (Ariz. App. 2005)

### **Presentations:**

"Legislative and Litigation Update," Indian Law Seminar 2006, State Bar of Arizona

# SacksTierney P.A.

ATTORNEYS

“The Racial Implications of Hurricane Katrina,” UC Hastings College of the Law, 4th Annual Symposium, Reviving the Dream: Confronting Racism in the 21st Century, April 2006

## Articles:

“The Impacts of Coastal Erosion on Tribal Cultural Heritage,” Forum Journal, National Trust for Historic Preservation, Preservation Leadership Forum, Summer 2015

“The Struggle for Equal Voting Rights: 45 Years of the Voting Rights Act,” Arizona Attorney, November 2010

“Ninth Circuit Issues Decision on Tribal Court Jurisdiction over Non-Members,” The Arrow, Spring 2006

“Status and Needs of Unrecognized and Terminated California Indian Tribes,” A Second Century of Dishonor: Federal Inequities and California Tribes, UCLA American Indian Studies Center for the Advisory Council on California Indian Policy, May 1996

Indian Law & Tribal Relations; Environmental/Natural Resources; Civil Litigation, Appeals

**ROXANN S. GALLAGHER**

**General Information:** Ms. Gallagher is a part of the Indian Law and Tribal Relations Practice Group. She devotes most of her time to representing tribal clients and tribal entities in both business and litigation matters. Ms. Gallagher also has significant experience in several other areas of practice in relation to tribal entities, including Construction, Cultural Resources, Economic Development, Environmental, Housing, Insurance, Labor and Employment, Land Rights, Fire and Police standard operating procedures and Human Resource Issues.

**Education:** Arizona State University (J.D., 2002 and Certificate in Indian Law, 2002); University of Colorado (B.A., 1999).

**Court and Bar Admissions:**

State Bar of Arizona, 2003

Navajo Nation, 2007

**Professional Activities:**

State Bar of Arizona: Indian Law Section, Executive Council Member and Secretary

Federal Bar Association: Indian Law Section

National Association of Bond Lawyers

Native American Bar Association of Arizona

Volunteer Lawyers Program

Homeless Legal Assistance Program (2004-2010)

Wills for Heroes (2007-2010)

State Bar of Arizona: Member, Committee on Minorities and Women in the Law (2006-2013), Chair (2010); Co-Chair, Minority Bar Convention (2008)

Fort McDowell Yavapai Nation Legal Department: Law Clerk (2001-2002)

U.S. Senator Hank Brown: Intern (1994-1995)

**Honors and Awards:**

"Arizona's Top Lawyers," *AzBusiness Magazine*: Securities and Corporate Finance, 2013, 2014

*North Valley Magazine* 2012 Top Attorneys in the Valley (Commercial Finance)

*Phoenix Business Journal*: Forty Under 40, Class of 2009

Recipient, ASU 2009 President's Medal for Social Embeddedness for Arizona Native Vote - Election Protection Project

2008 ATHENA Young Professional Nominee

2007 Arizona's Finest Couples Honoree, Cystic Fibrosis Foundation

**Community Leadership:**

Native American Connections: Chair, Board of Directors

Prescott College: Board of Trustees

Arizona's Finest Couples, Cystic Fibrosis Foundation: Program Advisor (2009-present), Event Programming Co-Chair (2008), Honoree (2007)

Fresh Start Women's Foundation: Member, Legal Committee (2006-2010)

**Presentations:**

“Risky Business: New Challenges in Real Estate Transactions” (panelist), State Bar of Arizona Convention (June 2015)

“Indian Law 101,” National Business Institute Teleconference (January 2014)

“Establishing a Business on Native American Lands,” National Business Institute Teleconference (November 2012)

“Indian Law 101,” National Business Institute Teleconference (January 2012)

“Ethical Issues from the Perspective of a Law Firm Attorney,” Indian Law Ethics CLE Conference, Arizona State University (December 2011)

“Indian Law 101,” National Business Institute, National Teleconference (June 2011)

“UCC and Secured Transactions,” Navajo Nation CLE, Sandra Day O’Connor College of Law Indian Legal Program, Tempe, Arizona (September, 2010)

“New Economic Development Bonds Available to Indian Tribal Governments,” Inter Tribal Council of Arizona, Inc., Phoenix (August 2009)

“UCC and Secured Transactions,” Navajo Nation Bar Association CLE, St. Michaels, Arizona (August 2009)

“New Economic Development Bonds Available to Indian Tribal Governments,” Sixth Annual Construction in Indian Country Conference, Fountain Hills, Arizona (May 2009)

“CLE for Free: Doing Business in Indian Country,” Ballard Spahr, Phoenix (March 2009)

“It’s A Business: Tax-Exempt Bonds for 501(c)(3) Charitable Organizations,” Arts & Business Council of Greater Phoenix (September 2008)

“Operating in Indian Country,” American Bar Association 11th Annual Institute on Gaming Law Minefield, Las Vegas (February 2007)

“The Intersection of Corporate America and Indian Country: Negotiating Successful Business Partnerships,” American Bar Association 10th Annual National Institute on Gaming Law Minefield, Las Vegas (February 2006)

“Tribal Nations: Contracting with Sovereign Nations,” 4th Annual Hospitality Law Conference, Houston (February 2006)

“Overview of Legal Issues in Indian Country,” U.S. Department of State’s International Visitor Leadership Program (January 2006)

“Lending in Indian Country: Model Tribal Secured Transaction Code,” American Bar Association, Business Law Today Teleconference (December 2005)

“Income Diversification: Preparing for the Tribe’s Future Generations,” INM Native American Finance Conference, Uncasville, Connecticut (June 2005)

“Doing Business in Indian Country,” City of Tucson (March 2005)

“Overview of Legal Issues in Indian County,” U.S. Department of State’s International Visitor Leadership Program (August 2004)

“Bond Finance and Economic Development in Indian Country,” NAU Navajo Nation Bond Forum (August 2004)

**Business and Corporate Law; Indian Law and Tribal Relations; Finance**

**STEVEN M. GOLDSTEIN**

**General Information:** Mr. Goldstein's practice focuses on health care law, with special emphasis on Medicare fraud and abuse and Stark issues. He represents physicians, hospitals, surgery centers, and other health care providers including hospitals. He has represented physicians and physician groups in establishing and operating their practices, addressing such issues as non-competition agreements, sale of physician practices, break-up of physician groups, joint ventures, physician networks, managed care contracting and other related issues. His representation of hospitals has covered such issues as physician recruitment, tax-exempt bond financing, physician joint ventures, contracting and other transactional matters. Mr. Goldstein is a member of the American Health Lawyers Association and is President-Elect of the Arizona Association of Health Care Lawyers. He is a frequent lecturer on health care topics. In addition to health care law, Mr. Goldstein has a broad range of commercial and corporate experience, representing borrowers and lenders in financing transactions, buyers and sellers of businesses, landlords and tenants, buyers and sellers of real property, and individuals and entities in all kinds of contractual arrangements and business transactions. Mr. Goldstein is a Partner with the firm.

**Education:** University of Arizona (B.A., with honors and highest distinction in Pol. Sci., 1983); Harvard University (J.D., *cum laude*, 1986).

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

*The Best Lawyers in America*®: Corporate Law, 2014-2016; Health Care Law, 2008-2016

Leading Lawyer Award, *The Ambulatory M&A Advisor*, 2015

"2013 Top Rated Lawyers," Real Estate Law, *The American Lawyer*

Top Lawyers List (Healthcare Law), *AzBusiness*, 2013

**Representative Real Estate Matters:**

**OFFICE**

Represented a major public employee retirement system in the purchase, leasing work and subsequent sale, for more than \$100 million, of a high-rise office tower in Phoenix

Represented the owner of a high-rise office tower in central Phoenix in more than 60 lease transactions

Represented the owner of a large office complex in Phoenix in more than 30 lease transactions

Represented a major software company in the lease and subsequent acquisition of its corporate headquarters in Scottsdale, as well as in leasing work arising out of mergers throughout the country

Represent a major Phoenix-based commercial real estate development firm in numerous office acquisitions, sales and lease transactions, including purchase of a multi-tower office complex in Phoenix and a multi-building office complex in Scottsdale

Represented numerous clients on the tenant side of office lease transactions, including medical office leases

INDUSTRIAL

Represented a major U.S. industrial development company in the development and sale of more than one million square feet of industrial property, including financing, leasing to a single user, and joint venture transactions

Represented numerous clients in the purchase, sale, development and leasing of industrial properties throughout the United States

RETAIL

Represent landlord in the leasing of large retail center in development (80-100 leases)

Represented a national pool supply company in tenant leasing work

Represent a pizza restaurant chain in leasing and real estate acquisitions

Represented numerous clients in tenant lease transactions, including restaurants, shopping mall stores, stand-alone retail projects

OTHER

Represented parties in virtually all types of real estate transactions, including the purchase and development of a mixed-use retail project in Scottsdale; numerous vacant land sales and purchases; sales and acquisitions of multi-family housing projects; ground leases; easement transactions; and disputes

**Professional Activities:**

State Bar of Arizona: Real Property Section, Business Law Section

American Health Lawyers Association

Arizona Association of Health Care Lawyers: Board of Directors, Past President

**Court and Bar Admissions:**

State Bar of Arizona, 1986

**Presentations:**

“Role of a Lawyer in a Commercial Real Estate Loan,” Guest Lecturer, Masters in Real Estate Development Program, Arizona State University, October 2015

“Physician and Hospital Perspectives on Buying and Selling Medical Practices” (co-presenter), Arizona Association of Health Care Lawyers, March 2014

“Valuation of Medical Practices” (co-presenter), Arizona Society of Certified Public Accountants, December 2013

“Trends in Buying, Selling and Valuing Urgent Care Centers” (co-presenter), Ambulatory Alliances, December 2013

“What’s Next in Health Care Reform,” Arizona Podiatric Medical Association, November 2012

Instructor, Jurisprudence Class, Midwestern University Podiatry Program

Lecturer, Physician Employment Agreements, Phoenix Children’s Hospital/Maricopa Medical Center Pediatric Residency Program

**Articles:**

“Five Things Physicians Should Know,” February 2011

“Report of Ad Hoc Committee on Standards for Attorneys as Business Associates Under HIPAA,” Arizona Association of Health Care Lawyers, December 2004

“HIPAA Business Associate Agreements,” August 2003

“Safe Harbors for Ambulatory Surgery Centers,” July 2003

“The Current State of Physician Restrictive Covenants in Arizona,” July 2002

“The Legal Risks of Boutique Medicine,” MD News, May 2002

“Gifts from Pharmaceutical Companies: Nothing in Life Is Free,” MD News, March 2002

“Recent Development: Immigration Law: Rights of Detained Aliens – *Jean v. Nelson*,” Harvard International Law Journal, 1984

**Community Leadership:**

Hillel at Arizona State University: President, 2015-2016; Board of Directors, 2013-present

Valley Beit Midrash: Start Me Up Advisory Committee

Congregation Or Chadash: Board of Directors, 2002-present; President, 2008-2012

Jewish Tuition Organization: Board of Directors, 2007-2012; Chair, 2008-2010

Valley First Community Bank: Board of Directors, 2001-2007

Institute for Health Professions Education: Board of Directors; President, 2002-2004

City of Scottsdale: Judicial Appointments Advisory Board, 2000-2003

**Health Care Law; Real Estate Law; Corporate Law**

**BRYAN J. GOTTFREDSON**

**General Information:** Mr. Gottfredson's practice focuses on enforcing his clients' legal rights in business disputes arising out of breach of contract and business torts. He has served as lead counsel in arbitrations, mediations and civil litigation matters in Maricopa County Superior Court and U.S. District Court for the District of Arizona. Prior to attending law school at the University of Arizona, Bryan worked in corporate finance for two Fortune 200 companies.

**Education:** University of Arizona (B.A. cum laude, Economics, 2001; J.D., 2006)

**Honors and Awards:**

Super Lawyers Rising Stars, 2013-2015

"Arizona's Top Lawyers," *AzBusiness Magazine: Generation Next*, 2014; *Litigation*, 2010

Cystic Fibrosis Foundation: "Arizona's Finest Couples" Honoree

**Articles:**

"Equitable Assumption of a Commercial Lease: Tips for Commercial Property Owners"

**Presentations:**

"Role of a Lawyer in a Commercial Real Estate Loan," Guest Lecturer, Masters in Real Estate Development Program, Arizona State University, October 2015

**Court and Bar Admissions:**

Arizona

Texas

U.S. District Court, District of Arizona

Tribal Courts throughout Arizona

**Professional Memberships:**

State Bar of Arizona: Executive Committee, Securities Regulation Law Section

State Bar of Texas

**Community Leadership:**

Hon Kachina Council: Board of Directors

University of Arizona Law College Association: Board of Directors

**Civil Litigation; Real Estate**

**GAYE L. GOULD**

**General Information:** Gaye Gould enjoys handling a wide range of civil litigation matters and appeals. Gaye is an Arizona's Finest Lawyers selectee and has been named one of "Arizona's Top Lawyers" by *AzBusiness Magazine* and one of the 2013 Top Rated Lawyers in Commercial Litigation Law by *The American Lawyer*.

**Education:** Arizona State University (B.A., magna cum laude, 1981; J.D., magna cum laude, 1986). Order of the Coif.

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

Arizona's Finest Lawyers, 2014

"Arizona's Top Lawyers," *AzBusiness Magazine: Healthcare*, 2014

"2013 Top Rated Lawyers," Commercial Litigation Law, *The American Lawyer*

**Professional Activities:**

State Bar of Arizona: Appellate Practice Section

Arizona Women Lawyers Association

Law Clerk to Justice Stanley G. Feldman, Arizona Supreme Court, 1986-1987

**Court Admissions:**

Arizona, 1986

U.S. District Court, District of Arizona, 1986

State Bar of Pennsylvania, 1990 (inactive)

U.S. Court of Appeals, Ninth Circuit, 1993

**Reported Cases:**

*Johnson v. Ernhardt's Gilbert Dodge, Inc.*, 212 Ariz. 381, 132 P.3d 825 (2006) (amici curiae)

*Harris Trust Bank of Arizona v. Superior Court*, 188 Ariz. 159, 933 P.2d 1227 (app. 1996), rev. denied (1997)

*Myers v. Wood*, 174 Ariz. 434, 850 P.2d 672 (App. 1992)

**Articles:**

"Be Careful When Changing Business Insurance Policies," Sacks Tierney Client Newsletter, April 2015

"Analyzing Cross-Appeals in Federal Court" (co-author), Certworthy, Defense Research Institute, July 2013

"Treatment Decisions and Arizona Law," Sacks Tierney Client Newsletter, January 2004

Civil Litigation; Appellate Practice

# SacksTierney P.A.

ATTORNEYS

## JOHN J. HEBERT

**General Information:** Among Arizona's best known and most highly respected bankruptcy attorneys, Jack Hebert represents financially distressed companies and individuals in complex Chapter 11 reorganization, workout negotiations and related matters. His clients benefit not only from his creativity in resolving their financial pressures, but also from his ability to find solutions that are both efficient and effective.

Jack has over 40 years of experience in representing debtors and creditors in major bankruptcy cases. He was retained by Charles H. Keating to file the Chapter 11 petition for American Continental Corporation, and he filed 52 partnership Chapter 11 cases in connection with the 48,000-acre, 8,000-partner Sun Valley development. He has successfully reorganized several hotels and manufacturing and construction companies.

Jack's experience and services include litigation in U.S. Bankruptcy Court, advising troubled businesses, finding new funding for businesses, and analyzing the tax impact of various insolvency circumstances. His practice also encompasses domestic and international asset protection, business and tax planning.

**Education:** J.D., University of Notre Dame, 1973  
B.A., cum laude, Aquinas College, 1970

### **Significant Cases:**

**Reist v. Bay County Circuit Judge:** United States Supreme Court decision set a national precedent providing for a free attorney and transcript on the first appeal for a parent whose parental rights had been terminated

**In re: Miles Machinery:** the first successful collective bargaining agreement, rejection of a major United Auto Workers contract

**In re: Frutchey Bean:** successful reorganization of Michigan's largest edible bean processing facility; the plan was a complex tax strategy involving a reverse triangular reorganization under the Internal Revenue Code

**In re: Aerospace America:** successful reorganization of a government contractor

**Dore & Associates Contracting, Inc.:** successful reorganization for one of the nation's largest demolition contractors, with projects in 27 states

**In re: Photocomm:** successful reorganization in which a private company was successfully taken public using the Bankruptcy Code's safe harbor provisions

**In re: Great Western Systems:** successful reorganization of an American Stock Exchange company

**In re: Prime Financial:** successful reorganization of an American Stock Exchange company

# SacksTierney P.A.

ATTORNEYS

Represented local partners of the Gaston & Snow law firm in connection with the national law firm's bankruptcy; aided in their negotiation with the New York Bankruptcy Trustee.

Assisted in real estate reorganization with 52 partnerships and 10,000 partners. Plans were either approved in each case or settled with the case dismissed.

Confirmed plan of reorganization for a luxury home and golf course development in Flagstaff, Arizona

Confirmed plan of reorganization for Class A office building in an upscale area of Scottsdale, Arizona

## Honors and Awards:

The Best Lawyers in America®, 2014-present

Super Lawyers, 2007-present

Arizona's Top Lawyers (Bankruptcy/Reorganization), AZ Business, 2013, 2014

## Professional Memberships:

State Bar of Arizona

State Bar of Michigan

Maricopa County Bar Association

## Court and Bar Admissions:

Arizona, 1986

Michigan, 1973

## Published Articles:

"Tax Reform Act of 1997: Roth IRAs and Bankruptcy," *California Bankruptcy Court Reporter*, April 1998

"Two Pockets, One Pair of Trousers? Perhaps Not. Fallout from In re: Bernard," *State Bar of Arizona Bankruptcy Journal*, Winter 1998

"Moving Money Between Pockets: Fallout from In re: Bernard," *The Bankruptcy Strategist*, December 1997

"A Trustee's Standing to Bring Claims," *Bankruptcy Court Decisions*, August 5, 1997

## Bankruptcy and Restructuring

## Evan F. Hiller

**General Information:** A member of the firm's commercial litigation practice group, Evan Hiller is a former Assistant Attorney General for the State of Arizona and has a background in intellectual property and technology litigation.

His litigation and trial experience includes:

- Served as first-chair trial counsel for a state licensing board defending regulations against constitutional claims in successful two-day bench trial
- Represented the State in defense of a challenged annexation statute in trial and appellate court, including oral argument in the Ninth Circuit Court of Appeals
- Represented a semiconductor manufacturer as lead discovery attorney in a Section 337 Investigation before the International Trade Commission, including primary responsibility for tracking and admission of all evidence during a seven-day hearing
- Represented the State as lead discovery attorney in complex, multi-party litigation featuring more than thirty witnesses and hundreds of thousands of documents
- Represented a software company in defeating a motion for preliminary injunction in a patent infringement lawsuit, leading to a favorable settlement
- Participated in the successful mediation of multi-million dollar claims against a state agency

## Education

J.D. Columbia University School of Law, 2010: Harlan Fiske Stone Scholar; Executive Editor, Columbia Science & Technology Law Review

B.A., cum laude, English and Computer Science, Williams College (Williamstown, MA), 2003

## Professional Memberships

State Bar of Arizona

State Bar of California

## Bar and Court Admissions

Arizona, 2010

U.S. District Court, District of Arizona, 2011

U.S. Court of Appeals, Ninth Circuit, 2011

California, 2013

U.S. District Court, Central District of California, 2014

U.S. District Court, Northern District of California, 2014

## Civil Litigation; Intellectual Property Law

**HELEN R. HOLDEN**

**General Information:** Helen Holden focuses her practice on assisting businesses of all sizes with a wide range of human resources and employment law issues. She enjoys working with clients to provide practical solutions to workplace issues. Helen regularly represents employers in defending claims alleging violations of federal and state employment laws, including matters involving discrimination, harassment, violation of overtime laws and other wage claims, as well as cases involving breach of contract. She practices before state and federal courts and agencies and is an experienced appellate lawyer. Helen also has extensive experience in resolving a variety of complex business disputes. Clients praise Helen for her cost-effective approach to resolving employment and business disputes.

**Education:** Arizona State University College of Law, J.D., 1990: Order of the Coif; Symposium Editor, Arizona State Law Journal, 1989-1990  
Bryn Mawr College, A.B. with honors, 1983

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

“Arizona’s Top Lawyers,” *AzBusiness Magazine: Employee Benefits & Insurance*, 2014

**Professional Activities:**

State Bar of Arizona: Civil Practice & Procedure Committee, 2010-present; Labor and Employment Law Section; Appellate Practice Section

Defense Research Institute: Employment and Labor Law Committee (Steering Committee; Vice Chair, Publications Subcommittee)

Federation of Defense & Corporate Counsel

Employee Misclassification Compliance Assistance Program (EMCAP) Working Group

Law Clerk to Chief Judge Noel Fidel, Arizona Court of Appeals, 1990-1991

**Court and Bar Admissions:**

State Bar of Arizona, 1990

U.S. District Court, District of Arizona, 1990

U.S. Court of Appeals, Ninth Circuit, 1994

**Reported Cases:**

*Grynberg v. Shaffer*, 216 Ariz. 256, 165 P.3d 235 (App. 2007)

*Sabelko v. City of Phoenix*, 120 F.3d 161 (9th Cir. 1997)

**Presentations:**

“The Joy of Pregnancy: Pregnancy Discrimination” (podcast), West LegalEdcenter, 2015

“Recent Developments in Employee Handbooks” (moderator and presenter), Practical Law (Thomson Reuters), 2015

“The NLRB and Joint Employment” (webinar), C.O.R.E. Training, 2015 | See related article

"Family Leave: Law and Controversies in the U.S.," The John F. Roatch and Linda Haskell Lectures, 2015

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Employment & Labor Law Section, State Bar of Arizona, 2014

"The Joys of Pregnancy from the Employer's Perspective," Arizona Chapter, Association of Corporate Counsel, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Chapter, Associated General Contractors, Employment Practices Committee, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Chandler Chamber of Commerce, Public Policy Committee, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Registrar of Contractors Industry Advisory Council, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Builders' Alliance Lunch & Learn, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Labor and Employment Relations Association, Arizona Chapter, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Association of Pool & Spa Professionals, Central and Southern Arizona Chapters; National Association of the Remodeling Industry, Greater Phoenix and Southern Arizona Chapters; Association of the Wall and Ceiling Contractors of Arizona; Arizona Concrete Promotion Council; Ceramic Tile and Stone Association of Arizona; Painting and Decorating Contractors of America, 2014

"Employee Mismanagement: As Seen on TV," Construction Financial Management Association, June 2014

"ADA and FMLA: Confluence or Confounding? Continuing Challenges in Compliance" (co-presenter), Defense Research Institute (DRI) Employment and Labor Law Annual Seminar, May 2014

"Labor and Employment Basics for Construction Lawyers," State Bar of Arizona, Construction Law Section, April 2013

"Speed Learning for HR Professionals," Sacks Tierney Client Seminar, January 2013

Articles and Publications:

“Joint Employment: NLRB Ruling Poses New Risks for Employers,” Sacks Tierney Client Newsletter, September 2015

“Employee Misclassification and the ‘Economic Realities’ Test,” Sacks Tierney Client Newsletter, September 2015

“Accommodating Pregnant Employees,” Sacks Tierney Client Newsletter, March 2015

“NLRB Takes Aim at Employee Handbooks,” Sacks Tierney Client Newsletter, March 2015

“FMLA: Communicating with Employees on Leave,” Sacks Tierney Client Newsletter, January 2015

“Phoenix District Office of U.S. Department of Labor Offers Program to Self-Report Worker Misclassification,” The Job Description, Defense Research Institute Employment Law Committee, November 21, 2014

“Businesses Have Plenty of Legal Hurdles to Clear Regarding Employees,” Phoenix Business Journal, November 21, 2014

“Minimum Wage: Don’t Overlook Arizona’s Higher Requirement,” Sacks Tierney Client Newsletter, November 2014

“Arizona Same-Sex Marriage Triggers FMLA Eligibility,” Sacks Tierney Client Newsletter, October 2014

“U.S. Department of Labor Offers Incentives to Self-Report Worker Misclassification,” August 2014

“Arizona Anti-Deficiency Protection Is Not Available for Vacant Land,” January 2014

“Misclassifying Employees as ‘Owners’: Resist the Temptation,” Sacks Tierney Client Newsletter, December 2013

“Restrictive Covenants in Employment Agreement Found to Be Too Broad,” Sacks Tierney Client Newsletter, November 2013

“Employers, Large or Small: Obamacare Requires Action by October 1,” Sacks Tierney Client Newsletter, September 2013

“Borrowers Cannot Waive Fair Market Value Protections, Court Rules,” September 2013

“Analyzing Cross-Appeals in Federal Court“ (co-author), Certworthy, Defense Research Institute, July 2013

“Obamacare Update: Employer Mandate Pushed Back to 2015,” Sacks Tierney Client Newsletter, July 2013

"Supreme Court Decides Cases in Favor of Employers," Sacks Tierney Client Newsletter, June 2013

"NLRB Poster Requirement Struck Down by D.C. Court," Sacks Tierney Client Newsletter, May 2013

"OSHA Clash with State Safety Regulators a Concern to Employers," Sacks Tierney Client Newsletter, April 2013

"Prepare Now for the Obamacare Employer Mandate: 2014 Liability to Be Based on 2013 Data" (co-author), Sacks Tierney Client Newsletter, March 2013

"IRS Program Offers Employers a Break for Misclassifying Workers" (co-author), Sacks Tierney Client Newsletter, October 2012

"Signature Requirements in an Arizona Real Estate Commission Agreement" (co-author), Sacks Tierney Client Newsletter, October 2012

"Confidentiality in Investigations: A Trap for Unwary Employers?" (co-author), Sacks Tierney Client Newsletter, September 2012

"Unique Legal Issues Affect Employers on Arizona Indian Reservations" (co-author), Sacks Tierney Client Newsletter, August 2012

"Refinancing, Construction and Arizona's Anti-Deficiency Laws" (co-author), Sacks Tierney Client Newsletter, May 2012

"Employee Voting Rights: Arizona Employer Obligations" (co-author), Sacks Tierney Client Newsletter, May 2012

"A Planning Resource for Your Arizona Employee Handbook" (co-editor)

"Court Suspends NLRB-Required Notice of Collective Bargaining Rights" (co-author), Sacks Tierney Client Newsletter, April 2012

"Social Networking and the Workplace" (co-author), Sacks Tierney Client Newsletter, April 2012

"Recent Employment Cases," 6 Trial Practice 13 (Winter 1995)

"Arizona's Fair Housing Act: Prohibitions Against Discrimination on the Basis of Handicap," 5 Real Property Section Journal 12 (Summer 1994)

Comment, "Does the Legal System Batter Women? Vindicating Battered Women's Constitutional Rights to Adequate Police Protection," 21 Ariz. St. L.J. 705 (1989)

**Community Leadership:**

Raising Special Kids: Member, Board of Directors

Ivy Council of Phoenix: Member, Board of Directors; Member, Advisory Board

Temple Chai: Vice President; Member, Board of Directors

Beth El Congregation: Past President

Bryn Mawr Club of Greater Phoenix: President

Civil Litigation; Employment Law; Business and Corporate Law; Appeals

## JANET R. JACKIM

**General Information:** Janet Jackim is a former Vice President, Real Estate, and Assistant General Counsel at The Circle K Corporation. During three decades as a commercial real estate attorney, Janet has represented developers, lenders, landlords, tenants, title agencies and local governments in real estate sales, financing, development, leasing and other transactions. She has completed more than \$1 billion in mergers and acquisitions (sales price) of large and small businesses.

**Education:** Loyola University Chicago School of Law, J.D., cum laude, 1978  
Indiana University, B.A., with honors, 1974

### **Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®  
Lambda Alpha International (LAI) Land Economics Society, Phoenix Chapter  
“2006 Leading Lawyers,” *Phoenix Business Journal*

### **Representative Transactions:**

Responsible for the aggressive growth and turnaround pre-and post-bankruptcy of The Circle K Corporation’s real estate portfolio. Built strategic business plan for the company’s 25 geographic markets, requiring site-by-site analysis (financial, real estate/location demographics, and capex requirements). Led nationwide 50-person real estate sales staff and back office administration group of 100-200 employees for the purpose of selling 2,500 REOs, resulting in \$100 million cash. Assessed company’s 6,000 real estate holdings (convenience stores, gas operations, office buildings, warehouses, vacant land and buildings, and speculative land deals) for profitability. Closed and sold 2,500 under-performing properties. Renegotiated 1,500 commercial leases to produce \$15 million in annual rent savings.

Negotiated commercial stabilization loans, loan workouts and bankruptcy resolutions on behalf of lending institutions, FDIC affiliates and commercial borrowers. Conducted trustee’s sales, initiated litigation enforcing commercial loan transactions, defended litigation for receivership appointments and loan defaults, and prepared forbearance and other settlements.

Other transactions include \$100 million 1031 exchange involving a city block in downtown Phoenix and a Minnesota shopping center; acquisition and financing of a 20,000 square-foot free-standing retail building in a Wal-Mart center; preparation and negotiation of a two-acre ground lease in a Wal-Mart center for the construction of a convenience store with gas facilities; land accumulation and parcel assemblage of up to 2,500 acres from 35 sellers; formation of HOA, early construction financing, CC&Rs, entitlements, public report, build-out and refinancing of 900-acre residential development; negotiated and documented more than \$2 billion in business acquisitions and sales transactions involving multiple properties; and negotiated and documented the sale of a discounted multi-million-dollar commercial promissory note.

### **Professional Activities:**

State Bar of Arizona  
Maricopa County Bar Association  
Women in Real Estate Development

# SacksTierney P.A.

ATTORNEYS

Arizona Business Brokers Association: Member; Secretary/Board of Directors, Central Chapter, 2013

## **Bar Admissions:**

Arizona, 1986

Colorado, 1978 (Inactive)

## **Articles:**

"Due Diligence in Buying Commercial Real Estate: Acreage, Apartments or a Building,"  
Sacks Tierney Client Newsletter, February 2015

## **Presentations:**

"10 Commonly Overlooked Clauses in Commercial Real Estate Transactions"

"A Junkyard Dog's Perspective on Distressed Commercial Real Estate Today"

"Real Estate Due Diligence 101"

"Landlord's Lease is How Many Pages? 101 Practice Tips for Negotiating a Tenant-Friendly Lease"

"Tenants in Trouble"

"Commercial Leasing"

"Negotiating Leases"

"The Emergency Economic Stabilization Act"

"Navigating Economic Headwinds"

"Exclusive Authorization for Sale or Lease of Real Property"

"Buyer/Lessee Agency Agreement"

"Saving Luke Air Force Base through Land Exchanges"

"The Circle K Bankruptcy Experience: Coming Full Circle From Ashes to IPO"

## **Publications:**

*State by State Guide to Construction and Design Law* (Author, Arizona Supplement), American Bar Association, April 2009

## **Community Leadership:**

ATHENA Award Finalist, Phoenix Chamber of Commerce, 1997

SacksTierney P.A.

ATTORNEYS

Real Estate Law; Business and Corporate Law; Loan Workouts

# SacksTierney P.A.

ATTORNEYS

## ROBERT G. KIMBALL

**General Information:** Rob Kimball focuses his practice in the areas of real estate and corporate law, meeting the needs of clients in transactions, real estate development, leasing, financing, commercial loan workouts and business entity structuring and formation.

**Education:** J.D., with honors, George Washington University, 1977; George Washington Law Review, 1975-1977; Adjunct Professor of Law, 1977-1978  
B.A., cum laude, Harvard University, 1973

### **Honors and Awards:**

*The Best Lawyers in America*® (Real Estate Law), 2013-2016

AV-Preeminent® Rating, Martindale-Hubbell®

"2013 Top Rated Lawyers," Real Estate Law, *The American Lawyer*

### **Court and Bar Admissions:**

State Bar of Arizona, 1979

District of Columbia Bar, 1977

### **Articles:**

"Business Formation and Entity Selection," Arizona Construction Law Manual (Tierney and Dyer, Editors)

Real Estate Law; Corporate Law

**JEFFREY S. LEONARD**

**General Information:** Jeff Leonard is recognized in the Phoenix legal community as an accomplished and experienced civil trial lawyer and litigator in state and federal courts. His trial experience includes a wide variety of business and commercial cases involving banking, contract, business fraud, securities and real estate, as well as public liability defense. He has received the "AV/Preeminent" rating from Martindale-Hubbell and is listed in The Best Lawyers in America® for commercial litigation. Jeff earned his law degree at the University of Arizona in 1974, where he served on the editorial board of the Arizona Law Review and was elected to the Order of the Coif. After law school, Jeff served as Law Clerk to the Honorable William P. Copple of the U.S. District Court for the District of Arizona. Mr. Leonard is a Partner with the firm.

**Education:** University of Rochester (A.B. 1967); University of Arizona (J.D. *with high distinction*, 1974); Order of the Coif; Special Projects Editor, *Arizona Law Review*.

**Honors and Awards:**

The Best Lawyers in America® (Commercial Litigation, Real Estate Law), 2009-2016  
AV-Preeminent® Rating, Martindale-Hubbell®

**Professional Memberships:**

American Bar Association

State Bar of Arizona: Committee on Civil Practice and Procedure, 1985-1993

Law Clerk to Hon. William P. Copple, U.S. District Court for the District of Arizona, 1974-1975

**Court and Bar Admissions:**

Supreme Court of the United States, 1985

U.S. Court of Appeals, Ninth Circuit, 1974

U.S. District Court, District of Arizona, 1974

State Bar of Arizona, 1974

**Community Leadership:**

Congregation Beth Israel, Phoenix: President, 1992-1994

University of Arizona College of Law Board of Visitors, 1980-1983

**Civil Litigation; Appeals; Construction Law**

**STEPHEN A. LENN**

**General Information:** Mr. Lenn is a member of the firm's Business and Corporate Law Practice Group and a Partner with the firm. Mr. Lenn founded Capital Strategies, Inc., a boutique investment banking firm, in 1997 after almost 30 years in the practice of law. Mr. Lenn is a member of the Ohio bar. While in practice, he was also admitted to the bar in California and New York, and remains in good standing, on an inactive status, in each of these states.

**Education:** Tufts University (B.A., *cum laude*, 1967); Columbia University Law School (J.D., 1970).

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®  
Top Lawyers List (Banking), *AzBusiness* Magazine, 2013

**Court and Bar Admissions:**

Arizona, 2010  
California, 1991  
Ohio, 1979  
New York, 1971

**Professional Experience:**

Simon Consulting, LLC: Director, 2009-2010  
Capital Strategies, Inc.: Managing Director and Founder, 1997-2009  
Baker & Hostetler LLP (Cleveland): Partner, 1988-1997  
Porter, Wright, Morris & Arthur: Founding and Managing Partner of the Cleveland Office, 1983-1988  
Union Commerce Corporation and Bank (Cleveland): Executive Vice President, General Counsel and Secretary, 1975-1983

**Other Licenses:**

Financial Institution Regulatory Authority (FINRA): General Securities Representative (Series 7) and Investment Banking (Series 79) (Inactive, In Good Standing)

**Articles and Presentations:**

"Incentive Compensation for Banks in the Dodd-Frank Era," February 2012

"Critical Domestic and International Legal Issues for Entrepreneurs and Managers" Walker Center for Global Entrepreneurship, Thunderbird School of Global Management, Spring 2011

**Community Leadership:**

Barrow Neurological Foundation: Board of Trustees, 2008-Present  
Make-A-Wish Foundation: Board of Directors, 2010-Present  
Phoenix Public Library Foundation: Board of Directors, 2008-2011  
Southwest Autism Research & Resource Center: Volunteer

# SacksTierney P.A.

ATTORNEYS

Banking Law and Regulation; Debt and Equity Finance; Business and Corporate Law;  
Mergers and Acquisitions; Real Estate Law; Problem Asset Resolution; Securities Law

# SacksTierney P.A.

ATTORNEYS

## MATTHEW B. MEAKER

General Information: Matt Meaker has practiced law for over 10 years and has developed a business-minded approach to legal issues. He has been described as a “business man in a lawyer’s suit” who is more focused on the business success of his clients than on billable hours. Clients also appreciate his ability to translate “legalese” into layman’s terms that they can understand. The focus of his practice is on construction law, civil litigation, business and corporate law and real estate law. Matt is also involved in efforts to finalize transaction privilege tax (TPT) reform for the benefit of Arizona contractors.

Matt is very active in the legal profession and the community at large. He serves on the Executive Council of the Construction Law Section of the State Bar of Arizona and on the Board of Directors of the Maricopa County Bar Association.

In addition, he is actively involved with the local chapter of the Construction Financial Management Association, the Arizona Builders’ Alliance, the American Subcontractors Association of Arizona, and the Arizona Registrar of Contractors Industry Advisory Council. Matt also gives of his time to numerous community causes, including the Arizona Town Hall.

Matt grew up in the East Valley, and he and his wife and their two daughters live in Tempe.

Education: James E. Rogers College of Law, University of Arizona, J.D., 2003  
University of Arizona, B.A., magna cum laude, Communications and Psychology, 2000

### Honors and Awards:

Super Lawyers Rising Stars, 2012-2015  
Arizona’s Finest Lawyers, 2013  
AV-Preeminent® Rating, Martindale-Hubbell®  
“Top 20 Under 40,” *ENR Southwest*, 2015  
“Top Lawyers” (Construction Litigation), *Arizona Business*, 2012, 2013  
“People to Know in Commercial Real Estate: Up and Comer,” *AZRE*, 2013  
Top Valley Lawyers (Construction/Development), *North Valley Magazine*, 2012-2014  
American Subcontractors Association of Arizona: Outstanding New Member, 2011-2012  
NITA Advocate, National Institute of Trial Advocacy

### Court and Bar Admissions:

U.S. District Court, District of Arizona  
U.S. District Court, District of Colorado  
Supreme Court of the United States of America, 2012  
State Bar of Arizona, 2003

### Professional Memberships:

State Bar of Arizona: Construction Law Section, Chair-Elect and Executive Council Member  
Maricopa County Bar Association: Board of Directors (2014-2016); Litigation Section Chair (2012-2013)  
Arizona Energy Consortium  
Arizona’s Alternative Project Delivery Method (APDM) Stakeholder Group

**Construction Industry Leadership:**

Construction Financial Management Association – Valley of the Sun Chapter: Member, Board of Directors; Co-Chair, Construction Executive of the Year Committee

American Subcontractors Association of Arizona: Co-Chair, Government Relations Committee; Member, Board of Directors (2013-2015); Legal Counsel (2013-2015)

Arizona Builders' Alliance: Member, Legal Advisory Council

Consensus Docs: Vice Chair, Public-Private Partnership (P3)/O&M Working Group

Association of the Wall & Ceiling Contractors of Arizona: Board of Directors

Arizona State Contractors Coalition: Co-chair

Arizona Registrar of Contractors Industry Advisory Council

Alliance for Construction Excellence: Public-Private Partnership Policy Team

The Employee Misclassification Compliance Assistance Program (EMCAP) Working Group: Chair

**Community Leadership:**

Project Rising Phoenix: Chair, 2013-2014

Arizona Town Hall: 105th Town Hall, "Arizona's Economy," Report Co-Chair; 101st Town Hall, "Civic Leadership for Arizona's Future," Report Co-Chair; 99th Town Hall, "Arizona's Energy Future," Recorder; 97th Town Hall, "Arizona's Government: The Next 100 Years," Report Co-Chair; 85th Town Hall, "Arizona's Water Future: Challenges and Opportunities," Recorder

Arizona Board of Regents, Student Regent, 2001-2003

Eagle Scout, Boy Scouts of America

**Publications:**

*Arizona Construction Law Practice Manual*, 2nd Ed., 2014, Contributing Author

*Arizona Construction Law*, 2014, Contributor

*Green Building Construction: A Practical Guide to Transactional and Litigation Issues*, 2014, Contributing Author

*Financial Management and Accounting for the Construction Industry*, 2014 Subject Matter Expert for Chapter 6 (Legal Issues)

*Arizona Litigation Guide* (5th ed.), Editor-in-Chief

**Articles:**

"Public-Private Partnerships: Business Development Opportunities," *The Contractor's Compass*, American Subcontractors Association, November 2015

“20-Day Notice Requirements for Public Projects in Arizona,” Sacks Tierney Client Newsletter, May 2015

“Transaction Privilege Tax for Contractors: 2015 Update,” Sacks Tierney Client Newsletter, March 2015

“TPT Fixes: Proposed Changes to Arizona’s Transaction Privilege Tax,” Sacks Tierney Client Newsletter, February 2015

“Public Private Partnership Legislation: Arizona,” Practical Law, Thomson Reuters, 2015

“Contingent Payment Clauses: Enforceable? Negotiable? Worth the Risk?” The Contractor’s Compass, American Subcontractors Association, January 2015

“Arizona’s Real Estate Market: A Near-Term Prognosis,” Voices from the Law Office: The Real Estate Market, Arizona Attorney, January 2015

“Equitable Subrogation: Court Ruling Falls Short of a ‘Bright Line’ Rule,” Sacks Tierney Client Newsletter, September 2014, and The Contractor’s Compass, American Subcontractors Association, September 2014

“U.S. Department of Labor Offers Incentives to Self-Report Worker Misclassification,” August 2014

“Contractors Beware: Major Changes in the ROC Complaint Process,” March 2014

“Misclassifying Employees as ‘Owners’: Resist the Temptation,” December 2013

“Much Ado About Sullivan: Construction Defects and the Economic Loss Rule,” 2013

“ROC Rules: Proposed Changes Affect Contractors,” 2013

“Prompt Payment Act Does Not Apply to Contracts for Architectural Services, Court Rules,” 2013

“Baseline Thoughts on Public-Private Partnerships in Arizona,” AZRE Magazine, 2013

“Technical Deficiencies to a Preliminary Notice Do Not Invalidate a Mechanics’ Lien,” American Subcontractors Association of Arizona Newsletter, 2012

“Architect Owes Implied Warranty to Contractor,” American Subcontractors Association of Arizona’s Newsletter, 2011

# SacksTierney P.A.

ATTORNEYS

“Trustees are Deemed ‘Natural Persons’ Under A.R.S. § 33-1002’s Protection of Owner-Occupants from Certain Mechanics’ Liens,” American Subcontractors Association of Arizona Newsletter, 2011

“Arizona Supreme Court Examines Question Involving Foreclosure Pursuant to Trustee’s Sale,” American Subcontractors Association of Arizona Newsletter, 2011

“New EPA Regulations Significantly Impact Storm Water Flow at Construction Sites,” State Bar of Arizona Construction Law Section Newsletter, 2010

Construction Law; Civil Litigation; Business and Corporate Law; Real Estate Law

# SacksTierney P.A.

ATTORNEYS

## ANDRE MERRETT

**General Information:** An AV-Preeminent® rated attorney and three-time Super Lawyers selectee in commercial litigation, André Merrett handles cases involving a wide variety of claims, including complex commercial disputes; franchise disputes; director and officer liability; privately held corporation and partnership disputes; trademark infringement disputes; trade secrets and unfair competition, non-competition and non-solicitation disputes; commercial real estate disputes; challenges to the constitutionality of state statutes, and the defense of public officials.

**Education:** University of Iowa, J.D., 1994: Chairperson, University of Iowa College of Law Moot Court Board; Class Agent  
University of Northern Iowa, B.A., 1989

### **Honors and Awards:**

AV-Preeminent Rating, Martindale-Hubbell  
Super Lawyers (Commercial Litigation), 2013-2015  
“Top 50 Pro Bono Attorneys in Arizona,” Arizona Foundation for Legal Services & Education, 2012

### **Professional Memberships:**

American Bar Association  
Arizona Court of Appeals Appellate Pro Bono Pilot Program: Volunteer Attorney, 2011-present  
State Bar of Arizona: Fee Arbitration Committee, 2008-2010  
Scottsdale Bar Association

### **Published Decisions:**

*Waltner v. JPMorgan Chase Bank, N.A.*, 297 P.3d 176 (App. 2013)  
*Farmers Bank of Missouri v. Erpelding*, 555 N.W.2d 222 (Iowa 1996)

### **Court and Bar Admissions:**

State Bar of Arizona, 2001  
U.S. District Court, District of Arizona, 2001  
U.S. Bankruptcy Court, District of Arizona, 1999  
U.S. Court of Appeals, Ninth Circuit, 1999  
U.S. District Court, Central District of Illinois, 1997  
U.S. Court of Appeals, Eighth Circuit, 1994  
Iowa State Bar Association, 1994 (inactive)

### **Articles:**

“The Cadaveric Organ Donor Act and Living Organ Donor Act” (co-author), University of Iowa, College of Law Journal of Corporation Law, Vol. 18, No. 3, Spring 1993

### **Civil Litigation**

# SacksTierney P.A.

ATTORNEYS

## SHARON S. MOYER

**General Information:** Ms. Moyer devotes the majority of her time to the representation of employers in all aspects of the employment relationship. Ms. Moyer practices before the Equal Opportunity Employment Commission and Arizona Civil Rights Division, as well as State and Federal Courts. She frequently lectures on issues of employment law and provides employee workshops on harassment, discrimination, and diversity. Ms. Moyer also has significant experience in general commercial litigation. Ms. Moyer is a Partner with the firm.

**Education:** Marquette University (B.A. 1982); University of Wisconsin (J.D., *cum laude*, 1987).

### **Professional Activities:**

American Bar Association

Maricopa County Bar Association

Scottsdale Bar Association

HRWebAdvisor: Advisory Board Member, 2010-present

Society of Human Resources Management (SHRM) of Greater Phoenix

### **Court and Bar Admissions:**

U.S. District Court, District of Arizona, 1990

State Bar of Arizona, 1990

U.S. District Court, Eastern and Western Districts of Wisconsin, 1987

Wisconsin Bar Association, 1987

### **Community Leadership:**

Assisted Living Federation of America

Phoenix Children's Project

### **Presentations:**

"The Joys of Pregnancy from the Employer's Perspective," Arizona Chapter, Association of Corporate Counsel, 2014

"Penning Policies for Human Resources," CopperPoint Mutual Insurance 2014 Safety Works Expo+, May 2014

"Preventing Employer Liability for Employee Conduct," Assisted Living Federation of America, April 2014

"Psychiatric Disabilities in the Workplace," HRWebAdvisor, April 2011

"Generational Differences in the Workplace," Northcentral University, March 2011

"Recruiting and Selection: Best Practices and Legal Pitfalls in This Economic and Social Climate," HRWebAdvisor, October 2010

## **Employment Law and Civil Litigation**

**WESLEY D. RAY**

**General Information:** Wes Ray devotes his practice to the resolution of complex business and financial problems encountered by clients ranging from sole proprietorships to publicly traded companies. Wes's practice includes financial restructuring and business litigation, with specific emphasis in debt restructurings and Chapter 11 bankruptcy proceedings.

He has successfully represented real estate developers, banks, loan servicers and ownership groups in workout negotiations, bankruptcy and receivership proceedings and joint venture transactions.

In every representation, Wes strives to offer aggressive and creative counsel intended to realize each client's objectives while minimizing delay and expense.

**Education:** J.D., magna cum laude, James E. Rogers College of Law, University of Arizona, 2008: Business Editor, Arizona Journal of International and Comparative Law; The Hon. William D. Browning Award for Excellence in Constitutional Law  
International Commercial Law Program, University of Cambridge-England, 2006  
B.A., summa cum laude, Information Systems Management, Arizona State University, 2005

**Representative Cases:**

Served as counsel for the debtors in a Chapter 11 case in which plans of reorganization were confirmed for a public corporation and 15 of its affiliates.

Assisted a national restaurant operator with the consensual restructuring of \$70 million in indebtedness.

Served as counsel for the primary secured creditor in the Chapter 11 proceedings of five affiliated hotels located in three states.

Negotiated and documented a transaction in which a private equity firm acquired equity positions, in multiple tranches, and subsequently real estate, relating to a luxury residential and golf development in northern Arizona.

Successfully represented a former executive of a failed lending institution in bankruptcy proceedings and related litigation.

Negotiated and effectuated a sale of approximately \$29 million in assets pursuant to Section 363 of the bankruptcy code.

Served as counsel for the debtor in the publicized bankruptcy proceedings of a nonprofit organization responsible for the management and maintenance of a notable municipal golf course.

Served as counsel for a real estate developer in a Chapter 11 bankruptcy in which a \$13 million reduction in indebtedness was negotiated and effectuated.

# **SacksTierney** P.A.

ATTORNEYS

Advised a distressed healthcare facility in all aspects of its operations, including management, personnel, and accounting, in order to reestablish financial viability.

Obtained summary judgment in excess of \$4 million on a client's claims for breach of contract and violation of the Prompt Pay Act.

Represented several judgment debtors in multi-million dollar collection actions.

Obtained court approval of a dirt-for-debt Chapter 11 plan over the objection of the secured creditor.

## **Honors and Awards:**

The Best Lawyers in America®, 2016

AZ Business Magazine Top Lawyers: Up-and-Comer, 2014

Super Lawyers Rising Stars, 2012-present

## **Professional Memberships and Activities**

American Bar Association: Young Lawyers Division

State Bar of Arizona: Bankruptcy Section

Maricopa County Bar Association: Bankruptcy Section

Arizona Summit Law School: Former Adjunct Professor

Community Legal Services: Volunteer Lawyers Program

## **Court and Bar Admissions:**

Arizona

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, District of Arizona

U.S. Bankruptcy Court, District of Arizona

## **Articles and Presentations:**

"A Bankruptcy Course in Professionalism," State Bar of Arizona, 2015

"Ethical Considerations for the Bankruptcy Practitioner," State Bar of Arizona, 2014

"Troubled Debt Restructuring Transactions," National Business Institute, 2012

## **Bankruptcy and Financial Restructuring**

**MICHAEL R. ROONEY**

**General Information:** Mr. Rooney's practice includes general business and corporate representation of small, mid-sized and large companies including contract, employment and real estate issues. He also has an extensive background relating to the accreditation, student conflict and regulatory issues for private non-profit, postsecondary academic institutions as well as private for profit postsecondary academic institutions and trade and technical schools. Mr. Rooney was appointed by Governor Jane Hull and Governor Janet Napolitano to serve as the Board Chair for the Arizona Commission for Postsecondary Education. The Arizona Commission for Postsecondary Education is mandated by Arizona statute to administer the Leveraging Educational Assistance Partnership (LEAP), the Arizona Family College Savings Program, the Arizona Private Postsecondary Educational Student Financial Assistance Program and the Arizona Minority Education Policy Analysis Center. This state agency also administers the Arizona Section 529 Plan and The Family College Savings Plan. He is currently serving on the Oversight Committee for the Arizona Section 529 Plan. He was the Board Chair of the Arizona State Board of Private Postsecondary Education, the board that regulates the private trade and technical school industry in Arizona. Mr. Rooney is a Partner with the firm.

**Education:** University of Missouri (B.S., 1967); Arizona State University (J.D., cum laude, 1974; Phi Alpha Delta.

**Honors and Awards:**

*The Best Lawyers in America*® (Business Law), 2013-2016  
AV-Preeminent® Rating, Martindale-Hubbell®

**Professional Memberships:**

American Bar Association  
State Bar of Arizona: Business Law Section  
Arizona Foundation for Legal Services and Education: Fellow

**Court and Bar Admissions:**

State Bar of Arizona, 1974  
U.S. District Court, District of Arizona, 1975

**Community Leadership:**

Prescott College: Board of Trustees, 2008-present  
Rio Salado Foundation: Board of Directors, 2007-present  
Tempe Community Council, 2007-2013  
Boy Scouts of America: Western Region Commissioner, 2008; Past President, Grand Canyon Council  
United Methodist Outreach Ministries (UMOM): Board of Directors; New Day Center Homeless Shelter, Past Chairman  
Arizona Commission for Post-Secondary Education: Past President  
Kyrene Schools Community Foundation: Member; President, 1989  
City of Tempe Planning and Zoning Commission: Chairman, 1987; Member, 1982-1988  
State Board of Private, Technical and Business Schools: Past Chairman  
Arizona Private School Association

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ATTORNEYS

Arizona Family College Savings Program (529 Plan): Oversight Committee  
Tempe Center for the Arts Foundation: Chairman  
O'Connor House: Board of Trustees

## Articles:

Medical Marijuana in Arizona: The Dispensary Application Process  
Medical Marijuana Act Raises Thorny Challenges for Commercial Landlords  
"Flood Control and Arizona," Arizona State Law Journal, 919-937, 1973

Corporate Law; Business Law; School Law

# SacksTierney P.A.

ATTORNEYS

## PHILIP R. RUDD

**General Information:** Philip Rudd's clients appreciate his people-focused approach to practicing law and his skill in achieving resolution of their complex financial disputes. Phil has represented borrowers and creditors in resolving their financial and operational challenges through workouts and negotiated restructurings, contested and uncontested bankruptcies, receiverships, asset and stock sales and liquidations, and litigation. He has also represented third-party custodians, such as receivers and bankruptcy trustees, in their duties to oversee the operation and liquidation of assets.

**Education:** J.D., cum laude, James E. Rogers College of Law, University of Arizona, 1991: Dean's List; University of Arizona Law Review; Honorable Mention, Best Moot Court Brief  
B.A., University of Arizona, 1988

### **Representative Cases:**

Through the use of the Chapter 11 reorganization process, negotiated a significant discounted cash payoff of a \$31 million senior living facility debt through the sale of assets, which also resulted in a full release of all guarantees.

Confirmed a contested Chapter 11 cram-down plan of reorganization for an office building, which significantly reduced the secured creditor's \$21 million claim and allowed the debtor's interest holders to retain their interests in the reorganized debtor.

Through the Chapter 11 reorganization process for a storage facility, negotiated a significant discounted cash payoff of a \$7.5 million secured claim, which allowed the interest holders to retain their interests in the debtor.

Following heavily contested valuation and plan confirmation proceedings, negotiated a consensual plan of reorganization with the secured lender regarding its \$21 million claim in a retail and office center in Las Vegas, which allowed the interest holders to retain their interests in the reorganized debtor and provided for a release of guarantees.

### **Professional Memberships and Activities:**

American Bankruptcy Institute

State Bar of Arizona: Bankruptcy Section

Maricopa County Bar Association: Bankruptcy Section (Chairman, 2000-2001; Secretary/Treasurer, 1999-2000; Executive Board Member, 1996-2001)

Turnaround Management Association: Board of Directors, 2004-2006

### **Honors and Awards:**

"Top People to Know in Commercial Real Estate," *AZRE Magazine*, 2011

### **Court and Bar Admissions:**

Arizona, 1991

U.S. District Court, District of Arizona, 1991

U.S. Court of Appeals, Ninth Circuit, 1997

**Articles and Presentations:**

“Judgment Enforcement in Arizona,” Lorman Education Services, 1998-2000

“Basic Bankruptcy Concepts for Non-Bankruptcy Lawyers,” Barrister, Summer 1996

**Bankruptcy and Financial Restructuring**

**JAMES S. SAMUELSON**

**General Information:** Jim Samuelson's clients benefit from his nearly 10 years of experience as a judicial law clerk to two U.S. Bankruptcy Court judges. In that capacity, he was deeply involved in deciding issues in all areas of bankruptcy. He offers financially distressed businesses and individuals valuable insight into how courts interpret and respond to the positions and arguments of parties in bankruptcy, and his clients appreciate his skill in carefully evaluating a strategy before implementing it.

Jim's clients also appreciate his personalized approach to client service and communication and a high level of accountability.

Jim served as judicial law clerk to two U.S. Bankruptcy Court judges, the Hon. Redfield Baum (2004 to 2013) and the Hon. Eddward Ballinger (2012 to 2013). Previously, from 1998 to 2004, he was an Assistant Attorney General with the State of Arizona, Agency Counsel Division, Bankruptcy Section. He is a former chair, treasurer and executive council member of the Bankruptcy Section of the State Bar of Arizona, and he is a member of the Arizona Bankruptcy American Inn of Court.

**Education:** Willamette University College of Law, J.D., Dispute Resolution Certificate, 1996  
University of Arizona, B.S., Business Administration, 1986

**Professional Activities:**

State Bar of Arizona: Bankruptcy Section, Chair (2010-2011), Past Chair (2011-2012), Treasurer (2003-2009), Executive Council Member (2003-2012)  
American Bankruptcy Institute  
Arizona Bankruptcy American Inn of Court: Master and Charter Member (2011-present)

**Court Bar and Admissions:**

State Bar of Arizona, 1996  
U.S. District Court, District of Arizona, 1998  
U.S. Court of Appeals, Ninth Circuit, 1998

**Articles:**

"The Last Word: Arizona Supreme Court Confirms that Fair Market Value Protection Cannot Be Waived," Sacks Tierney Client Newsletter, March 2015

"The Unexpected 'Vendee's Lien,'" Sacks Tierney Client Newsletter, October 2014

**Reported Cases:**

*In re DeRoche*, 434 F.3d 1188 (9th. Cir. 2006), abrogated by *Travelers Casualty & Surety Co. of America v. Pacific Gas & Electric Co.*, 549 U.S. 443, 127 S.Ct. 1199, 167 L.Ed.2d 178 (2007)

*In re Bliemeister*, 251 B.R. 383 (Bankr. D. AZ. 2000)

**Bankruptcy Law; Creditor's Rights in Bankruptcy**

**SHARON BROOK SHIVELY**

**General Information:** Ms. Shively's practice is in commercial litigation, with an emphasis on issues pertaining to construction, real estate, and insurance coverage. She is responsible for the independent handling, supervision and control of large, complex commercial litigation, arbitration, mediation, and appeals. Her construction clients include owners, contractors, architects, engineers and others related to the construction industry. Ms. Shively is a certified arbitrator for the Commercial and Construction Panels of the American Arbitration Association. Ms. Shively is a Partner with the firm.

**Education:** University of South Florida (B.A., 1973); University of Georgia (M.Ed., 1974; Ed. S., 1975); Arizona State University (J.D., *magna cum laude*, 1983); Order of the Coif; Recipient: Faculty Women's Association Distinguished Achievement Award, 1983; Arizona State University Alumni Association, Outstanding Graduate Award, 1983.

**Honors and Awards:**

*The Best Lawyers in America*® (Construction Law, Construction Litigation), 2007-2016  
Super Lawyers Top 25 Arizona Women: 2013-2015  
Super Lawyers, 2007-2015  
AV-Preeminent® Rating, Martindale-Hubbell®  
Arizona's Finest Lawyers, 2010-present  
Top 100 Lawyers in Arizona, *AzBusiness Magazine*, 2014, 2015  
Top 20 ADR Attorneys, *AzBusiness Magazine*, 2015  
"Top Valley Lawyers" (Construction/Development), *North Valley Magazine*, 2011, 2013

**Professional Activities:**

State Bar of Arizona: Construction Law Section (Past Chair, Executive Council, 2010-2011; Chair, Executive Council, 2009-2010), Trial Practice Section, Alternative Dispute Resolution Section  
American Arbitration Association: Commercial Litigation Panel; Construction Panel  
Fellow, Litigation Counsel of America  
Maricopa County Superior Court, Judge Pro Tem  
Law Clerk to Judge William C. Canby, U.S. Court of Appeals, Ninth Circuit, 1983-1984

**Construction Memberships:**

American Subcontractors Association of Arizona: Member, Attorney Council  
Arizona Builders Alliance  
Arizona Registrar of Contractors Industry Advisory Council

**Community Leadership:**

Arizona Center for Law in the Public Interest: Member and Past President

**Court and Bar Admissions:**

State Bar of Arizona, 1983  
U.S. District Court, District of Arizona, 1983  
U.S. Court of Appeals, Ninth Circuit, 1983

# SacksTierney P.A.

ATTORNEYS

## Articles:

"Arizona Construction Law Practice Manual (2nd Ed. 2011)," Contributing Editor

"Arizona Prompt Payment Law: A Review of Recent Changes," Sacks Tierney newsletter, May 2011

"Challenges to Arizona's Immigration Law Unsuccessful ... So Far," Sacks Tierney newsletter, February 2008

"Arizona's Employer Sanctions Law among the Nation's Toughest," Sacks Tierney newsletter, September 2007

"Waivers of Sovereign Immunity Key to Contracting with Indian Tribes," Southwest Contractor, October 2005

"Women-Owned Businesses Key to Economic Growth," Sacks Tierney newsletter, November 2004

"Administrative Remedies Afforded by the Arizona Registrar of Contractors," Construction Law Practice Manual, State Bar of Arizona, 2003

"Owner's Liability: Liens," Arizona Construction Law, State Bar of Arizona (1994, 1996, 2001 editions)

"Arizona Owners Are Subject to Prompt Pay Requirements," Reeves Journal, August 2000

"Resolving Homeowner Disputes," Scottsdale Magazine, Spring 2000

"Remedies Afforded by the Arizona Registrar of Contractors," Construction Law Practice Manual, State Bar of Arizona, 1998

Also authored articles relating to case law developments for the Associated General Contractors of Arizona, Legal Notes, 1993

"Book Banning in Public Schools: Don't Tinker with Tinker" (comment), 1982 Arizona State Law Journal 939

## Commercial Litigation; Construction Law

# SacksTierney P.A.

ATTORNEYS

## JOSE N. TEZANOS

**General Information:** Jose Tezanos' business law and tax law practice encompasses commercial and public finance, federal and state income tax planning, tax controversy, tax credits and incentives, sales and use tax, franchise tax, severance tax, and business personal property tax.

Jose offers experience to clients in a variety of industries, including state and local government, hospitality, healthcare, manufacturing, retail and real estate.

**Education:** J.D., St. John's University School of Law, 2003  
Bachelor of Accounting, Florida International University, 1999

### **Professional Memberships:**

American Bar Association  
State Bar of Arizona  
New York State Bar Association

### **Bar Admissions:**

Arizona, 2011  
New York, 2004

### **Language Fluency:**

Spanish

### **Community Service:**

Phoenix Art Museum: Men's Arts Council  
Tiempo, Inc.: Board of Directors

**Tax Law; Business and Corporate Law; Commercial and Public Finance**

**DAVID C. TIERNEY**

**General Information:** Mr. Tierney is the senior member of the firm's Commercial Litigation Group. His practice areas include Commercial Litigation and Construction Law. He regularly handles the trial of matters involving large construction projects, internet and software related matters, and real estate and fraud cases. He represents engineering firms, architects, contractors, owners, lenders in these matters. Mr. Tierney teaches Continuing Legal Education courses in the field of Construction Law and is a Construction Law Mediator and a Construction Law Arbitrator for the American Arbitration Association. Mr. Tierney has been an Adjunct Professor at Arizona State University. He is a Partner with the firm.

**Education:** Brandeis University (B.A., 1962); Harvard University (J.D., 1965).

**Honors and Awards:**

Lawyer of the Year – Construction (Phoenix), 2014, The Best Lawyers in America®

AV-Preeminent® Rating, Martindale-Hubbell®

*The Best Lawyers in America*® (Arbitration, Commercial Litigation, Construction Litigation, Mediation, Real Estate Litigation), 2003-2016

Super Lawyers (Construction Litigation), 2007-2014

Super Lawyers Top 50 Lawyers in Arizona, 2009-2012

“Arizona’s Top Lawyers,” *AzBusiness Magazine: Alternative Dispute Resolution*, 2014; Construction Litigation, 2013

“2013 Top Rated Lawyers,” *Commercial Litigation Law, The American Lawyer*

Judge Learned Hand Award (Community Service): American Jewish Committee (Arizona Region), 2011

Fellow, American Bar Foundation

Arizona’s Finest Lawyers, 2010-present

**Professional Activities:**

American Bar Association

State Bar of Arizona: Alternative Dispute Resolution Section, Past Chair; Construction Law Section, Past Chair; Co-Editor, “Construction Law Practice Manual”

American Arbitration Association: Commercial Panel; Construction Panel; Construction Mediation Panel; AAA Construction Advisory Council, Chairman

Maricopa County Bar Association

Law Clerk to Justice Paul C. Reardon, Supreme Judicial Court of Massachusetts, 1965-1966

**Reported Cases:**

Precision Components, Inc. v. Harrison, Harper, Christian & Dichter, P.C., 179 Ariz. 552, 880 P.2d 1098 (Ariz. App. Div. 2, Nov. 4, 1993) (No. 2 CA-CV 93-0239)

Tracy v. Superior Court of Maricopa County, 168 Ariz. 23, 810 P.2d 1030 (Ariz., Apr. 23, 1991) (No. CV90-0407-SA)

Mandraes v. Hungerford, 127 Ariz. 585, 623 P.2d 15 (Ariz., Jan. 9, 1981) (No. 14981)

# SacksTierney P.A.

ATTORNEYS

Greenfield v. Cheek, 122 Ariz. 70, 593 P.2d 293, Blue Sky L. Rep. P71, 440, Fed. Sec. L. Rep, P96,560 (Ariz. App., Sep. 19, 1978) (No. 1 CA-CIV 3785)

Greenfield v. Cheek, 122 Ariz. 57, 593 P.2d 280 (Ariz., Mar. 23, 1979) (No. 14074-PR)

Sundown Imports, Inc. v. Arizona Department of Transportation, Motor Vehicle Division, 115 Ariz. 428, 565 P.2d 1289 (Ariz., App., Mar 14, 1977) (No. 2 CA-CIV 2282)

Application of Collins, 108 Ariz. 310, 497 P.2d 523 (Ariz., Jun. 1, 1972) (No. H-585)

Keams v. Tempe Technical Institute, Inc., 39 F.3d 222, 63 USLW 2285, 95 Ed. Law Rep. 513 (9th Cir. [Ariz.], Oct. 31, 1994) (No.92-16349)

Keams v. Tempe Technical Institute, Inc., 110 F.3d 44 (9th Cir. 1997)

Crawford v. American Institute of Professional Careers, Inc., 934 F.Supp. 335, 112 Ed. Law Rep. 222 (D. Ariz., May 17, 1996) (No. CIV 94-2402 PHX CAM, CIV 96-0646 PHX CAM, CIV 95-0366 PHX CAM)

Keams v. Tempe Technical Institute, Inc., 807 F.Supp. 569, 79 Ed. Law Rep. 846 (D. Ariz., May 4, 1992) (No. CIV 91-0728 PHX RCB)

In re: Residential Resources Mortgage Investments Corp., 98 B.R. 2, Bankr. L. Rep. P 72,723 (Bankr. D. Ariz., Feb. 16, 1989) (No. B-89-0200, 89-53, 'B')

ABC Supply v. Edwards, 232 Ariz. Adv. Rep. 9 (CA 12/17/96)

## Court and Bar Admissions:

Massachusetts, 1965

State Bar of Arizona, 1969

U.S. District Court, District of Arizona, 1969

U.S. Court of Appeals, Ninth Circuit, 1971

U.S. Supreme Court, 1971

## Articles and Presentations:

"Drafting an Effective ADR Clause," State Bar of Arizona, Construction Law Section, November 2013, and ADR Section, May 2014

"Arbitration in Arizona: Changes Have Arrived," March 2013

"Arizona Construction Law Practice Manual (2nd Ed. 2011)," Contributing Editor

"Construction Quality: Do It Right or Pay the Price" (co-editor), [www.doitrightllc.org](http://www.doitrightllc.org), Prentice-Hall, 2011

"Arbitration in Arizona: Changes Are Coming," September 2010

“Arbitration and Mediation ‘Nuts and Bolts’ for Owners and Contractors,” Lorman Education Services, March 2010

“The Law Regarding Indemnity, a Crucial Factor in Control,” Lorman Education Services, March 2009

“Errors and Omissions in Plans and Specifications: Spearin and Kubby Cases,” Lorman Education Services, March 2009

“Overview of New AIA Contract Documents,” Lorman Education Services, March 2009

“Mediation vs. Arbitration – Trends in Alternative Dispute Resolution in Arizona,” Lorman Education Services, March 2009

“Maximizing/Uncovering the Hidden Value in Construction Schedules through Buy-In and Collaboration in Arizona,” Lorman Education Services, December 2008

“The Arizona Mechanics Lien Law and Stop Order Law as Recently Amended: the New Definition of ‘Completion’,” January 2000

“Construction Defect Litigation,” September 2002

“‘Unless and Until’ Clauses: Slow Pay for Subcontractors,” Arizona Contractors Association Almanac, 1989; State Bar Construction Law Section Newsletter, March 1990

“Some Key Changes in the New 2007 AIA Documents,” April 2008

“Controlling the Means of Construction: New Exposure for Architects on Construction Jobs,” Southwest Contractor, January 1985

“Our Prisons: Upside Down & Backwards Priorities,” Tempe Daily News, August 1984

“Alternatives to Incarceration,” Scottsdale Progress Saturday Magazine, January 1980

“Prison Crisis: a Need for Rehabilitative Programs” (co-author), Weekly Gazette Convention Issue, May 1979

“Arizona Corrections: Accomplishments and Unfinished Business” (co-author), Arizona Bar Journal, August 1978

Litigation Manual (contributing editor), Maricopa County Bar Association

**Community Leadership:**

Phoenix Symphony: Board of Overseers

St. Joseph’s Hospital and Medical Center Community Board: Past Chair

# SacksTierney P.A.

ATTORNEYS

Arizona Behavioral Health Corporation: Board of Directors  
Arizona Foundation for Behavioral Health: Board of Directors  
Restorative Justice Resources Coalition, Inc.: Chairman  
Arizona Coalition for Tomorrow: Past President  
Irish American Cultural Institute: Past Chair  
Arizona State University College of Law: Former Adjunct Professor of Construction Law  
Maricopa County Self-Insured Trust Fund: Past Chair, Board of Trustees  
Valley Leadership, Inc.: Past Member, Board of Directors  
Arizona Policy Forum, Vice President, 1998-2006  
Provost's Advisory Committee, ASU West, 1997-2004  
Arizona Prison Industries, Chairman, Board of Trustees, 1981-1987  
Governor's Commission on Computers in Education: Chair, 1984-1985  
Maricopa County Nonpartisan Commission on Trial Court Appointments, 1975-1979  
Peace Corps: Volunteer, 1966-1969

Commercial Litigation; Construction Law

**CHRISTOPHER A. VAN TUYL**

**General Information:** Chris Van Tuyl is a business lawyer who advises clients ranging from start-ups to established businesses. He has significant experience representing public and private clients in a wide variety of corporate and transactional matters, including mergers and acquisitions, debt and equity securities offerings, private placements, venture capital financings, SEC reporting, compliance programs, licensing agreements, commercial contracts, and employment matters.

He has advised clients across a wide range of industries, including pharmaceuticals, health care, technology, banking, manufacturing, paper, timber/forestry, renewable energy and REITs.

Chris brings to the firm's business practice a valuable combination of private practice and in-house experience. After 10 years practicing corporate and securities law at two international law firms in New York and Phoenix, he moved in-house and served at officer-level positions at three multi-billion-dollar public companies. From his experience in-house, Chris has gained an insider's perspective of the internal challenges companies face and how an outside law firm can most effectively add value.

Chris received his law degree from Duke University and graduated summa cum laude from Arizona State University with a degree in Finance and an honors degree from the University Honors College.

**Education:**

Duke University School of Law, J.D., 2000

Arizona State University, summa cum laude, B.S., Finance, 1997: University Honors College; Business Honors Program; Regents Academic Scholar

**Representative Transactions:**

**Mergers & Acquisitions**

Advised a publicly traded timber and performance fibers REIT in its \$7 billion separation into two public companies through a spin-off transaction.

Advised a specialty dermatology company in its \$2.6 billion acquisition by a multi-national specialty pharmaceutical company.

Advised a publicly traded pharmaceutical company in its \$455 million acquisition of a producer of drugs for women's health, asthma and skin treatments.

Advised a global banking technology company in its acquisition of a privately held financial services company for an undisclosed amount.

Represented a privately held biomass energy company in its \$70 million merger with a publicly traded clean energy products and services company.

# SacksTierney P.A.

ATTORNEYS

Represented a family-owned electrical supply company in its \$120 million acquisition by a national home improvement retailer.

Represented a Netherlands paper company in its \$230 million acquisition of a publicly traded protective packaging manufacturer and a \$92 million acquisition of a privately held recycled paper products company.

Represented a publicly traded technology and technical engineering solutions company in three acquisitions totaling \$22 million.

Represented a publicly traded supplier of solar and semiconductor systems in its \$4.6 million asset acquisition of a semiconductor furnace business.

Represented a Norwegian oil and natural gas supplier in a \$44.5 million tender offer of common stock and American Depositary Shares of a publicly traded oil company.

## **Public Securities Offerings**

Represented the lead underwriter in a \$35 million public offering of 9.5% Series A Cumulative Redeemable Preferred Stock by a public REIT that owns and operates offices and labs leased to pharmaceutical, biotechnology and life science companies.

Represented the lead underwriter in a \$22 million public offering of common stock by a restaurant-focused public REIT.

Represented a supplier of solar and semiconductor systems in a \$15 million public offering of common stock and a \$5.3 million private investment of public equity (PIPE) transaction.

Advised a producer of high-value cellulose fiber in a \$550 million public offering of 5.5% Senior Notes and related \$650 in senior secured credit facilities.

Advised a pharmaceutical company in a \$500 million public offering of 1.375% Convertible Senior Notes.

Represented an electronics and IT distribution company in its tender offer for \$300 million in aggregate principal amount of its 2% Convertible Senior Debentures.

## **Private Equity and Venture Capital**

Represented a regional home health care company in a \$47 million investment by two private equity funds.

Represented a global bank in a joint venture with a global private equity investment firm to securitize \$1.3 billion in private equity fund interests.

Represented a technology company in a reverse merger with a Hong Kong-based pharmaceutical company, and a concurrent \$12 million private placement.

# SacksTierney P.A.

ATTORNEYS

Represented a private equity fund that specializes in middle-market manufacturing companies in a \$50 million private placement of limited partnership interests.

Represented an Arizona-based community bank in a \$10 million private offering of common stock.

Represented the placement agent in a \$7.65 million private placement of preferred stock and warrants by a manufacturer of electronic products.

Represented an investment fund in a \$50 million private offering of membership interests for real estate investments in the southwest U.S.

Represented an investment fund in a \$5.5 million private placement of partnership interests for a real estate investment in Arizona.

## **Professional Memberships and Activities**

American Bar Association

State Bar of Arizona: Business Law Section, Securities Regulation Section

New York State Bar Association

Association of Corporate Counsel

Society of Corporate Secretaries

Duke Alumni Association

Duke Clubs of Phoenix and Jacksonville

Advisor, ASU Technopolis and SkySong Innovation Center (2008-2009)

## **Bar and Court Admissions**

New York, 2001

Arizona, 2006

Florida, 2013, Authorized In-House Counsel (Inactive)

## **Presentations**

"SEC and Corporate Governance Developments," 2014

"Ethics & Compliance Programs," 2014

"Reg FD: External Communications with the Investment Community," 2013

“Stock Trading Compliance and Procedures in the Pharmaceutical Business,” 2012

“Executive Compensation: Complying with the SEC’s New Disclosure Rules,” 2006

Various Sarbanes-Oxley CLE seminars, 2002-2003

#### **Community Involvement**

Volunteer Youth Soccer Coach, Jacksonville Football Club, 2013-2015

Volunteer Youth Soccer Coach, Chandler San Tan Soccer Club, 2010-2012

United Way, Corporate Team Leader, 2014

Pro Bono Counsel, Afghan-American Art Museum, 2003-2004

Pro Bono Counsel, Steamers Landing Restaurant (9/11), 2001-2003

Pro Bono Counsel, United Nations, Cluster Munitions Disarmament, 2000-2001

#### **Prior Professional Experience**

Chris spent the first 10 years of his legal career practicing at two international law firms in New York and Phoenix, where he focused on securities law, venture capital financings, M&A and general corporate matters. Chris’s clients included public companies, start-up and emerging growth companies, entrepreneurs, private equity funds and individual investors.

In 2009, Chris left private practice to join Medicis Pharmaceuticals (NYSE: MRX), a specialty dermatology and medical device company in Scottsdale, where he oversaw the Corporate Securities division of the legal department and was instrumental in completing the company’s \$2.6 billion sale in 2012. Chris gained substantial experience in the pharmaceutical and health care industries during his tenure with Medicis.

In 2013, Chris joined Rayonier, Inc. (NYSE: RYN) in Jacksonville, Florida, a publicly traded REIT with forestry, timber and performance fiber operations. Chris served as the Corporate Secretary and Chief Compliance Officer and was directly responsible for managing the company’s board of directors and compliance programs. Chris also oversaw other key corporate and legal functions, including SEC compliance, public disclosures, enterprise risk management (ERM), the company’s intellectual property portfolio, and the corporate contracting process. Chris had a lead role in completing the company’s 2014 separation into two independent publicly traded companies through a \$7 billion spin-off transaction.

Chris later joined Fidelity National Information Services, Inc. (NYSE: FIS), the world’s largest global banking technology company, located in Jacksonville, Florida, where he served as Legal Executive and oversaw securities compliance, M&A, and strategic investments and partnerships in the technology banking industry.

# SacksTierney P.A.

ATTORNEYS

Business & Corporate Law; Equity & Debt Finance; Healthcare Law; Mergers and Acquisitions; Securities Law

## MATTHEW F. WINTER

**General Information:** A native Arizonan, Matt Winter has more than 20 years of experience in counseling the owners of a wide range of closely held companies, financial institutions and not-for-profit entities. His clients in complex business and financial transactions benefit from Matt's litigation experience, which helps him detect contract terms and provisions that, if left uncorrected, could fuel future legal action.

Matt is the chair of the Fiesta Bowl and Cactus Bowl board of directors for 2015-2016. He is also the immediate past chair of Ryan House, which provides respite and palliative care for children with life-threatening conditions and their families.

Matt, his wife and their two young sons live in central Phoenix. He is a youth baseball coach and an avid reader of Civil War history.

**Education:** Arizona State University, J.D., 1991  
University of Arizona, B.S., Business Administration, 1988

### **Professional Memberships:**

American Bar Association  
Maricopa County Bar Association  
Defense Research Institute  
Arizona Association of Defense Counsel

### **Articles:**

"Crowdfunding Signals a New Era in Equity Investment," Sacks Tierney Client Newsletter, February 2014

### **Court and Bar Admissions:**

State Bar of Arizona, 1991  
U.S. District Court, District of Arizona, 1991  
U.S. Court of Appeals, Ninth Circuit, 1991

### **Community Leadership**

Fiesta Bowl and Cactus Bowl: Chair, Board of Directors, 2015-2016  
Luke Air Force Base: Honorary Commander, 56th Fighter Wing, Range Management Office  
Ryan House: Chairman (2012-2015) and Member, Board of Directors

Equity and Debt Finance; Business and Corporate Law; Civil Litigation; Real Estate Law;  
Employment Law

**SAMANTHA N. WINTER**

**General Information:** Samantha Winter advises clients in the area of tax planning.

A summa cum laude, Phi Beta Kappa graduate of Barrett, The Honors College at Arizona State University, Samantha earned her law degree at the University of Notre Dame Law School in 2011. She received an LL.M. in Taxation from the University of San Diego School of Law in 2015.

In addition to her legal work, Samantha is an accomplished singer, having performed the National Anthem at numerous sporting events.

**Education:** LL.M. in Taxation, University of San Diego School of Law, 2015

J.D., University of Notre Dame Law School, 2011

B.A., summa cum laude, Barrett, The Honors College at Arizona State University, 2008: Flinn Scholar, Phi Beta Kappa

**Professional Memberships:**

State Bar of Arizona: Tax Law Section

State Bar of California: Trusts and Estates Section

Ohio State Bar Association

The West Virginia State Bar

Scottsdale Bar Association

**Court and Bar Admissions:**

California, 2015

Arizona, 2014

Ohio, 2012

West Virginia, 2011

U.S. District Court, Northern District of West Virginia, 2013

U.S. District Court, Southern District of West Virginia, 2011

**Tax Law**

## *Section Three.*

 <p><b>PINAL COUNTY</b> <i>wide open opportunity</i></p>	<p align="center"><b>ROQ – 151721</b> <b>Specialty Legal Services</b></p>	<p align="right">Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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### PROFESSIONAL SERVICES CONTRACT

This Contract for Professional Services (the "Contract") is made as of the latest date beneath the executions appearing at the end of the Contract, by and between: **Sacks Tierney P.A.**

("Contractor"), with its principal place of business at (address) **4250 N. Drinkwater Blvd. Ste. 400**  
**AND**  
**Scottsdale, AZ 85251**

Pinal County ("County"), with its principal place of business at **31 North Pinal Street, Florence,**  
**AZ 85132.**

#### SECTION 1. PURPOSE AND SCOPE

- Contractor will furnish to the Customer by this Contract Professional Service(s) listed in the Statement of Work of the ROQ.
- All pricing quoted in Schedule A: Pricing Supplement is valid for the term of the Contract.

#### SECTION 2. TERM

This Contract is effective from the date on which it is executed and will remain in effect for one year with four automatic one year renewal periods unless earlier terminated by mutual Contract of the parties.

#### SECTION 3. PRICING AND PAYMENT TERMS

All pricing and terms associated with this professional service requested are specified on Schedule A of the Supplement.

#### SECTION 4. INSURANCE

Without limiting any of the Contractor's liabilities or other obligations, Contractor shall provide and maintain the insurance coverage listed in Section 7 of the Special Terms and Conditions, as well as the coverage listed below. Such coverage shall remain in full force and effect until obligations under this Contract are satisfied. At a minimum the professional liability insurance shall be kept in force at least two years after final payment to Contractor.

- Professional Liability insurance covering errors and omissions arising out of the work or services performed by Contractor or any such person employed by him with a minimum limit of not less than One Million Dollars each claim.

All insurance shall be maintained with responsible insurance carriers qualified to do business within the State of Arizona.

 <p><b>PINAL COUNTY</b> <i>wide open opportunity</i></p>	<p><b>ROQ – 151721</b> <b>Specialty Legal Services</b></p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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Excepting the worker's compensation coverage, insurance certificates shall endorse Contractor as insured and Customer, its officials, employees and agents as additional insured and shall stipulate that the insurance afforded Contractor shall be primary insurance and that any insurance carried by Customer, its officials, employees or agents shall be excess and not contributory insurance to that provided by Contractor.

Certificates of insurance acceptable to Customer shall be issued to Customer prior to commencement of the Project as evidence that policies providing the required coverages, conditions and limits are in full force and effect. Such certificates shall contain provisions that coverage afforded under the policies will not be canceled, terminated or materially altered until at least thirty (30) days prior written notice is given to the Customer.

#### **SECTION 5. SUBCONTRACTOR INSURANCE**

In addition to insurance coverage required of Contractor, as set forth above, Contractor shall require insurance coverage in the same amounts from its Subcontractors on behalf of the Customer and Subcontractor shall comply with the paragraph entitled "Insurance" above, except certificates of insurance shall be issued and delivered to Customer prior to Subcontractor's performance under this contract.

#### **SECTION 6. INDEMNIFICATION**

In addition to the requirements in Section 6.2 of the Uniform Terms and Conditions, Contractor shall indemnify, defend, save and hold harmless Customer, its officials, employees and agents, from any and all claims, demands, suits, actions, proceedings, loss, costs and damages of every kind and description, including attorney's fees, litigation expenses and/or arbitration expenses, which may be brought or made against or incurred by Customer on account of loss of or damage to any property or for injuries to or death of any person, caused by, arising out of, or contributed to, by reason of any omission, professional error, fault, mistake or negligent act, whether active or passive, of Contractor, its employees, agents or representatives or Subcontractor, their employees, agents or representatives in connection with or incident to the performance of Contractor's employees and/or its Subcontractor's employees, or claims under similar such laws or obligations. Such indemnity shall not be limited by reason of remuneration of any insurance coverage herein provided. Such indemnity shall be required by Contractor from its Subcontractors on behalf of the Customer. Every provision of this indemnification paragraph shall survive the termination of this Contract.

#### **SECTION 7. NOTICE OF CLAIM**

Contractor is required to notify Customer of any claim filed against Contractor or Contractor's insurance company arising from services performed under this Contract within thirty (30) days of such filing.

#### **SECTION 8. CLAIMS/LIMITATION OF ACTION**

No action shall be maintained by Contractor, its successors or assigns, against Customer on any claim based upon or arising out of this Contract or out of anything done in connection with

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<p>ROQ – 151721 Specialty Legal Services</p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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this Contract unless such action shall be commenced within one year of the termination of this Contract.

#### SECTION 9. CANCELLATION OR TERMINATION OF CONTRACT

The County may cancel or terminate this Contract as set forth in Sections 3.6, 3.15, 4.5 and 9 of the Uniform Terms and Conditions.

#### SECTION 10. INCORPORATION OF UNIFORM GENERAL TERMS AND CONDITIONS

The Contractor agrees that the county's Uniform General Terms and Conditions for this ROQ are incorporated herein as if they were recited in full. If the Contractor takes exception to any such Terms and Conditions, such exception is fully explained on Response Form 1 and is subject to acceptance in writing by the County.

#### SECTION 11. DISPUTE RESOLUTION

Any disputes between the Customer and Contractor shall be resolved under the Pinal County Purchasing Code's Contract Dispute Process. In the event of litigation over the performance of this Contract, the prevailing party shall be entitled to attorney's fees and costs incurred during the course of litigation. This Contract shall be governed by the laws of the State of Arizona. In the event of a suit filed by either Contractor or the Customer under this Contract, the venue of such suit shall be the Superior Court of the State of Arizona in and for the County of Pinal, Florence, Arizona.

#### SECTION 12. MISCELLANEOUS

- a) **Assignability.** This contract is non-assignable in whole or in part by either party without the written consent of both parties.
- b) **Authority of Signatory.** The individuals signing this Contract and any supplements, warrant that they have been duly authorized and vested with the power to do so on behalf of their entity.
- c) **Beneficiaries.** This Contract shall inure solely to the benefit of Contractor and Customer, and shall create no rights in any other person or entity.
- d) **Comparable Treatment.** All of the prices, terms, warranties and benefits granted by Contractor herein are comparable to or better than the equivalent terms being offered by Contractor to any similar situated customer.
- e) **Exhibits, Plats, Riders and Addenda.** All plats, riders, exhibits or addenda, if any, affixed to the Contract are a part hereof.
- f) **Force Majeure.** Neither party shall be deemed in default for any delay or failure to have fulfilled its obligations under this Contract due to causes beyond its control.

 <p><b>PINAL COUNTY</b> <i>wide open opportunity</i></p>	<p style="text-align: center;"><b>ROQ – 151721</b> <b>Specialty Legal Services</b></p>	<p style="text-align: right;">Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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- g) **General Compliance with Laws.** Contractor is required to comply with all applicable federal and state laws and local ordinances and regulations.
- h) **Headings.** The headings for each paragraph of this Contract are for convenience and reference purposes only and in no way define, limit or describe the scope or intent of said paragraphs or of this Contract nor in any way affect this Contract.
- i) **Incorporation of Documents.** All documents referred to in this Contract are hereby incorporated by reference into the Contract.
- j) **Independent Contractor.** Contractor acknowledges that it is an independent Contractor; that it alone retains control of the manner of conducting its activities in furtherance of the Contract; that it as well as any persons or agents as it may employ are not employees of the Customer; and that neither this Contract, nor the administration thereof, shall operate to render or deem either party hereto the agent or employee of the other.
- k) **Retention of Records.** The Contractor and any Subcontractor shall keep and maintain all records related to the Contract as set forth in Section 3.2 of the Uniform Terms and Conditions.
- l) **Severability.** If any part of the Contract shall be adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect or nullify the remainder of the Contract.
- m) **Survival.** Not as a waiver of any remedies either party may be entitled to under this Contract, the "Indemnification", "Retention of Records", and "Dispute Resolution" provisions will survive the termination of the Contract.
- n) **Time of Essence.** Under the authority of the Contract, both parties understand that time is of the essence.
- o) **Waiver.** Waiver of any of the terms of this Contract shall not be valid unless it is in writing and signed by all parties. The failure of either party to enforce the provisions of this Contract or require performance by opponent of any of the provisions shall not be construed as a waiver of such provisions or affect the right of either party to thereafter enforce the provisions of the Contract. Waiver of any breach of the Contract shall not be held to be a waiver of any other or subsequent breach of the Contract.
- p) **Governing Law.** This Contract shall be governed by and construed in accordance with the laws of the State of Arizona as further described in Section 5-1 and 5-2 of the Uniform General Terms and Conditions.



ROQ – 151721  
Specialty Legal Services

Pinal County  
Finance Department  
31 N. Pinal St.  
Bldg. A  
P.O. Box 1348  
Florence, AZ 85132

**MODIFICATIONS** to this Contract shall be in writing and signed by both parties.

**IN WITNESS WHEREOF**, the parties have executed this Contract for Professional Services as of the 28 day of MARCH, 2016.

**CONTRACTOR**

~~Sacks Tierney P.A.~~

By: \_\_\_\_\_

Title: Stephen Aron Benson, Partner

Date: 3/28/16

**PINAL COUNTY**

\_\_\_\_\_  
Todd House, Chairman  
Board of Supervisors

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Sheri Cluff  
Clerk of the Board

**Approved as to Form:**

\_\_\_\_\_  
Chris Keller, Deputy County Attorney

 PINAL COUNTY <i>wide open opportunity</i>	ROQ – 151721 Specialty Legal Services	Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132
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## SCHEDULE A: PRICING SUPPLEMENT

The hourly rate of \$ See attachment will be the rate for all authorized and approved Specialty Legal Services under this contract. This rate will include all costs associated with these services. (NOTE: Respondent may provide a table of costs based on expertise of employee i.e. Senior Partner, Partner, Senior Associate or Of Counsel, Associate, Paralegal, Administrative Support.)

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	Grad Date	Yrs of Experience	ID	Billing #	2016 Rate Effective 2/1/16	Discount Rate	%
<b>SENIOR SHAREHOLDERS (16+ Yrs)</b>							
Tierney, David C.	1965	51	DCT	2	450.00	382.50	85.0%
Lenn, Stephen A.	1970	46	SAL	136	450.00	382.50	85.0%
Benson, Stephen Aron	1973	43	SAB	5	450.00	382.50	85.0%
Hebert, John J.	1973	43	JJH	160	675.00	573.75	85.0%
Rooney, Michael R.	1974	42	MRR	6	450.00	382.50	85.0%
Leonard, Jeffrey S.	1974	42	JSL	106	450.00	382.50	85.0%
Kimball, Robert G.	1977	39	RGK	411	450.00	382.50	85.0%
Jackim, Janet	1978	38	JEJ	154	365.00	310.25	85.0%
Shively, Sharon B.	1983	33	SBS	20	440.00	374.00	85.0%
Ditsch, Brian E.	1983	33	BED	69	410.00	348.50	85.0%
Armstrong, James W.	1984	32	JWA	21	415.00	352.75	85.0%
Goldstein, Steven M.	1986	30	SMG	29	425.00	361.25	85.0%
Gould, Gaye L.	1986	30	GLG	35	350.00	297.50	85.0%
Dworkin, Judith M.	1986	30	JMD	51	425.00	361.25	85.0%
Moyer, Sharon S.	1987	29	SSM	52	410.00	348.50	85.0%
Holden, Helen R.	1990	26	HRH	144	360.00	306.00	85.0%
Winter, Matthew F.	1991	25	MFW	151	365.00	310.25	85.0%
Rudd, Philip R.	1991	25	PRR	161	450.00	382.50	85.0%
Merrett, André H.	1994	22	AHM	149	375.00	318.75	85.0%
Beeghley, Steven R.	1996	20	SRB	90	365.00	310.25	85.0%
Van Tuyl, Chris	2000	16	CVT	159	365.00	310.25	85.0%
<b>SHAREHOLDERS (10-16 Yrs)</b>							
Meaker, Matthew B.	2003	13	MBM	147	345.00	293.25	85.0%
Gottfredson, Bryan J.	2006	10	BIG	141	330.00	280.50	85.0%
<b>SENIOR ASSOCIATES (5-10 Yrs)</b>							
Samuelson, James S.	1996	20	JSS	152	315.00	267.75	85.0%
Ferguson-Bohnee, Pat	2001	15	PF	95	265.00	225.25	85.0%
Gallagher, Roxann S.	2002	14	RSG	137	355.00	301.75	85.0%
Tezanos, Jose N.	2003	13	JNT	156	340.00	289.00	85.0%
Ray, Wesley D.	2008	8	WDR	162	320.00	272.00	85.0%
Hiller, Evan F.	2010	6	EFH	163	275.00	233.75	85.0%
<b>ASSOCIATES (0-5 Yrs)</b>							
Aiken, Ellen K.	2011	5	EKA	148	235.00	199.75	85.0%
Winter, Samantha	2011	5	SNW	158	260.00	221.00	85.0%
Harris, Michael J.	2014	2	MJH	157	230.00	195.50	85.0%
<b>PARALEGALS</b>							
Chester, Jessica			JC	820	170.00	144.50	85.0%
Clark, Kathy			KC	982	210.00	178.50	85.0%
Ensslin, Susan			SE	934	170.00	144.50	85.0%
Velic, Taiba A.			TAV	943	170.00	144.50	85.0%
Wojtczak, Barbara			BW	946	170.00	144.50	85.0%
<b>LEGAL ASSISTANTS</b>							
Chapa, Mary			MC	756	150.00	127.50	85.0%
Cooper, Toni			TC	768	120.00	102.00	85.0%
Miranda, Silvia			SM	774	120.00	102.00	85.0%
Misquez, Cathie			CM	757	150.00	127.50	85.0%
Nielsen, Pat			PCN	701	120.00	102.00	85.0%
Urias, Rebecca			RU	809	120.00	102.00	85.0%



March 16, 2016

Sacks Tierney P.A.  
4250 N. Drinkwater Blvd.  
4th Floor  
Scottsdale, AZ 85251

RE: **Professional Liability Insurance**  
**Policy Period: 12:01 a.m. March 11, 2016 to 12:01 a.m. March 11, 2017**

Dear Gary:

The following carriers are on your professional liability insurance.

**Primary**

Brit (Lloyd's Synd.)  
Swiss Re Intl. SE  
Ace (Lloyd's Synd.)  
Beazley (Lloyd's Synd.)  
Nautilus (Berkley Select)  
Ren Re (Lloyd's Synd.)

Limit: \$5,000,000 per claim / \$5,000,000 aggregate

Sincerely,

Chester D. White  
Vice President





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/24/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> CopperPoint Insurance Companies 3030 N. 3rd Street  Phoenix AZ 85012-3068	<b>CONTACT NAME:</b> CopperPoint Insurance Companies	
	<b>PHONE (A/C, No, Ext):</b> 602.631.2300 or 866.284.2694	<b>FAX (A/C, No):</b> 602.631.2599
<b>E-MAIL ADDRESS:</b>		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
<b>INSURER A:</b> CopperPoint General Insurance Company		13043
<b>INSURER B:</b>		
<b>INSURER C:</b>		
<b>INSURER D:</b>		
<b>INSURER E:</b>		
<b>INSURER F:</b>		

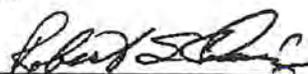
**COVERAGES** **CERTIFICATE NUMBER: 127** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$	
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$	
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$	
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	1012069	01/01/2016	01/01/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000	

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
 Job #: ROQ-151721 Location: Pinal County  
 8820-LAW OFFICE-ALL EMP-CLERICAL-MSNGR

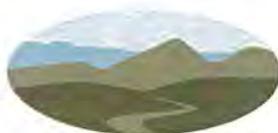
**CERTIFICATE HOLDER** **CANCELLATION**

Pinal County ATTN: Lorina Gillette, CPPB 31 N Pinal St. Bldg. A PO BOX 1348 Florence AZ 85132	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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LETTER OF INTEREST  
FOR  
SPECIALTY LEGAL SERVICES  
ROQ-151721

PREPARED FOR  
PINAL COUNTY  
FINANCE DEPARTMENT



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March 28, 2016

Sacks Tierney P.A.  
ATTORNEYS



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Sacks Tierney P.A.  
(ROQ-151721)

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## HISTORY AND ORGANIZATION

Sacks Tierney was founded by two Harvard Law School graduates, Seymour Sacks and Jay Dushoff, in 1960. Another Harvard graduate, David Tierney, arrived a few years later. A detailed description of the Firm's early history can be found on our website. Since that time, the Firm has distinguished itself through cause-related volunteerism, by pioneering legal solutions of special value to our clients, and by offering legal services competitive with much larger firms at value-based pricing.

We are a full-service law firm with notable practice areas in virtually every area of the law, including without limitation, Indian law, business and corporate law, banking law and regulation, commercial and public finance, equity finance, real estate law, tax law, civil litigation, appeals, alternative dispute resolution, bankruptcy, reorganization and creditors' rights, construction law, labor and employment law, estate planning, healthcare law, intellectual property, education law, and water and natural resources law. Please see our website, [www.sackstierney.com](http://www.sackstierney.com), for more complete descriptions of our numerous practice areas and affiliated attorneys. In addition to many other awards earned by the Firm and our practitioners, for the fifth consecutive year Sacks Tierney has received Ranking Arizona's first place ranking among Arizona law firms having 21-50 attorneys (we currently have 34). We are particularly proud of this honor because the survey is open to the public which makes the top ranking representative of both our reputation and our clients' satisfaction.

Sacks Tierney has a single office located in Scottsdale, Arizona:  
4250 N. Drinkwater Blvd.  
4th Floor  
Scottsdale, AZ 85251

AREAS OF FIRM PRACTICE

- **Administrative and Constitutional Law.** Many of our attorneys have had substantial roles in the governmental process, including holding elective offices and executive positions, serving on governmental boards and agencies, lobbying, acting as campaign officials and advisers for governmental officials, and performing other governmental relations work. In addition, we have had extensive experience (both in the judicial and regulatory contexts) in dealing with administrative agencies at all levels of government. We have established a Governmental Relations Group to bring a coordinated and broad-based perspective to governmental problems affecting the firm's clients, both public and private.
- **Affiliated Entities.** Our business practice is marked by its diversity and depth. We provide a full range of transactional legal services, including the structuring of business entities, financings, mergers, acquisitions, leveraged buy-outs, business restructurings, labor and employment law, product development and distribution agreements and tax counseling.
- **Appeals.** During the firm's 50-year history, Sacks Tierney's appellate lawyers have honed the art of appellate advocacy through dozens of arguments before the Arizona Court of skilled in the presentation of legal issues and arguments supporting our clients' positions in high-stakes controversy.
- **Bankruptcy.** Our bankruptcy attorneys represent business creditors, debtors, creditors' committees and trustees in workouts, bankruptcy, insolvency and reorganization matters. Our major clients include secured creditors, such as financial institutions and mortgage lenders; unsecured creditors, such as lessors, vendors and health care providers; equity holders; institutions involved in post-petition debtor-in-possession financing; and parties interested in acquiring stock or assets of a financially troubled company. We have successfully represented a number of partnership, LLC, corporate, and high-income individual debtors in reorganizations related to real estate, wireless communication, health care, transportation and high technology industries. We have also represented venture capital and investor clients interested in purchasing assets from bankruptcy estates. Our representation is all-encompassing, from negotiating the transaction to representing our clients' interests at public auctions. The scope of our bankruptcy, reorganization and creditors' rights practice includes all transactional, trial and appellate work for matters throughout Arizona, in the District Court of Arizona, the U.S. Bankruptcy Appellate Panel for the Ninth Circuit, and the Ninth Circuit Court of Appeals. Scott Cohen has also been licensed in the State of California since 1994. He is admitted in every federal district court in California and can assist clients in California bankruptcy courts.
- **Business & Corporate Law.** Known for its diversity and depth, Sacks Tierney's Business and Corporate Law group offers a full range of legal services for your privately owned company. Identifying closely with your entrepreneurial attitude, we press hard and creatively to achieve your business goals in the creation and structuring of business

entities, as well as private offerings, mergers, acquisitions and other transactions. We try to cultivate a close counselor-client relationship that transcends the routine delivery of legal services. When you face your most exciting business opportunities or most challenging problems, you can count on us to be there to guide you through those critical times.

- **Commercial and Public Finance.** Our clients value our experience and skill in devising creative financing solutions for their capital challenges. Sacks Tierney is a nationally recognized public finance firm, listed in The Bond Buyer's Municipal Marketplace® (the "Red Book"). We represent a broad range of clients on transactions involving taxable or tax-exempt bonds, certificates of participation, tax credits, loans, leases and other complex capital financing mechanisms. Our finance attorneys have been engaged on governmental and economic development projects on behalf of state, local and tribal governments, special purpose issuers, lenders, investors and private entities totaling over a billion dollars. In public debt offerings, private placements and commercial transactions, Sacks Tierney offers comprehensive legal services in the role of:

- bond counsel
- underwriter's counsel
- lender's counsel
- borrower's counsel
- trustee's counsel and issuer's counsel.

- **Contract and Procurement.** The firm regularly engages in the negotiation of contracts and handles litigation involving contract issues.

- **Discrimination Issues.** Our employment law group has experience with a wide array of employment issues, both in resolving and litigating employment disputes and in the use of "preventive law" to help employers avoid those disputes.

We help clients adopt and revise employee manuals and policies covering issues such as drug testing, electronic communications, AIDS, and privacy issues. We also assist business owners and human resource managers by guiding them through issues regarding hiring practices, employee reviews, discipline, compensation, overtime, and terminations.

Even the most effective prevention measures cannot totally inoculate employers from controversy, disputes and litigation. When employment disputes arise, we aggressively represent and protect employers in resolving and litigating employee claims, including:

- claims of wrongful termination, sexual harassment, etc.;

- proceedings before the Equal Employment Opportunity Commission or the Civil Rights Division of the Arizona Attorney General's Office;
  - proceedings before other regulatory bodies that govern employment matters, such as the U.S. Department of Labor, OSHA, AOSA and NLRB; and
  - employment claims related to state and federal legislation, such as the Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Title VII of the Civil Rights Act, Pregnancy Discrimination Act, Fair Labor Standards Act, Family Medical Leave Act, Employee Polygraph Protection Act, Arizona's wage statute, and the Arizona Employment Protection Act.
- **Dispute Resolution.** In addition to serving on some of AAA's most sought-after arbitration panels, Sacks Tierney attorneys regularly appear as advocates in arbitrations (or mediations) under AAA rules, or in State Court arbitrations convened under an arbitration agreement.
- **Eminent Domain.** We are experienced in representing landowners and government entities in eminent domain litigation.
- **Employment Law.** Our employment law group has experience with a wide array of employment issues, both in resolving and litigating employment disputes and in the use of "preventive law" to help employers avoid those disputes.
- **Engineering, Architectural and Construction Law.** This practice group is headed by the former Chairman of the Construction Law Section of the State Bar of Arizona, and has extensive experience in construction contracting and dispute resolution. We handle contract formation, on-site disputes, lien work and arbitration and litigation of major construction disputes. Our clients include owners, developers, architects, general contractors, subcontractors and materialmen. Our attorneys in this area blend legal knowledge with the practical experience that is essential to work effectively in this particular field.
- **Environmental Issues.** Our attorneys handle negotiations, litigation, lobbying, and strategic planning related to groundwater, surface water, effluent and Central Arizona Project water. We have represented municipalities, tribes, developers, the State of Arizona, and the Central Arizona Water Conservation District in water-related matters.

In addition, we have experience in instate and interstate apportionment of water resources, and resolution of environmental issues associated with the:

- Arizona's Groundwater Management Act
- Arizona's Water Quality Act
- National Environmental Policy Act (NEPA)

- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund
- Resource Conservation and Recovery Act (RCRA)
- Clean Water Act
- Clean Air Act, and the Endangered Species Act.

Members of this practice group have represented water and energy utilities before the Arizona Corporation Commission and frequently practice in administrative proceedings; state, tribal and federal courts; and arbitrations and mediations. In addition, we prepared the legal opinion for the State of Arizona on the Law of the Colorado River.

- **Equity and Debt Finance.** Sacks Tierney business and finance attorneys help growing Arizona companies achieve greater liquidity and attract needed capital to fuel their operations and expansion, from both equity and debt investors and commercial lenders. Our knowledge of capital formation and federal and state securities laws and regulations, combined with our contacts within the banking industry in Arizona, regionally and nationally, makes us a valuable legal resource and ally for business owners striving to lead their company to the next level.
- **Federal and State Administrative Agency Matters.** The firm practices regularly before a number of federal and state agencies, including the United States Department of Education, Environmental Protection Agency, and Bureau of Indian Affairs, and the Arizona Corporation Commission, Department of Real Estate, Insurance Department, Department of Water Resources, Department of Transportation, Board for Private and Post-Secondary Education, and others.
- **General Civil Litigation.** We represent both sides of the bar – plaintiffs and defendants alike – depending on the needs of our clients and the circumstances of the case. While we approach every dispute with a strategy for out-of-court resolution, we do not pursue settlement when no real hope for settlement exists. Our litigation practice represents commercial clients in all phases of litigation, from federal to local courts. We regularly handle contested matters from the simplest breach of contract to complex, multiple-party litigation. Our attorneys litigate matters in all federal courts, primarily in the District of Arizona. We handle appeals from state and federal court alike, and our attorneys have appeared of record in numerous noteworthy decisions in virtually every jurisdiction. The firm is involved in numerous administrative trials and hearings as well as any needed judicial review as a result of any such matter. We have appeared as counsel in licensing hearings, revocation hearings, and hearings of all kinds before most of the administrative bodies in Arizona. We regularly serve as advocates in American Arbitration Association proceedings and arbitrations under state statutes, many involving construction or commercial matters.

- **General Higher Education.** For a quarter of a century, we have represented owners of private post-secondary career schools in a wide variety of legal issues, including state and federal regulation, accreditation, and student issues. Sacks Tierney guides our post-secondary school clients in a wide variety of business issues, including those relating to employment law, creditor reorganization, contracts and the purchase and sale of private schools. Sacks Tierney attorneys have served on the State Board for Private Post-Secondary Education, and several state agencies that regulate the private school industry.
- **Intellectual Property.** Sacks Tierney's attorneys meet the growing needs of Arizona's knowledge-based economy. Our intellectual property practice encompasses both transactions and litigation, including the registration and protection of: trademarks, copyrights and trade names. In addition, our intellectual property attorneys advise clients on the laws affecting Internet and other e-commerce businesses, as well as the protection of trade secrets, the enforcement of unfair competition claims, and the licensing or other transfer of intellectual property rights.
- **Labor Law and Personnel Issues.** We have long-standing experience in the area of employment law, including state and federal fair employment laws, labor-management matters and civil rights laws. We have represented both management and employees in numerous employment discrimination cases, employment terminations and other adversarial matters. As the law of employee relations has become increasingly complex in recent years, we have emphasized the use of "preventive law" in this area, by assisting clients in adopting and revising firm policies and manuals covering employment issues generally, as well as special problems such as drug testing, polygraph examinations and AIDS.
- **Loan Workouts and Problem Asset Resolution.** Sacks Tierney's Loan Workout group brings together decades of experience and instinct in commercial and residential real estate, real estate litigation, bankruptcy, commercial litigation, business transactions, banking and corporate finance. Our attorneys are poised to assist troubled borrowers, lenders, and business and property owners. Our clients benefit from our depth of knowledge and responsiveness in a variety of critical legal areas, including:
  - bankruptcy and restructuring
  - commercial foreclosure
  - personal guarantees
  - professional negligence
  - director and officer liability
  - shareholder disputes title and escrow litigation

- **Real Estate Transactions.** Real estate law has long been a major emphasis of our firm. Over the years, we have developed a sophisticated and full-service real estate practice. We handle all aspects of commercial real estate, including acquisitions and dispositions of improved and unimproved real property, environmental assessments, zoning and land use planning, architectural, engineering, and construction contracting, development, homebuilding, leasing of retail, industrial and office space, and related financing transactions and partnership and joint venture formations. We also have extensive experience with lease arrangements on behalf of public sector clients, in particular commercial office space.
  
- **Taxation.** We advise clients on a wide range of tax issues, from tax planning in transactions to tax exempt qualification for nonprofit organizations. We offer a thorough knowledge of business structures, such as corporations, limited liability companies, partnerships and other unincorporated entities. Matters on which we typically assist clients include taxation of real estate transactions; partnership and limited liability company taxation; corporate taxation; tax matters in the sale of a business; federal gift and estate tax planning and compliance; income, gift and estate tax aspects of business succession planning; tax-exempt organizations, including tax-exempt health care organizations; and matters of state and local taxation.

**ATTORNEY BACKGROUND AND EXPERTISE/RESUMES**

**JAMES W. ARMSTRONG**

**General Information:** Mr. Armstrong's practice is in the area of general commercial litigation, with an emphasis on appeals and intellectual property issues. He has significant experience in the protection and registration of federal trademarks and copyrights, as well as health care confidentiality and consent issues. Mr. Armstrong is a Partner with the firm.

**Education:** Arizona State University (B.A., *summa cum laude*, 1980); University of Chicago (J.D., 1984); Phi Beta Kappa; Phi Kappa Phi.

**Professional Activities:**

State Bar of Arizona: Intellectual Property Section,  
Appellate Practice Section  
Maricopa County Bar Association

**Court and Bar Admissions:**

U.S. Court of Appeals (Fifth, Ninth and Eleventh Circuits), 1990  
State Bar of Arizona, 1984

**Reported Cases:**

*Harris Trust Bank of Arizona v. Superior Court*, 188 Ariz. 159, 933 P.2d 1227 (App. 1996)

*In re Bowen*, 198 B.R. 551 (9th Cir. Bankr. 1996)

*Sabelko v. City of Phoenix*, 68 F.3d 1169 (9th Cir. 1995)

*Waste Mfg. & Leasing Corp. v. Hambicki*, 900 P.2d 1220 (Ariz. App. 1994)

*Hunter Distributing Co. v. Pure Beverage Partners*, 820 F.Supp. 284 (N.D. Miss. 1993)

*Estate of Ellingson v. Commissioner*, 964 F.2d 959 (9th Cir. 1992)

Commercial & Civil Litigation; Trademarks Law; Copyright Law; Appeals

**STEVEN R. BEEGHLEY**

**General Information:** Steve Beeghley focuses his law practice on construction law, civil litigation, loan workouts and representing employers in employment law disputes involving non-compete and other restrictive covenants.

In the community, Steve is a life member of the Fiesta Bowl Committee and Executive Council 70, a member of the Board of Directors of the Boys & Girls Clubs of Metropolitan Phoenix and the Board of Trustees of the Maricopa County Self-Insured Trust Fund.

Steve and his wife are the parents of twins (a boy and a girl), and in his spare time he is an avid golfer. He is a Partner with the firm.

**Education:** University of Arizona (B.S.B.A., 1993); University of Houston Law Center (J.D., 1996).

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

**Professional Activities:**

State Bar of Arizona: Construction Law Section

**Court and Bar Admissions:**

State Bar of Arizona, 1996

U.S. District Court, District of Arizona, 1996

**Community Leadership:**

Boys & Girls Clubs of Metropolitan Phoenix: Board of Directors

Fiesta Bowl Committee: Life Member

Maricopa County Self-Insured Trust Fund: Member, Board of Trustees

Executive Council 70: Life Member

**Commercial Litigation; Construction Law; Employment Law**

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## STEPHEN ARON BENSON

**General Information:** As head of the firm's Real Estate Group, Mr. Benson has an established base of experience in a wide range of real estate matters. His practice includes acquisitions and dispositions of unimproved and improved property, financing, hotel and shopping center development, leasing and other real estate issues. Mr. Benson is a Partner with the firm.

**Education:** University of Delaware (B.A., *with high honors*, 1969); Georgetown University (J.D., 1973); Phi Beta Kappa; Phi Kappa Phi.

### **Honors and Recognition:**

AV-Preeminent® Rating, Martindale-Hubbell®

*The Best Lawyers in America*® (Real Estate Law), 2008-2016

Super Lawyers (Real Estate Law), 2009-2015

Arizona's Finest Lawyers®, 2010-present

"2013 Top Rated Lawyers," Real Estate Law, *The American Lawyer*

Super Lawyers: Corporate Counsel Edition (Real Estate), May/June 2010

Arizona Business Magazine: Top Lawyers List, April 2011

AZ RE Magazine: Top People to Know in Commercial Real Estate, 2009, 2010

### **Court and Bar Admissions:**

State Bar of Arizona, 1976

The District of Columbia Bar, 1974

Maryland State Bar Association, 1973

### **Articles:**

"New Law Limits HOA Power to Restrict Renting," Sacks Tierney Client Newsletter, July 2015

"The Last Word: Arizona Supreme Court Confirms that Fair Market Value Protection Cannot Be Waived," Sacks Tierney Client Newsletter, March 2015

"The Unexpected 'Vendee's Lien,'" Sacks Tierney Client Newsletter, October 2014

"Fiduciary Duty in an Arizona LLC," Sacks Tierney Client Newsletter, April 2014

"Arizona Anti-Deficiency Protection Is Not Available for Vacant Land," January 2014

"Borrowers Cannot Waive Fair Market Value Protections, Court Rules," September 2013

"Solvency Covenants in Non-Recourse Loans on Shaky Ground?" June 2013

"Signature Requirements in an Arizona Real Estate Commission Agreement," October 2012

"Is an Estate Tax Hike in Your Future?" August 2012

"Refinancing, Construction and Arizona's Anti-Deficiency Laws" (co-author), May 2012

"Medical Marijuana Dispensary Update," April 2012

"Equitable Subrogation in a Down Real Estate Market," April 2012

"Medical Marijuana in Arizona: The Dispensary Application Process" (co-author), September 2011

"Arizona Court Ruling Could Weaken the Centuries-Old Merger Doctrine" (co-author), August 2011

"Medical Marijuana Act Raises Thorny Challenges for Commercial Landlords" (co-author), June 2011

"A New Source of Concern for Foreclosing Lenders?" May 2011

"The 'Medicare Tax,'" February 2011

"Due Diligence Periods and the Enforceability of Purchase Contracts," (co-author) May 2010

"Supreme Court Resolves Key Issue in CityNorth Controversy," April 2010

"'Bad Boy' Provisions in Commercial Real Estate Transactions," January 2010

"The Protecting Tenants at Foreclosure Act: Changing the Rules of the Game," July 2009

"Defeasance," October 2007

"Potential Pitfall in Non-Recourse Loans," June 2004

"Effect of 'As Is' Clauses in Real Property Purchase and Sale Agreements," October 2001

**Community Leadership:**

Town of Paradise Valley, Arizona: Town Council Member, 2000-2004; Planning Commission, 1996-2000

Scottsdale Chamber of Commerce: Public Policy Committee

Ronald McDonald Foundation

**Real Estate Law; Real Estate Planning Law; Secured Transactions**

**BRIAN E. DITSCH**

**General Information:** Mr. Ditsch is a member of the firm's Litigation Group, his practice includes the prosecution and defense of claims in commercial disputes before state and federal courts, at both the trial and appellate levels. He also provides general commercial representation of business clients in diverse industries, including retail automotive sales, advertising, and watercraft and trailer manufacturing. Mr. Ditsch is a Partner with the firm.

**Education:** Indiana University (A.B., *with high distinction*, 1980); University of Virginia (J.D., 1983). Phi Beta Kappa.

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

**Court and Bar Admissions:**

State Bar of Arizona, 1983

U.S. Court of Appeals, Ninth Circuit, 1984

U.S. District Court, District of Arizona, 1984

Commercial Litigation Law; Uniform Commercial Code

**JUDITH M. DWORKIN**

**General Information:** Ms. Dworkin devotes the majority of her time to the representation of economic development efforts by Indian tribes and has broad expertise in Indian law issues. Judy is admitted to the Navajo Nation Bar and has practiced before the Courts of the Tohono O'odham Nation, Gila River Indian Community, Hopi Tribe, Hualapai Tribe, San Carlos Apache Tribe and Navajo Nation.

Ms. Dworkin frequently lectures and writes articles on issues in Indian law and business development. She is an Appellate Justice of the Salt River Pima-Maricopa Indian Community Council Court and has served as a judge pro tem for the Tohono O'odham Nation and a special judge to the Fallon-Paiute Shoshone Tribe in Nevada as well as a Solicitor to the Hualapai Tribe.

In addition to her Indian Law practice, she has spent a great deal of her career focused on water rights and has taught Water Law and Natural Resources Law at the Arizona State University Sandra Day O'Connor College of Law. Ms. Dworkin is a Partner with the firm.

**Education:** Clark University, (A.M., 1975; Ph.D., 1978); Arizona State University (J.D., *cum laude*, 1986).

**Honors and Awards:**

*The Best Lawyers in America*<sup>®</sup> (Native American Law and Water Law), 2009-2016

Super Lawyers (Native American Law), 2014-2015

AV-Preeminent<sup>®</sup> Rating, Martindale-Hubbell<sup>®</sup>

Fellow, American Bar Foundation

Top 100 Lawyers in Arizona, *AzBusiness* Magazine, 2013-2015

Az Business Leaders (Environmental Law), 2015

50 Most Influential Women in Business, *AzBusiness* Magazine, 2013

Arizona's Finest Lawyers, 2010-present

Arizona State University College of Law Award for Outstanding Alumna for Class of 1986, September 2011

Recipient, President's Medal for Social Embeddedness, Arizona State University, 2009, in recognition of the Arizona Native Vote – Election Protection Project

**Professional Activities:**

American Bar Association

Appellate Justice, Salt River Pima-Maricopa Indian Community Council Court, 2015-2019

Solicitor, Hualapai Judiciary, Hualapai Indian Tribe

Judge Pro Tem, Tribal Court of the Tohono O'odham Nation, 1995-1999

Law Clerk to Judge William C. Canby, Jr., U.S. Court of Appeals, Ninth Circuit, 1986-1987

**Court and Bar Admissions:**

U.S. Supreme Court, 2009

Bar of the Navajo Nation, 1995

U.S. District Court, District of Arizona, 1986

U.S. Court of Appeals, Ninth Circuit, 1986

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State Bar of Arizona, 1986

Southwest Intertribal Court of Appeals

Courts of the Hualapai and Hopi Tribes and the Tohono O'odham Nation

## Community Leadership:

DNA Peoples Legal Services: Member, Board of Directors, June 2011-present

Arizona State University: Adjunct Professor, 1986-present

Arizona State University Advisory Committee, Indian Legal Program, 2006-present

Arizona Native American Economic Coalition: Board Member, 1995-1997; Conference Chair, Annual Tribal Economic Summit, 1996

University of Arizona, Department of Hydrology and Water Resources: Assistant Professor, 1978-1983

## Articles:

"Tribes and Cannabis," Sacks Tierney Client Newsletter, July 2015

"Examination of the Phoenix Regional Water Supply for Sustainable Yield and Carrying Capacity" (with Jan C. Bush, Subhrajit Guhathakurta and John L. Keane), Natural Resources Journal, Fall 2006

"Waivers of Sovereign Immunity Key to Contracting with Indian Tribes," Southwest Contractor, 2005

"Doing Business With Our Neighbor: The Salt River Pima-Maricopa Indian Community"

"Treatment of Indian Tribes Under Federal Environmental Statutes," Indian Law in Arizona, 1995

"Tribal Economic Developments: Some Legal Ramifications of Organizational Form" (with C. Peter Delgado, Jr.), The Arrow, June 1995

"Plaintiffs' Expanding Concepts of Compensation and the Courts' Responses" (with Janet E. Kornblatt), Gonzaga Law Review, 1994/95

"Tribal Claims to Arizona's Appropriable Waters," Forum, Fall 1988

"Comment: Private Parties' Rights to Recover Losses from Groundwater Contamination in Arizona," Arizona State Law Journal, 1985

## Presentations:

"Tribes and Cannabis," The Seminar Group, Seattle, July 2015 | Related Article

"Getting Deals Done: Case Study of Common Issues in a Construction Contract," Tribal Economic Development in the Southwest, April 2015

“Indian Tribes Within the Federal System of Government,” U.S. Consulate, Chengdu, Sichuan Province, May 2014

“The Legal Complexity of Management of Water Resources in the United States,” Sichuan University, May 2014

“The Colorado River: Converting a Natural Menace into a National Resource and Learning to Manage the Resource,” Sichuan University, May 2014

“Government Ethics in Funding & Procurement,” Navajo Law Seminar, March 2013

“Doing Business in Indian Country,” NALS of Phoenix, March 2013

“Indian Law 101,” National Business Institute Teleconference, January 2012

“Indian Water Rights: Relevant Case Law,” Indian Water Law Conference, Arizona State University, October 2011

“Groundwater Management in Arizona,” presented at the Annual Meeting, Association of American Geographers, April 1988

Indian Law; Environmental/Natural Resources; Water Law

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## PATTY A. FERGUSON-BOHNEE

**General Information:** Ms. Ferguson-Bohnee is the director of the Indian Legal Clinic at the ASU Sandra Day O'Connor College of Law. Her practice areas include Indian Law & Tribal Relations, Environmental/Natural Resources and Civil Litigation Appeals.

**Education:** Columbia Law School, J.D., 2001 - *Parker School Certificate of Foreign and Comparative Law; Notes Editor, COLOMBIA HUMAN RIGHTS LAW REVIEW*, 2000-2001.

Universite de Paris VII, Fulbright Scholar, 1997-1998

Stanford University, A.B. with Honors, 1997

### **Professional Activities:**

Director, Indian Legal Clinic, Sandra Day O'Connor College of Law, Arizona State University

State Bar of Arizona: Indian Law Section Executive Council

Arizona State, Tribal and Federal Court Forum: Intergovernmental Cooperation Workgroup

Federal Bar Association: Indian Law Section

Northwest Indian Bar Association

Native American Bar Association

New York State Certified Mediator

Law Clerk to the Honorable Betty Binns Fletcher, U.S. Court of Appeals, Ninth Circuit, 2002-2003

### **Honors and Awards:**

Fellow, American Bar Foundation

Woman of the Year, Arizona American Indian Excellence in Leadership Awards, Phoenix Indian Center, 2015

Judge Learned Hand Award (Emerging Leadership): American Jewish Committee (Arizona Region), 2011

### **Court and Bar Admissions:**

State Bar of Arizona, 2001

U.S. District Court for the District of Arizona, 2002

U.S. Court of Appeals for the Ninth Circuit, 2003

Tohono O'odham Justice Court, 2004

Ak-Chin Indian Community Court, 2007

Fort McDowell Yavapai Nation Court, 2007

Gila River Indian Community Court, 2007

U.S. Supreme Court, 2009

### **Reported Cases:**

*Arizona Minority Coalition for Fair Redistricting v. Arizona Indep. Redistricting Comm'n*, 121 F.3d 843 (Ariz. App. 2005)

### **Presentations:**

"Legislative and Litigation Update," Indian Law Seminar 2006, State Bar of Arizona

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“The Racial Implications of Hurricane Katrina,” UC Hastings College of the Law, 4th Annual Symposium, Reviving the Dream: Confronting Racism in the 21st Century, April 2006

## Articles:

“The Impacts of Coastal Erosion on Tribal Cultural Heritage,” Forum Journal, National Trust for Historic Preservation, Preservation Leadership Forum, Summer 2015

“The Struggle for Equal Voting Rights: 45 Years of the Voting Rights Act,” Arizona Attorney, November 2010

“Ninth Circuit Issues Decision on Tribal Court Jurisdiction over Non-Members,” The Arrow, Spring 2006

“Status and Needs of Unrecognized and Terminated California Indian Tribes,” A Second Century of Dishonor: Federal Inequities and California Tribes, UCLA American Indian Studies Center for the Advisory Council on California Indian Policy, May 1996

Indian Law & Tribal Relations; Environmental/Natural Resources; Civil Litigation, Appeals

**ROXANN S. GALLAGHER**

**General Information:** Ms. Gallagher is a part of the Indian Law and Tribal Relations Practice Group. She devotes most of her time to representing tribal clients and tribal entities in both business and litigation matters. Ms. Gallagher also has significant experience in several other areas of practice in relation to tribal entities, including Construction, Cultural Resources, Economic Development, Environmental, Housing, Insurance, Labor and Employment, Land Rights, Fire and Police standard operating procedures and Human Resource Issues.

**Education:** Arizona State University (J.D., 2002 and Certificate in Indian Law, 2002); University of Colorado (B.A., 1999).

**Court and Bar Admissions:**

State Bar of Arizona, 2003

Navajo Nation, 2007

**Professional Activities:**

State Bar of Arizona: Indian Law Section, Executive Council Member and Secretary

Federal Bar Association: Indian Law Section

National Association of Bond Lawyers

Native American Bar Association of Arizona

Volunteer Lawyers Program

Homeless Legal Assistance Program (2004-2010)

Wills for Heroes (2007-2010)

State Bar of Arizona: Member, Committee on Minorities and Women in the Law (2006-2013), Chair (2010); Co-Chair, Minority Bar Convention (2008)

Fort McDowell Yavapai Nation Legal Department: Law Clerk (2001-2002)

U.S. Senator Hank Brown: Intern (1994-1995)

**Honors and Awards:**

"Arizona's Top Lawyers," *AzBusiness Magazine*: Securities and Corporate Finance, 2013, 2014

*North Valley Magazine* 2012 Top Attorneys in the Valley (Commercial Finance)

*Phoenix Business Journal*: Forty Under 40, Class of 2009

Recipient, ASU 2009 President's Medal for Social Embeddedness for Arizona Native Vote - Election Protection Project

2008 ATHENA Young Professional Nominee

2007 Arizona's Finest Couples Honoree, Cystic Fibrosis Foundation

**Community Leadership:**

Native American Connections: Chair, Board of Directors

Prescott College: Board of Trustees

Arizona's Finest Couples, Cystic Fibrosis Foundation: Program Advisor (2009-present), Event Programming Co-Chair (2008), Honoree (2007)

Fresh Start Women's Foundation: Member, Legal Committee (2006-2010)

**Presentations:**

“Risky Business: New Challenges in Real Estate Transactions” (panelist), State Bar of Arizona Convention (June 2015)

“Indian Law 101,” National Business Institute Teleconference (January 2014)

“Establishing a Business on Native American Lands,” National Business Institute Teleconference (November 2012)

“Indian Law 101,” National Business Institute Teleconference (January 2012)

“Ethical Issues from the Perspective of a Law Firm Attorney,” Indian Law Ethics CLE Conference, Arizona State University (December 2011)

“Indian Law 101,” National Business Institute, National Teleconference (June 2011)

“UCC and Secured Transactions,” Navajo Nation CLE, Sandra Day O’Connor College of Law Indian Legal Program, Tempe, Arizona (September, 2010)

“New Economic Development Bonds Available to Indian Tribal Governments,” Inter Tribal Council of Arizona, Inc., Phoenix (August 2009)

“UCC and Secured Transactions,” Navajo Nation Bar Association CLE, St. Michaels, Arizona (August 2009)

“New Economic Development Bonds Available to Indian Tribal Governments,” Sixth Annual Construction in Indian Country Conference, Fountain Hills, Arizona (May 2009)

“CLE for Free: Doing Business in Indian Country,” Ballard Spahr, Phoenix (March 2009)

“It’s A Business: Tax-Exempt Bonds for 501(c)(3) Charitable Organizations,” Arts & Business Council of Greater Phoenix (September 2008)

“Operating in Indian Country,” American Bar Association 11th Annual Institute on Gaming Law Minefield, Las Vegas (February 2007)

“The Intersection of Corporate America and Indian Country: Negotiating Successful Business Partnerships,” American Bar Association 10th Annual National Institute on Gaming Law Minefield, Las Vegas (February 2006)

“Tribal Nations: Contracting with Sovereign Nations,” 4th Annual Hospitality Law Conference, Houston (February 2006)

“Overview of Legal Issues in Indian Country,” U.S. Department of State’s International Visitor Leadership Program (January 2006)

“Lending in Indian Country: Model Tribal Secured Transaction Code,” American Bar Association, Business Law Today Teleconference (December 2005)

“Income Diversification: Preparing for the Tribe’s Future Generations,” INM Native American Finance Conference, Uncasville, Connecticut (June 2005)

“Doing Business in Indian Country,” City of Tucson (March 2005)

“Overview of Legal Issues in Indian Country,” U.S. Department of State’s International Visitor Leadership Program (August 2004)

“Bond Finance and Economic Development in Indian Country,” NAU Navajo Nation Bond Forum (August 2004)

**Business and Corporate Law; Indian Law and Tribal Relations; Finance**

STEVEN M. GOLDSTEIN

**General Information:** Mr. Goldstein's practice focuses on health care law, with special emphasis on Medicare fraud and abuse and Stark issues. He represents physicians, hospitals, surgery centers, and other health care providers including hospitals. He has represented physicians and physician groups in establishing and operating their practices, addressing such issues as non-competition agreements, sale of physician practices, break-up of physician groups, joint ventures, physician networks, managed care contracting and other related issues. His representation of hospitals has covered such issues as physician recruitment, tax-exempt bond financing, physician joint ventures, contracting and other transactional matters. Mr. Goldstein is a member of the American Health Lawyers Association and is President-Elect of the Arizona Association of Health Care Lawyers. He is a frequent lecturer on health care topics. In addition to health care law, Mr. Goldstein has a broad range of commercial and corporate experience, representing borrowers and lenders in financing transactions, buyers and sellers of businesses, landlords and tenants, buyers and sellers of real property, and individuals and entities in all kinds of contractual arrangements and business transactions. Mr. Goldstein is a Partner with the firm.

**Education:** University of Arizona (B.A., with honors and highest distinction in Pol. Sci., 1983); Harvard University (J.D., *cum laude*, 1986).

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

*The Best Lawyers in America*®: Corporate Law, 2014-2016; Health Care Law, 2008-2016

Leading Lawyer Award, *The Ambulatory M&A Advisor*, 2015

"2013 Top Rated Lawyers," Real Estate Law, *The American Lawyer*

Top Lawyers List (Healthcare Law), *AzBusiness*, 2013

**Representative Real Estate Matters:**

OFFICE

Represented a major public employee retirement system in the purchase, leasing work and subsequent sale, for more than \$100 million, of a high-rise office tower in Phoenix

Represented the owner of a high-rise office tower in central Phoenix in more than 60 lease transactions

Represented the owner of a large office complex in Phoenix in more than 30 lease transactions

Represented a major software company in the lease and subsequent acquisition of its corporate headquarters in Scottsdale, as well as in leasing work arising out of mergers throughout the country

Represent a major Phoenix-based commercial real estate development firm in numerous office acquisitions, sales and lease transactions, including purchase of a multi-tower office complex in Phoenix and a multi-building office complex in Scottsdale

Represented numerous clients on the tenant side of office lease transactions, including medical office leases

INDUSTRIAL

Represented a major U.S. industrial development company in the development and sale of more than one million square feet of industrial property, including financing, leasing to a single user, and joint venture transactions

Represented numerous clients in the purchase, sale, development and leasing of industrial properties throughout the United States

RETAIL

Represent landlord in the leasing of large retail center in development (80-100 leases)

Represented a national pool supply company in tenant leasing work

Represent a pizza restaurant chain in leasing and real estate acquisitions

Represented numerous clients in tenant lease transactions, including restaurants, shopping mall stores, stand-alone retail projects

OTHER

Represented parties in virtually all types of real estate transactions, including the purchase and development of a mixed-use retail project in Scottsdale; numerous vacant land sales and purchases; sales and acquisitions of multi-family housing projects; ground leases; easement transactions; and disputes

**Professional Activities:**

State Bar of Arizona: Real Property Section, Business Law Section

American Health Lawyers Association

Arizona Association of Health Care Lawyers: Board of Directors, Past President

**Court and Bar Admissions:**

State Bar of Arizona, 1986

**Presentations:**

"Role of a Lawyer in a Commercial Real Estate Loan," Guest Lecturer, Masters in Real Estate Development Program, Arizona State University, October 2015

"Physician and Hospital Perspectives on Buying and Selling Medical Practices" (co-presenter), Arizona Association of Health Care Lawyers, March 2014

"Valuation of Medical Practices" (co-presenter), Arizona Society of Certified Public Accountants, December 2013

# SacksTierney P.A.

ATTORNEYS

“Trends in Buying, Selling and Valuing Urgent Care Centers” (co-presenter), Ambulatory Alliances, December 2013

“What’s Next in Health Care Reform,” Arizona Podiatric Medical Association, November 2012

Instructor, Jurisprudence Class, Midwestern University Podiatry Program

Lecturer, Physician Employment Agreements, Phoenix Children’s Hospital/Maricopa Medical Center Pediatric Residency Program

## Articles:

“Five Things Physicians Should Know,” February 2011

“Report of Ad Hoc Committee on Standards for Attorneys as Business Associates Under HIPAA,” Arizona Association of Health Care Lawyers, December 2004

“HIPAA Business Associate Agreements,” August 2003

“Safe Harbors for Ambulatory Surgery Centers,” July 2003

“The Current State of Physician Restrictive Covenants in Arizona,” July 2002

“The Legal Risks of Boutique Medicine,” MD News, May 2002

“Gifts from Pharmaceutical Companies: Nothing in Life Is Free,” MD News, March 2002

“Recent Development: Immigration Law: Rights of Detained Aliens – *Jean v. Nelson*,” Harvard International Law Journal, 1984

## Community Leadership:

Hillel at Arizona State University: President, 2015-2016; Board of Directors, 2013-present

Valley Beit Midrash: Start Me Up Advisory Committee

Congregation Or Chadash: Board of Directors, 2002-present; President, 2008-2012

Jewish Tuition Organization: Board of Directors, 2007-2012; Chair, 2008-2010

Valley First Community Bank: Board of Directors, 2001-2007

Institute for Health Professions Education: Board of Directors; President, 2002-2004

City of Scottsdale: Judicial Appointments Advisory Board, 2000-2003

Health Care Law; Real Estate Law; Corporate Law

**BRYAN J. GOTTFREDSON**

**General Information:** Mr. Gottfredson's practice focuses on enforcing his clients' legal rights in business disputes arising out of breach of contract and business torts. He has served as lead counsel in arbitrations, mediations and civil litigation matters in Maricopa County Superior Court and U.S. District Court for the District of Arizona. Prior to attending law school at the University of Arizona, Bryan worked in corporate finance for two Fortune 200 companies.

**Education:** University of Arizona (B.A. cum laude, Economics, 2001; J.D., 2006)

**Honors and Awards:**

Super Lawyers Rising Stars, 2013-2015

"Arizona's Top Lawyers," *AzBusiness Magazine: Generation Next*, 2014; *Litigation*, 2010

Cystic Fibrosis Foundation: "Arizona's Finest Couples" Honoree

**Articles:**

"Equitable Assumption of a Commercial Lease: Tips for Commercial Property Owners"

**Presentations:**

"Role of a Lawyer in a Commercial Real Estate Loan," Guest Lecturer, Masters in Real Estate Development Program, Arizona State University, October 2015

**Court and Bar Admissions:**

Arizona

Texas

U.S. District Court, District of Arizona

Tribal Courts throughout Arizona

**Professional Memberships:**

State Bar of Arizona: Executive Committee, Securities Regulation Law Section

State Bar of Texas

**Community Leadership:**

Hon Kachina Council: Board of Directors

University of Arizona Law College Association: Board of Directors

**Civil Litigation; Real Estate**

**GAYE L. GOULD**

**General Information:** Gaye Gould enjoys handling a wide range of civil litigation matters and appeals. Gaye is an Arizona's Finest Lawyers selectee and has been named one of "Arizona's Top Lawyers" by *AzBusiness Magazine* and one of the 2013 Top Rated Lawyers in Commercial Litigation Law by *The American Lawyer*.

**Education:** Arizona State University (B.A., magna cum laude, 1981; J.D., magna cum laude, 1986). Order of the Coif.

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

Arizona's Finest Lawyers, 2014

"Arizona's Top Lawyers," *AzBusiness Magazine*: Healthcare, 2014

"2013 Top Rated Lawyers," Commercial Litigation Law, *The American Lawyer*

**Professional Activities:**

State Bar of Arizona: Appellate Practice Section

Arizona Women Lawyers Association

Law Clerk to Justice Stanley G. Feldman, Arizona Supreme Court, 1986-1987

**Court Admissions:**

Arizona, 1986

U.S. District Court, District of Arizona, 1986

State Bar of Pennsylvania, 1990 (inactive)

U.S. Court of Appeals, Ninth Circuit, 1993

**Reported Cases:**

*Johnson v. Ernhardt's Gilbert Dodge, Inc.*, 212 Ariz. 381, 132 P.3d 825 (2006) (amici curiae)

*Harris Trust Bank of Arizona v. Superior Court*, 188 Ariz. 159, 933 P.2d 1227 (app. 1996), rev. denied (1997)

*Myers v. Wood*, 174 Ariz. 434, 850 P.2d 672 (App. 1992)

**Articles:**

"Be Careful When Changing Business Insurance Policies," Sacks Tierney Client Newsletter, April 2015

"Analyzing Cross-Appeals in Federal Court" (co-author), Certworthy, Defense Research Institute, July 2013

"Treatment Decisions and Arizona Law," Sacks Tierney Client Newsletter, January 2004

Civil Litigation; Appellate Practice

# SacksTierney P.A.

ATTORNEYS

## JOHN J. HEBERT

**General Information:** Among Arizona's best known and most highly respected bankruptcy attorneys, Jack Hebert represents financially distressed companies and individuals in complex Chapter 11 reorganization, workout negotiations and related matters. His clients benefit not only from his creativity in resolving their financial pressures, but also from his ability to find solutions that are both efficient and effective.

Jack has over 40 years of experience in representing debtors and creditors in major bankruptcy cases. He was retained by Charles H. Keating to file the Chapter 11 petition for American Continental Corporation, and he filed 52 partnership Chapter 11 cases in connection with the 48,000-acre, 8,000-partner Sun Valley development. He has successfully reorganized several hotels and manufacturing and construction companies.

Jack's experience and services include litigation in U.S. Bankruptcy Court, advising troubled businesses, finding new funding for businesses, and analyzing the tax impact of various insolvency circumstances. His practice also encompasses domestic and international asset protection, business and tax planning.

**Education:** J.D., University of Notre Dame, 1973  
B.A., cum laude, Aquinas College, 1970

### **Significant Cases:**

**Reist v. Bay County Circuit Judge:** United States Supreme Court decision set a national precedent providing for a free attorney and transcript on the first appeal for a parent whose parental rights had been terminated

**In re: Miles Machinery:** the first successful collective bargaining agreement, rejection of a major United Auto Workers contract

**In re: Frutchey Bean:** successful reorganization of Michigan's largest edible bean processing facility; the plan was a complex tax strategy involving a reverse triangular reorganization under the Internal Revenue Code

**In re: Aerospace America:** successful reorganization of a government contractor

**Dore & Associates Contracting, Inc.:** successful reorganization for one of the nation's largest demolition contractors, with projects in 27 states

**In re: Photocomm:** successful reorganization in which a private company was successfully taken public using the Bankruptcy Code's safe harbor provisions

**In re: Great Western Systems:** successful reorganization of an American Stock Exchange company

**In re: Prime Financial:** successful reorganization of an American Stock Exchange company

# SacksTierney P.A.

ATTORNEYS

Represented local partners of the Gaston & Snow law firm in connection with the national law firm's bankruptcy; aided in their negotiation with the New York Bankruptcy Trustee.

Assisted in real estate reorganization with 52 partnerships and 10,000 partners. Plans were either approved in each case or settled with the case dismissed.

Confirmed plan of reorganization for a luxury home and golf course development in Flagstaff, Arizona

Confirmed plan of reorganization for Class A office building in an upscale area of Scottsdale, Arizona

## Honors and Awards:

The Best Lawyers in America®, 2014-present

Super Lawyers, 2007-present

Arizona's Top Lawyers (Bankruptcy/Reorganization), AZ Business, 2013, 2014

## Professional Memberships:

State Bar of Arizona

State Bar of Michigan

Maricopa County Bar Association

## Court and Bar Admissions:

Arizona, 1986

Michigan, 1973

## Published Articles:

"Tax Reform Act of 1997: Roth IRAs and Bankruptcy," *California Bankruptcy Court Reporter*, April 1998

"Two Pockets, One Pair of Trousers? Perhaps Not. Fallout from In re: Bernard," *State Bar of Arizona Bankruptcy Journal*, Winter 1998

"Moving Money Between Pockets: Fallout from In re: Bernard," *The Bankruptcy Strategist*, December 1997

"A Trustee's Standing to Bring Claims," *Bankruptcy Court Decisions*, August 5, 1997

## Bankruptcy and Restructuring

## Evan F. Hiller

**General Information:** A member of the firm's commercial litigation practice group, Evan Hiller is a former Assistant Attorney General for the State of Arizona and has a background in intellectual property and technology litigation.

His litigation and trial experience includes:

- Served as first-chair trial counsel for a state licensing board defending regulations against constitutional claims in successful two-day bench trial
- Represented the State in defense of a challenged annexation statute in trial and appellate court, including oral argument in the Ninth Circuit Court of Appeals
- Represented a semiconductor manufacturer as lead discovery attorney in a Section 337 Investigation before the International Trade Commission, including primary responsibility for tracking and admission of all evidence during a seven-day hearing
- Represented the State as lead discovery attorney in complex, multi-party litigation featuring more than thirty witnesses and hundreds of thousands of documents
- Represented a software company in defeating a motion for preliminary injunction in a patent infringement lawsuit, leading to a favorable settlement
- Participated in the successful mediation of multi-million dollar claims against a state agency

## Education

J.D. Columbia University School of Law, 2010: Harlan Fiske Stone Scholar; Executive Editor, Columbia Science & Technology Law Review

B.A., cum laude, English and Computer Science, Williams College (Williamstown, MA), 2003

## Professional Memberships

State Bar of Arizona

State Bar of California

## Bar and Court Admissions

Arizona, 2010

U.S. District Court, District of Arizona, 2011

U.S. Court of Appeals, Ninth Circuit, 2011

California, 2013

U.S. District Court, Central District of California, 2014

U.S. District Court, Northern District of California, 2014

## Civil Litigation; Intellectual Property Law

**HELEN R. HOLDEN**

**General Information:** Helen Holden focuses her practice on assisting businesses of all sizes with a wide range of human resources and employment law issues. She enjoys working with clients to provide practical solutions to workplace issues. Helen regularly represents employers in defending claims alleging violations of federal and state employment laws, including matters involving discrimination, harassment, violation of overtime laws and other wage claims, as well as cases involving breach of contract. She practices before state and federal courts and agencies and is an experienced appellate lawyer. Helen also has extensive experience in resolving a variety of complex business disputes. Clients praise Helen for her cost-effective approach to resolving employment and business disputes.

**Education:** Arizona State University College of Law, J.D., 1990: Order of the Coif; Symposium Editor, Arizona State Law Journal, 1989-1990  
Bryn Mawr College, A.B. with honors, 1983

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®

“Arizona’s Top Lawyers,” *AzBusiness Magazine: Employee Benefits & Insurance*, 2014

**Professional Activities:**

State Bar of Arizona: Civil Practice & Procedure Committee, 2010-present; Labor and Employment Law Section; Appellate Practice Section

Defense Research Institute: Employment and Labor Law Committee (Steering Committee; Vice Chair, Publications Subcommittee)

Federation of Defense & Corporate Counsel

Employee Misclassification Compliance Assistance Program (EMCAP) Working Group

Law Clerk to Chief Judge Noel Fidel, Arizona Court of Appeals, 1990-1991

**Court and Bar Admissions:**

State Bar of Arizona, 1990

U.S. District Court, District of Arizona, 1990

U.S. Court of Appeals, Ninth Circuit, 1994

**Reported Cases:**

*Grynberg v. Shaffer*, 216 Ariz. 256, 165 P.3d 235 (App. 2007)

*Sabelko v. City of Phoenix*, 120 F.3d 161 (9th Cir. 1997)

**Presentations:**

“The Joy of Pregnancy: Pregnancy Discrimination” (podcast), West LegalEdcenter, 2015

“Recent Developments in Employee Handbooks” (moderator and presenter), Practical Law (Thomson Reuters), 2015

“The NLRB and Joint Employment” (webinar), C.O.R.E. Training, 2015 | See related article

"Family Leave: Law and Controversies in the U.S.," The John F. Roatch and Linda Haskell Lectures, 2015

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Employment & Labor Law Section, State Bar of Arizona, 2014

"The Joys of Pregnancy from the Employer's Perspective," Arizona Chapter, Association of Corporate Counsel, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Chapter, Associated General Contractors, Employment Practices Committee, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Chandler Chamber of Commerce, Public Policy Committee, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Registrar of Contractors Industry Advisory Council, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Arizona Builders' Alliance Lunch & Learn, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Labor and Employment Relations Association, Arizona Chapter, 2014

"Employee or Independent Contractor: Introducing the Employee Misclassification Compliance Assistance Program," Association of Pool & Spa Professionals, Central and Southern Arizona Chapters; National Association of the Remodeling Industry, Greater Phoenix and Southern Arizona Chapters; Association of the Wall and Ceiling Contractors of Arizona; Arizona Concrete Promotion Council; Ceramic Tile and Stone Association of Arizona; Painting and Decorating Contractors of America, 2014

"Employee Mismanagement: As Seen on TV," Construction Financial Management Association, June 2014

"ADA and FMLA: Confluence or Confounding? Continuing Challenges in Compliance" (co-presenter), Defense Research Institute (DRI) Employment and Labor Law Annual Seminar, May 2014

"Labor and Employment Basics for Construction Lawyers," State Bar of Arizona, Construction Law Section, April 2013

"Speed Learning for HR Professionals," Sacks Tierney Client Seminar, January 2013

Articles and Publications:

“Joint Employment: NLRB Ruling Poses New Risks for Employers,” Sacks Tierney Client Newsletter, September 2015

“Employee Misclassification and the ‘Economic Realities’ Test,” Sacks Tierney Client Newsletter, September 2015

“Accommodating Pregnant Employees,” Sacks Tierney Client Newsletter, March 2015

“NLRB Takes Aim at Employee Handbooks,” Sacks Tierney Client Newsletter, March 2015

“FMLA: Communicating with Employees on Leave,” Sacks Tierney Client Newsletter, January 2015

“Phoenix District Office of U.S. Department of Labor Offers Program to Self-Report Worker Misclassification,” The Job Description, Defense Research Institute Employment Law Committee, November 21, 2014

“Businesses Have Plenty of Legal Hurdles to Clear Regarding Employees,” Phoenix Business Journal, November 21, 2014

“Minimum Wage: Don’t Overlook Arizona’s Higher Requirement,” Sacks Tierney Client Newsletter, November 2014

“Arizona Same-Sex Marriage Triggers FMLA Eligibility,” Sacks Tierney Client Newsletter, October 2014

“U.S. Department of Labor Offers Incentives to Self-Report Worker Misclassification,” August 2014

“Arizona Anti-Deficiency Protection Is Not Available for Vacant Land,” January 2014

“Misclassifying Employees as ‘Owners’: Resist the Temptation,” Sacks Tierney Client Newsletter, December 2013

“Restrictive Covenants in Employment Agreement Found to Be Too Broad,” Sacks Tierney Client Newsletter, November 2013

“Employers, Large or Small: Obamacare Requires Action by October 1,” Sacks Tierney Client Newsletter, September 2013

“Borrowers Cannot Waive Fair Market Value Protections, Court Rules,” September 2013

“Analyzing Cross-Appeals in Federal Court“ (co-author), Certworthy, Defense Research Institute, July 2013

“Obamacare Update: Employer Mandate Pushed Back to 2015,” Sacks Tierney Client Newsletter, July 2013

"Supreme Court Decides Cases in Favor of Employers," Sacks Tierney Client Newsletter, June 2013

"NLRB Poster Requirement Struck Down by D.C. Court," Sacks Tierney Client Newsletter, May 2013

"OSHA Clash with State Safety Regulators a Concern to Employers," Sacks Tierney Client Newsletter, April 2013

"Prepare Now for the Obamacare Employer Mandate: 2014 Liability to Be Based on 2013 Data" (co-author), Sacks Tierney Client Newsletter, March 2013

"IRS Program Offers Employers a Break for Misclassifying Workers" (co-author), Sacks Tierney Client Newsletter, October 2012

"Signature Requirements in an Arizona Real Estate Commission Agreement" (co-author), Sacks Tierney Client Newsletter, October 2012

"Confidentiality in Investigations: A Trap for Unwary Employers?" (co-author), Sacks Tierney Client Newsletter, September 2012

"Unique Legal Issues Affect Employers on Arizona Indian Reservations" (co-author), Sacks Tierney Client Newsletter, August 2012

"Refinancing, Construction and Arizona's Anti-Deficiency Laws" (co-author), Sacks Tierney Client Newsletter, May 2012

"Employee Voting Rights: Arizona Employer Obligations" (co-author), Sacks Tierney Client Newsletter, May 2012

"A Planning Resource for Your Arizona Employee Handbook" (co-editor)

"Court Suspends NLRB-Required Notice of Collective Bargaining Rights" (co-author), Sacks Tierney Client Newsletter, April 2012

"Social Networking and the Workplace" (co-author), Sacks Tierney Client Newsletter, April 2012

"Recent Employment Cases," 6 Trial Practice 13 (Winter 1995)

"Arizona's Fair Housing Act: Prohibitions Against Discrimination on the Basis of Handicap," 5 Real Property Section Journal 12 (Summer 1994)

Comment, "Does the Legal System Batter Women? Vindicating Battered Women's Constitutional Rights to Adequate Police Protection," 21 Ariz. St. L.J. 705 (1989)

**Community Leadership:**

Raising Special Kids: Member, Board of Directors

Ivy Council of Phoenix: Member, Board of Directors; Member, Advisory Board

Temple Chai: Vice President; Member, Board of Directors

Beth El Congregation: Past President

Bryn Mawr Club of Greater Phoenix: President

Civil Litigation; Employment Law; Business and Corporate Law; Appeals

## JANET R. JACKIM

**General Information:** Janet Jackim is a former Vice President, Real Estate, and Assistant General Counsel at The Circle K Corporation. During three decades as a commercial real estate attorney, Janet has represented developers, lenders, landlords, tenants, title agencies and local governments in real estate sales, financing, development, leasing and other transactions. She has completed more than \$1 billion in mergers and acquisitions (sales price) of large and small businesses.

**Education:** Loyola University Chicago School of Law, J.D., cum laude, 1978  
Indiana University, B.A., with honors, 1974

### **Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®  
Lambda Alpha International (LAI) Land Economics Society, Phoenix Chapter  
“2006 Leading Lawyers,” *Phoenix Business Journal*

### **Representative Transactions:**

Responsible for the aggressive growth and turnaround pre-and post-bankruptcy of The Circle K Corporation’s real estate portfolio. Built strategic business plan for the company’s 25 geographic markets, requiring site-by-site analysis (financial, real estate/location demographics, and capex requirements). Led nationwide 50-person real estate sales staff and back office administration group of 100-200 employees for the purpose of selling 2,500 REOs, resulting in \$100 million cash. Assessed company’s 6,000 real estate holdings (convenience stores, gas operations, office buildings, warehouses, vacant land and buildings, and speculative land deals) for profitability. Closed and sold 2,500 under-performing properties. Renegotiated 1,500 commercial leases to produce \$15 million in annual rent savings.

Negotiated commercial stabilization loans, loan workouts and bankruptcy resolutions on behalf of lending institutions, FDIC affiliates and commercial borrowers. Conducted trustee’s sales, initiated litigation enforcing commercial loan transactions, defended litigation for receivership appointments and loan defaults, and prepared forbearance and other settlements.

Other transactions include \$100 million 1031 exchange involving a city block in downtown Phoenix and a Minnesota shopping center; acquisition and financing of a 20,000 square-foot free-standing retail building in a Wal-Mart center; preparation and negotiation of a two-acre ground lease in a Wal-Mart center for the construction of a convenience store with gas facilities; land accumulation and parcel assemblage of up to 2,500 acres from 35 sellers; formation of HOA, early construction financing, CC&Rs, entitlements, public report, build-out and refinancing of 900-acre residential development; negotiated and documented more than \$2 billion in business acquisitions and sales transactions involving multiple properties; and negotiated and documented the sale of a discounted multi-million-dollar commercial promissory note.

### **Professional Activities:**

State Bar of Arizona  
Maricopa County Bar Association  
Women in Real Estate Development

# SacksTierney P.A.

ATTORNEYS

Arizona Business Brokers Association: Member; Secretary/Board of Directors, Central Chapter, 2013

## **Bar Admissions:**

Arizona, 1986

Colorado, 1978 (Inactive)

## **Articles:**

"Due Diligence in Buying Commercial Real Estate: Acreage, Apartments or a Building,"  
Sacks Tierney Client Newsletter, February 2015

## **Presentations:**

"10 Commonly Overlooked Clauses in Commercial Real Estate Transactions"

"A Junkyard Dog's Perspective on Distressed Commercial Real Estate Today"

"Real Estate Due Diligence 101"

"Landlord's Lease is How Many Pages? 101 Practice Tips for Negotiating a Tenant-Friendly Lease"

"Tenants in Trouble"

"Commercial Leasing"

"Negotiating Leases"

"The Emergency Economic Stabilization Act"

"Navigating Economic Headwinds"

"Exclusive Authorization for Sale or Lease of Real Property"

"Buyer/Lessee Agency Agreement"

"Saving Luke Air Force Base through Land Exchanges"

"The Circle K Bankruptcy Experience: Coming Full Circle From Ashes to IPO"

## **Publications:**

*State by State Guide to Construction and Design Law* (Author, Arizona Supplement), American Bar Association, April 2009

## **Community Leadership:**

ATHENA Award Finalist, Phoenix Chamber of Commerce, 1997

SacksTierney P.A.

ATTORNEYS

Real Estate Law; Business and Corporate Law; Loan Workouts

# SacksTierney P.A.

ATTORNEYS

## ROBERT G. KIMBALL

**General Information:** Rob Kimball focuses his practice in the areas of real estate and corporate law, meeting the needs of clients in transactions, real estate development, leasing, financing, commercial loan workouts and business entity structuring and formation.

**Education:** J.D., with honors, George Washington University, 1977; George Washington Law Review, 1975-1977; Adjunct Professor of Law, 1977-1978  
B.A., cum laude, Harvard University, 1973

### **Honors and Awards:**

*The Best Lawyers in America*<sup>®</sup> (Real Estate Law), 2013-2016

AV-Preeminent<sup>®</sup> Rating, Martindale-Hubbell<sup>®</sup>

"2013 Top Rated Lawyers," Real Estate Law, *The American Lawyer*

### **Court and Bar Admissions:**

State Bar of Arizona, 1979

District of Columbia Bar, 1977

### **Articles:**

"Business Formation and Entity Selection," Arizona Construction Law Manual (Tierney and Dyer, Editors)

Real Estate Law; Corporate Law

**JEFFREY S. LEONARD**

**General Information:** Jeff Leonard is recognized in the Phoenix legal community as an accomplished and experienced civil trial lawyer and litigator in state and federal courts. His trial experience includes a wide variety of business and commercial cases involving banking, contract, business fraud, securities and real estate, as well as public liability defense. He has received the "AV/Preeminent" rating from Martindale-Hubbell and is listed in The Best Lawyers in America® for commercial litigation. Jeff earned his law degree at the University of Arizona in 1974, where he served on the editorial board of the Arizona Law Review and was elected to the Order of the Coif. After law school, Jeff served as Law Clerk to the Honorable William P. Copple of the U.S. District Court for the District of Arizona. Mr. Leonard is a Partner with the firm.

**Education:** University of Rochester (A.B. 1967); University of Arizona (J.D. *with high distinction*, 1974); Order of the Coif; Special Projects Editor, *Arizona Law Review*.

**Honors and Awards:**

The Best Lawyers in America® (Commercial Litigation, Real Estate Law), 2009-2016  
AV-Preeminent® Rating, Martindale-Hubbell®

**Professional Memberships:**

American Bar Association

State Bar of Arizona: Committee on Civil Practice and Procedure, 1985-1993

Law Clerk to Hon. William P. Copple, U.S. District Court for the District of Arizona, 1974-1975

**Court and Bar Admissions:**

Supreme Court of the United States, 1985

U.S. Court of Appeals, Ninth Circuit, 1974

U.S. District Court, District of Arizona, 1974

State Bar of Arizona, 1974

**Community Leadership:**

Congregation Beth Israel, Phoenix: President, 1992-1994

University of Arizona College of Law Board of Visitors, 1980-1983

**Civil Litigation; Appeals; Construction Law**

**STEPHEN A. LENN**

**General Information:** Mr. Lenn is a member of the firm's Business and Corporate Law Practice Group and a Partner with the firm. Mr. Lenn founded Capital Strategies, Inc., a boutique investment banking firm, in 1997 after almost 30 years in the practice of law. Mr. Lenn is a member of the Ohio bar. While in practice, he was also admitted to the bar in California and New York, and remains in good standing, on an inactive status, in each of these states.

**Education:** Tufts University (B.A., *cum laude*, 1967); Columbia University Law School (J.D., 1970).

**Honors and Awards:**

AV-Preeminent® Rating, Martindale-Hubbell®  
Top Lawyers List (Banking), *AzBusiness* Magazine, 2013

**Court and Bar Admissions:**

Arizona, 2010  
California, 1991  
Ohio, 1979  
New York, 1971

**Professional Experience:**

Simon Consulting, LLC: Director, 2009-2010  
Capital Strategies, Inc.: Managing Director and Founder, 1997-2009  
Baker & Hostetler LLP (Cleveland): Partner, 1988-1997  
Porter, Wright, Morris & Arthur: Founding and Managing Partner of the Cleveland Office, 1983-1988  
Union Commerce Corporation and Bank (Cleveland): Executive Vice President, General Counsel and Secretary, 1975-1983

**Other Licenses:**

Financial Institution Regulatory Authority (FINRA): General Securities Representative (Series 7) and Investment Banking (Series 79) (Inactive, In Good Standing)

**Articles and Presentations:**

"Incentive Compensation for Banks in the Dodd-Frank Era," February 2012

"Critical Domestic and International Legal Issues for Entrepreneurs and Managers" Walker Center for Global Entrepreneurship, Thunderbird School of Global Management, Spring 2011

**Community Leadership:**

Barrow Neurological Foundation: Board of Trustees, 2008-Present  
Make-A-Wish Foundation: Board of Directors, 2010-Present  
Phoenix Public Library Foundation: Board of Directors, 2008-2011  
Southwest Autism Research & Resource Center: Volunteer

# SacksTierney P.A.

ATTORNEYS

Banking Law and Regulation; Debt and Equity Finance; Business and Corporate Law;  
Mergers and Acquisitions; Real Estate Law; Problem Asset Resolution; Securities Law

# SacksTierney P.A.

ATTORNEYS

## MATTHEW B. MEAKER

General Information: Matt Meaker has practiced law for over 10 years and has developed a business-minded approach to legal issues. He has been described as a “business man in a lawyer’s suit” who is more focused on the business success of his clients than on billable hours. Clients also appreciate his ability to translate “legalese” into layman’s terms that they can understand. The focus of his practice is on construction law, civil litigation, business and corporate law and real estate law. Matt is also involved in efforts to finalize transaction privilege tax (TPT) reform for the benefit of Arizona contractors.

Matt is very active in the legal profession and the community at large. He serves on the Executive Council of the Construction Law Section of the State Bar of Arizona and on the Board of Directors of the Maricopa County Bar Association.

In addition, he is actively involved with the local chapter of the Construction Financial Management Association, the Arizona Builders’ Alliance, the American Subcontractors Association of Arizona, and the Arizona Registrar of Contractors Industry Advisory Council. Matt also gives of his time to numerous community causes, including the Arizona Town Hall.

Matt grew up in the East Valley, and he and his wife and their two daughters live in Tempe.

Education: James E. Rogers College of Law, University of Arizona, J.D., 2003  
University of Arizona, B.A., magna cum laude, Communications and Psychology, 2000

### Honors and Awards:

Super Lawyers Rising Stars, 2012-2015

Arizona’s Finest Lawyers, 2013

AV-Preeminent® Rating, Martindale-Hubbell®

“Top 20 Under 40,” *ENR Southwest*, 2015

“Top Lawyers” (Construction Litigation), *Arizona Business*, 2012, 2013

“People to Know in Commercial Real Estate: Up and Comer,” *AZRE*, 2013

Top Valley Lawyers (Construction/Development), *North Valley Magazine*, 2012-2014

American Subcontractors Association of Arizona: Outstanding New Member, 2011-2012

NITA Advocate, National Institute of Trial Advocacy

### Court and Bar Admissions:

U.S. District Court, District of Arizona

U.S. District Court, District of Colorado

Supreme Court of the United States of America, 2012

State Bar of Arizona, 2003

### Professional Memberships:

State Bar of Arizona: Construction Law Section, Chair-Elect and Executive Council Member

Maricopa County Bar Association: Board of Directors (2014-2016); Litigation Section Chair (2012-2013)

Arizona Energy Consortium

Arizona’s Alternative Project Delivery Method (APDM) Stakeholder Group

**Construction Industry Leadership:**

Construction Financial Management Association – Valley of the Sun Chapter: Member, Board of Directors; Co-Chair, Construction Executive of the Year Committee

American Subcontractors Association of Arizona: Co-Chair, Government Relations Committee; Member, Board of Directors (2013-2015); Legal Counsel (2013-2015)

Arizona Builders' Alliance: Member, Legal Advisory Council

Consensus Docs: Vice Chair, Public-Private Partnership (P3)/O&M Working Group

Association of the Wall & Ceiling Contractors of Arizona: Board of Directors

Arizona State Contractors Coalition: Co-chair

Arizona Registrar of Contractors Industry Advisory Council

Alliance for Construction Excellence: Public-Private Partnership Policy Team

The Employee Misclassification Compliance Assistance Program (EMCAP) Working Group: Chair

**Community Leadership:**

Project Rising Phoenix: Chair, 2013-2014

Arizona Town Hall: 105th Town Hall, "Arizona's Economy," Report Co-Chair; 101st Town Hall, "Civic Leadership for Arizona's Future," Report Co-Chair; 99th Town Hall, "Arizona's Energy Future," Recorder; 97th Town Hall, "Arizona's Government: The Next 100 Years," Report Co-Chair; 85th Town Hall, "Arizona's Water Future: Challenges and Opportunities," Recorder

Arizona Board of Regents, Student Regent, 2001-2003

Eagle Scout, Boy Scouts of America

**Publications:**

*Arizona Construction Law Practice Manual*, 2nd Ed., 2014, Contributing Author

*Arizona Construction Law*, 2014, Contributor

*Green Building Construction: A Practical Guide to Transactional and Litigation Issues*, 2014, Contributing Author

*Financial Management and Accounting for the Construction Industry*, 2014 Subject Matter Expert for Chapter 6 (Legal Issues)

*Arizona Litigation Guide* (5th ed.), Editor-in-Chief

**Articles:**

"Public-Private Partnerships: Business Development Opportunities," *The Contractor's Compass*, American Subcontractors Association, November 2015

“20-Day Notice Requirements for Public Projects in Arizona,” Sacks Tierney Client Newsletter, May 2015

“Transaction Privilege Tax for Contractors: 2015 Update,” Sacks Tierney Client Newsletter, March 2015

“TPT Fixes: Proposed Changes to Arizona’s Transaction Privilege Tax,” Sacks Tierney Client Newsletter, February 2015

“Public Private Partnership Legislation: Arizona,” Practical Law, Thomson Reuters, 2015

“Contingent Payment Clauses: Enforceable? Negotiable? Worth the Risk?” The Contractor’s Compass, American Subcontractors Association, January 2015

“Arizona’s Real Estate Market: A Near-Term Prognosis,” Voices from the Law Office: The Real Estate Market, Arizona Attorney, January 2015

“Equitable Subrogation: Court Ruling Falls Short of a ‘Bright Line’ Rule,” Sacks Tierney Client Newsletter, September 2014, and The Contractor’s Compass, American Subcontractors Association, September 2014

“U.S. Department of Labor Offers Incentives to Self-Report Worker Misclassification,” August 2014

“Contractors Beware: Major Changes in the ROC Complaint Process,” March 2014

“Misclassifying Employees as ‘Owners’: Resist the Temptation,” December 2013

“Much Ado About Sullivan: Construction Defects and the Economic Loss Rule,” 2013

“ROC Rules: Proposed Changes Affect Contractors,” 2013

“Prompt Payment Act Does Not Apply to Contracts for Architectural Services, Court Rules,” 2013

“Baseline Thoughts on Public-Private Partnerships in Arizona,” AZRE Magazine, 2013

“Technical Deficiencies to a Preliminary Notice Do Not Invalidate a Mechanics’ Lien,” American Subcontractors Association of Arizona Newsletter, 2012

“Architect Owes Implied Warranty to Contractor,” American Subcontractors Association of Arizona’s Newsletter, 2011

“Trustees are Deemed ‘Natural Persons’ Under A.R.S. § 33-1002’s Protection of Owner-Occupants from Certain Mechanics’ Liens,” American Subcontractors Association of Arizona Newsletter, 2011

“Arizona Supreme Court Examines Question Involving Foreclosure Pursuant to Trustee’s Sale,” American Subcontractors Association of Arizona Newsletter, 2011

“New EPA Regulations Significantly Impact Storm Water Flow at Construction Sites,” State Bar of Arizona Construction Law Section Newsletter, 2010

Construction Law; Civil Litigation; Business and Corporate Law; Real Estate Law

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## ANDRE MERRETT

**General Information:** An AV-Preeminent® rated attorney and three-time Super Lawyers selectee in commercial litigation, André Merrett handles cases involving a wide variety of claims, including complex commercial disputes; franchise disputes; director and officer liability; privately held corporation and partnership disputes; trademark infringement disputes; trade secrets and unfair competition, non-competition and non-solicitation disputes; commercial real estate disputes; challenges to the constitutionality of state statutes, and the defense of public officials.

**Education:** University of Iowa, J.D., 1994: Chairperson, University of Iowa College of Law Moot Court Board; Class Agent  
University of Northern Iowa, B.A., 1989

### **Honors and Awards:**

AV-Preeminent Rating, Martindale-Hubbell  
Super Lawyers (Commercial Litigation), 2013-2015  
“Top 50 Pro Bono Attorneys in Arizona,” Arizona Foundation for Legal Services & Education, 2012

### **Professional Memberships:**

American Bar Association  
Arizona Court of Appeals Appellate Pro Bono Pilot Program: Volunteer Attorney, 2011-present  
State Bar of Arizona: Fee Arbitration Committee, 2008-2010  
Scottsdale Bar Association

### **Published Decisions:**

*Waltner v. JPMorgan Chase Bank, N.A.*, 297 P.3d 176 (App. 2013)  
*Farmers Bank of Missouri v. Erpelding*, 555 N.W.2d 222 (Iowa 1996)

### **Court and Bar Admissions:**

State Bar of Arizona, 2001  
U.S. District Court, District of Arizona, 2001  
U.S. Bankruptcy Court, District of Arizona, 1999  
U.S. Court of Appeals, Ninth Circuit, 1999  
U.S. District Court, Central District of Illinois, 1997  
U.S. Court of Appeals, Eighth Circuit, 1994  
Iowa State Bar Association, 1994 (inactive)

### **Articles:**

“The Cadaveric Organ Donor Act and Living Organ Donor Act” (co-author), University of Iowa, College of Law Journal of Corporation Law, Vol. 18, No. 3, Spring 1993

### **Civil Litigation**

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## SHARON S. MOYER

**General Information:** Ms. Moyer devotes the majority of her time to the representation of employers in all aspects of the employment relationship. Ms. Moyer practices before the Equal Opportunity Employment Commission and Arizona Civil Rights Division, as well as State and Federal Courts. She frequently lectures on issues of employment law and provides employee workshops on harassment, discrimination, and diversity. Ms. Moyer also has significant experience in general commercial litigation. Ms. Moyer is a Partner with the firm.

**Education:** Marquette University (B.A. 1982); University of Wisconsin (J.D., *cum laude*, 1987).

### **Professional Activities:**

American Bar Association

Maricopa County Bar Association

Scottsdale Bar Association

HRWebAdvisor: Advisory Board Member, 2010-present

Society of Human Resources Management (SHRM) of Greater Phoenix

### **Court and Bar Admissions:**

U.S. District Court, District of Arizona, 1990

State Bar of Arizona, 1990

U.S. District Court, Eastern and Western Districts of Wisconsin, 1987

Wisconsin Bar Association, 1987

### **Community Leadership:**

Assisted Living Federation of America

Phoenix Children's Project

### **Presentations:**

"The Joys of Pregnancy from the Employer's Perspective," Arizona Chapter, Association of Corporate Counsel, 2014

"Penning Policies for Human Resources," CopperPoint Mutual Insurance 2014 Safety Works Expo+, May 2014

"Preventing Employer Liability for Employee Conduct," Assisted Living Federation of America, April 2014

"Psychiatric Disabilities in the Workplace," HRWebAdvisor, April 2011

"Generational Differences in the Workplace," Northcentral University, March 2011

"Recruiting and Selection: Best Practices and Legal Pitfalls in This Economic and Social Climate," HRWebAdvisor, October 2010

## **Employment Law and Civil Litigation**

**WESLEY D. RAY**

**General Information:** Wes Ray devotes his practice to the resolution of complex business and financial problems encountered by clients ranging from sole proprietorships to publicly traded companies. Wes's practice includes financial restructuring and business litigation, with specific emphasis in debt restructurings and Chapter 11 bankruptcy proceedings.

He has successfully represented real estate developers, banks, loan servicers and ownership groups in workout negotiations, bankruptcy and receivership proceedings and joint venture transactions.

In every representation, Wes strives to offer aggressive and creative counsel intended to realize each client's objectives while minimizing delay and expense.

**Education:** J.D., magna cum laude, James E. Rogers College of Law, University of Arizona, 2008: Business Editor, Arizona Journal of International and Comparative Law; The Hon. William D. Browning Award for Excellence in Constitutional Law  
International Commercial Law Program, University of Cambridge-England, 2006  
B.A., summa cum laude, Information Systems Management, Arizona State University, 2005

**Representative Cases:**

Served as counsel for the debtors in a Chapter 11 case in which plans of reorganization were confirmed for a public corporation and 15 of its affiliates.

Assisted a national restaurant operator with the consensual restructuring of \$70 million in indebtedness.

Served as counsel for the primary secured creditor in the Chapter 11 proceedings of five affiliated hotels located in three states.

Negotiated and documented a transaction in which a private equity firm acquired equity positions, in multiple tranches, and subsequently real estate, relating to a luxury residential and golf development in northern Arizona.

Successfully represented a former executive of a failed lending institution in bankruptcy proceedings and related litigation.

Negotiated and effectuated a sale of approximately \$29 million in assets pursuant to Section 363 of the bankruptcy code.

Served as counsel for the debtor in the publicized bankruptcy proceedings of a nonprofit organization responsible for the management and maintenance of a notable municipal golf course.

Served as counsel for a real estate developer in a Chapter 11 bankruptcy in which a \$13 million reduction in indebtedness was negotiated and effectuated.

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Advised a distressed healthcare facility in all aspects of its operations, including management, personnel, and accounting, in order to reestablish financial viability.

Obtained summary judgment in excess of \$4 million on a client's claims for breach of contract and violation of the Prompt Pay Act.

Represented several judgment debtors in multi-million dollar collection actions.

Obtained court approval of a dirt-for-debt Chapter 11 plan over the objection of the secured creditor.

## **Honors and Awards:**

The Best Lawyers in America®, 2016

AZ Business Magazine Top Lawyers: Up-and-Comer, 2014

Super Lawyers Rising Stars, 2012-present

## **Professional Memberships and Activities**

American Bar Association: Young Lawyers Division

State Bar of Arizona: Bankruptcy Section

Maricopa County Bar Association: Bankruptcy Section

Arizona Summit Law School: Former Adjunct Professor

Community Legal Services: Volunteer Lawyers Program

## **Court and Bar Admissions:**

Arizona

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, District of Arizona

U.S. Bankruptcy Court, District of Arizona

## **Articles and Presentations:**

"A Bankruptcy Course in Professionalism," State Bar of Arizona, 2015

"Ethical Considerations for the Bankruptcy Practitioner," State Bar of Arizona, 2014

"Troubled Debt Restructuring Transactions," National Business Institute, 2012

## **Bankruptcy and Financial Restructuring**

**MICHAEL R. ROONEY**

**General Information:** Mr. Rooney's practice includes general business and corporate representation of small, mid-sized and large companies including contract, employment and real estate issues. He also has an extensive background relating to the accreditation, student conflict and regulatory issues for private non-profit, postsecondary academic institutions as well as private for profit postsecondary academic institutions and trade and technical schools. Mr. Rooney was appointed by Governor Jane Hull and Governor Janet Napolitano to serve as the Board Chair for the Arizona Commission for Postsecondary Education. The Arizona Commission for Postsecondary Education is mandated by Arizona statute to administer the Leveraging Educational Assistance Partnership (LEAP), the Arizona Family College Savings Program, the Arizona Private Postsecondary Educational Student Financial Assistance Program and the Arizona Minority Education Policy Analysis Center. This state agency also administers the Arizona Section 529 Plan and The Family College Savings Plan. He is currently serving on the Oversight Committee for the Arizona Section 529 Plan. He was the Board Chair of the Arizona State Board of Private Postsecondary Education, the board that regulates the private trade and technical school industry in Arizona. Mr. Rooney is a Partner with the firm.

**Education:** University of Missouri (B.S., 1967); Arizona State University (J.D., cum laude, 1974; Phi Alpha Delta.

**Honors and Awards:**

*The Best Lawyers in America*® (Business Law), 2013-2016  
AV-Preeminent® Rating, Martindale-Hubbell®

**Professional Memberships:**

American Bar Association  
State Bar of Arizona: Business Law Section  
Arizona Foundation for Legal Services and Education: Fellow

**Court and Bar Admissions:**

State Bar of Arizona, 1974  
U.S. District Court, District of Arizona, 1975

**Community Leadership:**

Prescott College: Board of Trustees, 2008-present  
Rio Salado Foundation: Board of Directors, 2007-present  
Tempe Community Council, 2007-2013  
Boy Scouts of America: Western Region Commissioner, 2008; Past President, Grand Canyon Council  
United Methodist Outreach Ministries (UMOM): Board of Directors; New Day Center Homeless Shelter, Past Chairman  
Arizona Commission for Post-Secondary Education: Past President  
Kyrene Schools Community Foundation: Member; President, 1989  
City of Tempe Planning and Zoning Commission: Chairman, 1987; Member, 1982-1988  
State Board of Private, Technical and Business Schools: Past Chairman  
Arizona Private School Association

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Arizona Family College Savings Program (529 Plan): Oversight Committee  
Tempe Center for the Arts Foundation: Chairman  
O'Connor House: Board of Trustees

## Articles:

Medical Marijuana in Arizona: The Dispensary Application Process  
Medical Marijuana Act Raises Thorny Challenges for Commercial Landlords  
"Flood Control and Arizona," Arizona State Law Journal, 919-937, 1973

Corporate Law; Business Law; School Law

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## PHILIP R. RUDD

**General Information:** Philip Rudd's clients appreciate his people-focused approach to practicing law and his skill in achieving resolution of their complex financial disputes. Phil has represented borrowers and creditors in resolving their financial and operational challenges through workouts and negotiated restructurings, contested and uncontested bankruptcies, receiverships, asset and stock sales and liquidations, and litigation. He has also represented third-party custodians, such as receivers and bankruptcy trustees, in their duties to oversee the operation and liquidation of assets.

**Education:** J.D., cum laude, James E. Rogers College of Law, University of Arizona, 1991: Dean's List; University of Arizona Law Review; Honorable Mention, Best Moot Court Brief  
B.A., University of Arizona, 1988

### **Representative Cases:**

Through the use of the Chapter 11 reorganization process, negotiated a significant discounted cash payoff of a \$31 million senior living facility debt through the sale of assets, which also resulted in a full release of all guarantees.

Confirmed a contested Chapter 11 cram-down plan of reorganization for an office building, which significantly reduced the secured creditor's \$21 million claim and allowed the debtor's interest holders to retain their interests in the reorganized debtor.

Through the Chapter 11 reorganization process for a storage facility, negotiated a significant discounted cash payoff of a \$7.5 million secured claim, which allowed the interest holders to retain their interests in the debtor.

Following heavily contested valuation and plan confirmation proceedings, negotiated a consensual plan of reorganization with the secured lender regarding its \$21 million claim in a retail and office center in Las Vegas, which allowed the interest holders to retain their interests in the reorganized debtor and provided for a release of guarantees.

### **Professional Memberships and Activities:**

American Bankruptcy Institute

State Bar of Arizona: Bankruptcy Section

Maricopa County Bar Association: Bankruptcy Section (Chairman, 2000-2001; Secretary/Treasurer, 1999-2000; Executive Board Member, 1996-2001)

Turnaround Management Association: Board of Directors, 2004-2006

### **Honors and Awards:**

"Top People to Know in Commercial Real Estate," *AZRE Magazine*, 2011

### **Court and Bar Admissions:**

Arizona, 1991

U.S. District Court, District of Arizona, 1991

U.S. Court of Appeals, Ninth Circuit, 1997

**Articles and Presentations:**

“Judgment Enforcement in Arizona,” Lorman Education Services, 1998-2000

“Basic Bankruptcy Concepts for Non-Bankruptcy Lawyers,” Barrister, Summer 1996

**Bankruptcy and Financial Restructuring**

**JAMES S. SAMUELSON**

**General Information:** Jim Samuelson's clients benefit from his nearly 10 years of experience as a judicial law clerk to two U.S. Bankruptcy Court judges. In that capacity, he was deeply involved in deciding issues in all areas of bankruptcy. He offers financially distressed businesses and individuals valuable insight into how courts interpret and respond to the positions and arguments of parties in bankruptcy, and his clients appreciate his skill in carefully evaluating a strategy before implementing it.

Jim's clients also appreciate his personalized approach to client service and communication and a high level of accountability.

Jim served as judicial law clerk to two U.S. Bankruptcy Court judges, the Hon. Redfield Baum (2004 to 2013) and the Hon. Eddward Ballinger (2012 to 2013). Previously, from 1998 to 2004, he was an Assistant Attorney General with the State of Arizona, Agency Counsel Division, Bankruptcy Section. He is a former chair, treasurer and executive council member of the Bankruptcy Section of the State Bar of Arizona, and he is a member of the Arizona Bankruptcy American Inn of Court.

**Education:** Willamette University College of Law, J.D., Dispute Resolution Certificate, 1996  
University of Arizona, B.S., Business Administration, 1986

**Professional Activities:**

State Bar of Arizona: Bankruptcy Section, Chair (2010-2011), Past Chair (2011-2012), Treasurer (2003-2009), Executive Council Member (2003-2012)  
American Bankruptcy Institute  
Arizona Bankruptcy American Inn of Court: Master and Charter Member (2011-present)

**Court Bar and Admissions:**

State Bar of Arizona, 1996  
U.S. District Court, District of Arizona, 1998  
U.S. Court of Appeals, Ninth Circuit, 1998

**Articles:**

"The Last Word: Arizona Supreme Court Confirms that Fair Market Value Protection Cannot Be Waived," Sacks Tierney Client Newsletter, March 2015

"The Unexpected 'Vendee's Lien,'" Sacks Tierney Client Newsletter, October 2014

**Reported Cases:**

*In re DeRoche*, 434 F.3d 1188 (9th. Cir. 2006), abrogated by *Travelers Casualty & Surety Co. of America v. Pacific Gas & Electric Co.*, 549 U.S. 443, 127 S.Ct. 1199, 167 L.Ed.2d 178 (2007)

*In re Bliemeister*, 251 B.R. 383 (Bankr. D. AZ. 2000)

**Bankruptcy Law; Creditor's Rights in Bankruptcy**

**SHARON BROOK SHIVELY**

**General Information:** Ms. Shively's practice is in commercial litigation, with an emphasis on issues pertaining to construction, real estate, and insurance coverage. She is responsible for the independent handling, supervision and control of large, complex commercial litigation, arbitration, mediation, and appeals. Her construction clients include owners, contractors, architects, engineers and others related to the construction industry. Ms. Shively is a certified arbitrator for the Commercial and Construction Panels of the American Arbitration Association. Ms. Shively is a Partner with the firm.

**Education:** University of South Florida (B.A., 1973); University of Georgia (M.Ed., 1974; Ed. S., 1975); Arizona State University (J.D., *magna cum laude*, 1983); Order of the Coif; Recipient: Faculty Women's Association Distinguished Achievement Award, 1983; Arizona State University Alumni Association, Outstanding Graduate Award, 1983.

**Honors and Awards:**

*The Best Lawyers in America*® (Construction Law, Construction Litigation), 2007-2016  
Super Lawyers Top 25 Arizona Women: 2013-2015  
Super Lawyers, 2007-2015  
AV-Preeminent® Rating, Martindale-Hubbell®  
Arizona's Finest Lawyers, 2010-present  
Top 100 Lawyers in Arizona, *AzBusiness Magazine*, 2014, 2015  
Top 20 ADR Attorneys, *AzBusiness Magazine*, 2015  
"Top Valley Lawyers" (Construction/Development), *North Valley Magazine*, 2011, 2013

**Professional Activities:**

State Bar of Arizona: Construction Law Section (Past Chair, Executive Council, 2010-2011; Chair, Executive Council, 2009-2010), Trial Practice Section, Alternative Dispute Resolution Section  
American Arbitration Association: Commercial Litigation Panel; Construction Panel  
Fellow, Litigation Counsel of America  
Maricopa County Superior Court, Judge Pro Tem  
Law Clerk to Judge William C. Canby, U.S. Court of Appeals, Ninth Circuit, 1983-1984

**Construction Memberships:**

American Subcontractors Association of Arizona: Member, Attorney Council  
Arizona Builders Alliance  
Arizona Registrar of Contractors Industry Advisory Council

**Community Leadership:**

Arizona Center for Law in the Public Interest: Member and Past President

**Court and Bar Admissions:**

State Bar of Arizona, 1983  
U.S. District Court, District of Arizona, 1983  
U.S. Court of Appeals, Ninth Circuit, 1983

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## Articles:

"Arizona Construction Law Practice Manual (2nd Ed. 2011)," Contributing Editor

"Arizona Prompt Payment Law: A Review of Recent Changes," Sacks Tierney newsletter, May 2011

"Challenges to Arizona's Immigration Law Unsuccessful ... So Far," Sacks Tierney newsletter, February 2008

"Arizona's Employer Sanctions Law among the Nation's Toughest," Sacks Tierney newsletter, September 2007

"Waivers of Sovereign Immunity Key to Contracting with Indian Tribes," Southwest Contractor, October 2005

"Women-Owned Businesses Key to Economic Growth," Sacks Tierney newsletter, November 2004

"Administrative Remedies Afforded by the Arizona Registrar of Contractors," Construction Law Practice Manual, State Bar of Arizona, 2003

"Owner's Liability: Liens," Arizona Construction Law, State Bar of Arizona (1994, 1996, 2001 editions)

"Arizona Owners Are Subject to Prompt Pay Requirements," Reeves Journal, August 2000

"Resolving Homeowner Disputes," Scottsdale Magazine, Spring 2000

"Remedies Afforded by the Arizona Registrar of Contractors," Construction Law Practice Manual, State Bar of Arizona, 1998

Also authored articles relating to case law developments for the Associated General Contractors of Arizona, Legal Notes, 1993

"Book Banning in Public Schools: Don't Tinker with Tinker" (comment), 1982 Arizona State Law Journal 939

## Commercial Litigation; Construction Law

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## JOSE N. TEZANOS

**General Information:** Jose Tezanos' business law and tax law practice encompasses commercial and public finance, federal and state income tax planning, tax controversy, tax credits and incentives, sales and use tax, franchise tax, severance tax, and business personal property tax.

Jose offers experience to clients in a variety of industries, including state and local government, hospitality, healthcare, manufacturing, retail and real estate.

**Education:** J.D., St. John's University School of Law, 2003  
Bachelor of Accounting, Florida International University, 1999

### **Professional Memberships:**

American Bar Association  
State Bar of Arizona  
New York State Bar Association

### **Bar Admissions:**

Arizona, 2011  
New York, 2004

### **Language Fluency:**

Spanish

### **Community Service:**

Phoenix Art Museum: Men's Arts Council  
Tiempo, Inc.: Board of Directors

**Tax Law; Business and Corporate Law; Commercial and Public Finance**

**DAVID C. TIERNEY**

**General Information:** Mr. Tierney is the senior member of the firm's Commercial Litigation Group. His practice areas include Commercial Litigation and Construction Law. He regularly handles the trial of matters involving large construction projects, internet and software related matters, and real estate and fraud cases. He represents engineering firms, architects, contractors, owners, lenders in these matters. Mr. Tierney teaches Continuing Legal Education courses in the field of Construction Law and is a Construction Law Mediator and a Construction Law Arbitrator for the American Arbitration Association. Mr. Tierney has been an Adjunct Professor at Arizona State University. He is a Partner with the firm.

**Education:** Brandeis University (B.A., 1962); Harvard University (J.D., 1965).

**Honors and Awards:**

Lawyer of the Year – Construction (Phoenix), 2014, The Best Lawyers in America®

AV-Preeminent® Rating, Martindale-Hubbell®

*The Best Lawyers in America*® (Arbitration, Commercial Litigation, Construction Litigation, Mediation, Real Estate Litigation), 2003-2016

Super Lawyers (Construction Litigation), 2007-2014

Super Lawyers Top 50 Lawyers in Arizona, 2009-2012

“Arizona’s Top Lawyers,” *AzBusiness Magazine: Alternative Dispute Resolution*, 2014; Construction Litigation, 2013

“2013 Top Rated Lawyers,” *Commercial Litigation Law, The American Lawyer*

Judge Learned Hand Award (Community Service): American Jewish Committee (Arizona Region), 2011

Fellow, American Bar Foundation

Arizona’s Finest Lawyers, 2010-present

**Professional Activities:**

American Bar Association

State Bar of Arizona: Alternative Dispute Resolution Section, Past Chair; Construction Law Section, Past Chair; Co-Editor, “Construction Law Practice Manual”

American Arbitration Association: Commercial Panel; Construction Panel; Construction Mediation Panel; AAA Construction Advisory Council, Chairman

Maricopa County Bar Association

Law Clerk to Justice Paul C. Reardon, Supreme Judicial Court of Massachusetts, 1965-1966

**Reported Cases:**

Precision Components, Inc. v. Harrison, Harper, Christian & Dichter, P.C., 179 Ariz. 552, 880 P.2d 1098 (Ariz. App. Div. 2, Nov. 4, 1993) (No. 2 CA-CV 93-0239)

Tracy v. Superior Court of Maricopa County, 168 Ariz. 23, 810 P.2d 1030 (Ariz., Apr. 23, 1991) (No. CV90-0407-SA)

Mandraes v. Hungerford, 127 Ariz. 585, 623 P.2d 15 (Ariz., Jan. 9, 1981) (No. 14981)

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Greenfield v. Cheek, 122 Ariz. 70, 593 P.2d 293, Blue Sky L. Rep. P71, 440, Fed. Sec. L. Rep, P96,560 (Ariz. App., Sep. 19, 1978) (No. 1 CA-CIV 3785)

Greenfield v. Cheek, 122 Ariz. 57, 593 P.2d 280 (Ariz., Mar. 23, 1979) (No. 14074-PR)

Sundown Imports, Inc. v. Arizona Department of Transportation, Motor Vehicle Division, 115 Ariz. 428, 565 P.2d 1289 (Ariz., App., Mar 14, 1977) (No. 2 CA-CIV 2282)

Application of Collins, 108 Ariz. 310, 497 P.2d 523 (Ariz., Jun. 1, 1972) (No. H-585)

Keams v. Tempe Technical Institute, Inc., 39 F.3d 222, 63 USLW 2285, 95 Ed. Law Rep. 513 (9th Cir. [Ariz.], Oct. 31, 1994) (No.92-16349)

Keams v. Tempe Technical Institute, Inc., 110 F.3d 44 (9th Cir. 1997)

Crawford v. American Institute of Professional Careers, Inc., 934 F.Supp. 335, 112 Ed. Law Rep. 222 (D. Ariz., May 17, 1996) (No. CIV 94-2402 PHX CAM, CIV 96-0646 PHX CAM, CIV 95-0366 PHX CAM)

Keams v. Tempe Technical Institute, Inc., 807 F.Supp. 569, 79 Ed. Law Rep. 846 (D. Ariz., May 4, 1992) (No. CIV 91-0728 PHX RCB)

In re: Residential Resources Mortgage Investments Corp., 98 B.R. 2, Bankr. L. Rep. P 72,723 (Bankr. D. Ariz., Feb. 16, 1989) (No. B-89-0200, 89-53, 'B')

ABC Supply v. Edwards, 232 Ariz. Adv. Rep. 9 (CA 12/17/96)

## Court and Bar Admissions:

Massachusetts, 1965

State Bar of Arizona, 1969

U.S. District Court, District of Arizona, 1969

U.S. Court of Appeals, Ninth Circuit, 1971

U.S. Supreme Court, 1971

## Articles and Presentations:

"Drafting an Effective ADR Clause," State Bar of Arizona, Construction Law Section, November 2013, and ADR Section, May 2014

"Arbitration in Arizona: Changes Have Arrived," March 2013

"Arizona Construction Law Practice Manual (2nd Ed. 2011)," Contributing Editor

"Construction Quality: Do It Right or Pay the Price" (co-editor), [www.doitrightllc.org](http://www.doitrightllc.org), Prentice-Hall, 2011

"Arbitration in Arizona: Changes Are Coming," September 2010

“Arbitration and Mediation ‘Nuts and Bolts’ for Owners and Contractors,” Lorman Education Services, March 2010

“The Law Regarding Indemnity, a Crucial Factor in Control,” Lorman Education Services, March 2009

“Errors and Omissions in Plans and Specifications: Spearin and Kubby Cases,” Lorman Education Services, March 2009

“Overview of New AIA Contract Documents,” Lorman Education Services, March 2009

“Mediation vs. Arbitration – Trends in Alternative Dispute Resolution in Arizona,” Lorman Education Services, March 2009

“Maximizing/Uncovering the Hidden Value in Construction Schedules through Buy-In and Collaboration in Arizona,” Lorman Education Services, December 2008

“The Arizona Mechanics Lien Law and Stop Order Law as Recently Amended: the New Definition of ‘Completion’,” January 2000

“Construction Defect Litigation,” September 2002

“‘Unless and Until’ Clauses: Slow Pay for Subcontractors,” Arizona Contractors Association Almanac, 1989; State Bar Construction Law Section Newsletter, March 1990

“Some Key Changes in the New 2007 AIA Documents,” April 2008

“Controlling the Means of Construction: New Exposure for Architects on Construction Jobs,” Southwest Contractor, January 1985

“Our Prisons: Upside Down & Backwards Priorities,” Tempe Daily News, August 1984

“Alternatives to Incarceration,” Scottsdale Progress Saturday Magazine, January 1980

“Prison Crisis: a Need for Rehabilitative Programs” (co-author), Weekly Gazette Convention Issue, May 1979

“Arizona Corrections: Accomplishments and Unfinished Business” (co-author), Arizona Bar Journal, August 1978

Litigation Manual (contributing editor), Maricopa County Bar Association

**Community Leadership:**

Phoenix Symphony: Board of Overseers

St. Joseph’s Hospital and Medical Center Community Board: Past Chair

# SacksTierney P.A.

ATTORNEYS

Arizona Behavioral Health Corporation: Board of Directors  
Arizona Foundation for Behavioral Health: Board of Directors  
Restorative Justice Resources Coalition, Inc.: Chairman  
Arizona Coalition for Tomorrow: Past President  
Irish American Cultural Institute: Past Chair  
Arizona State University College of Law: Former Adjunct Professor of Construction Law  
Maricopa County Self-Insured Trust Fund: Past Chair, Board of Trustees  
Valley Leadership, Inc.: Past Member, Board of Directors  
Arizona Policy Forum, Vice President, 1998-2006  
Provost's Advisory Committee, ASU West, 1997-2004  
Arizona Prison Industries, Chairman, Board of Trustees, 1981-1987  
Governor's Commission on Computers in Education: Chair, 1984-1985  
Maricopa County Nonpartisan Commission on Trial Court Appointments, 1975-1979  
Peace Corps: Volunteer, 1966-1969

Commercial Litigation; Construction Law

**CHRISTOPHER A. VAN TUYL**

**General Information:** Chris Van Tuyl is a business lawyer who advises clients ranging from start-ups to established businesses. He has significant experience representing public and private clients in a wide variety of corporate and transactional matters, including mergers and acquisitions, debt and equity securities offerings, private placements, venture capital financings, SEC reporting, compliance programs, licensing agreements, commercial contracts, and employment matters.

He has advised clients across a wide range of industries, including pharmaceuticals, health care, technology, banking, manufacturing, paper, timber/forestry, renewable energy and REITs.

Chris brings to the firm's business practice a valuable combination of private practice and in-house experience. After 10 years practicing corporate and securities law at two international law firms in New York and Phoenix, he moved in-house and served at officer-level positions at three multi-billion-dollar public companies. From his experience in-house, Chris has gained an insider's perspective of the internal challenges companies face and how an outside law firm can most effectively add value.

Chris received his law degree from Duke University and graduated summa cum laude from Arizona State University with a degree in Finance and an honors degree from the University Honors College.

**Education:**

Duke University School of Law, J.D., 2000

Arizona State University, summa cum laude, B.S., Finance, 1997: University Honors College; Business Honors Program; Regents Academic Scholar

**Representative Transactions:**

**Mergers & Acquisitions**

Advised a publicly traded timber and performance fibers REIT in its \$7 billion separation into two public companies through a spin-off transaction.

Advised a specialty dermatology company in its \$2.6 billion acquisition by a multi-national specialty pharmaceutical company.

Advised a publicly traded pharmaceutical company in its \$455 million acquisition of a producer of drugs for women's health, asthma and skin treatments.

Advised a global banking technology company in its acquisition of a privately held financial services company for an undisclosed amount.

Represented a privately held biomass energy company in its \$70 million merger with a publicly traded clean energy products and services company.

# **SacksTierney P.A.**

ATTORNEYS

Represented a family-owned electrical supply company in its \$120 million acquisition by a national home improvement retailer.

Represented a Netherlands paper company in its \$230 million acquisition of a publicly traded protective packaging manufacturer and a \$92 million acquisition of a privately held recycled paper products company.

Represented a publicly traded technology and technical engineering solutions company in three acquisitions totaling \$22 million.

Represented a publicly traded supplier of solar and semiconductor systems in its \$4.6 million asset acquisition of a semiconductor furnace business.

Represented a Norwegian oil and natural gas supplier in a \$44.5 million tender offer of common stock and American Depositary Shares of a publicly traded oil company.

## **Public Securities Offerings**

Represented the lead underwriter in a \$35 million public offering of 9.5% Series A Cumulative Redeemable Preferred Stock by a public REIT that owns and operates offices and labs leased to pharmaceutical, biotechnology and life science companies.

Represented the lead underwriter in a \$22 million public offering of common stock by a restaurant-focused public REIT.

Represented a supplier of solar and semiconductor systems in a \$15 million public offering of common stock and a \$5.3 million private investment of public equity (PIPE) transaction.

Advised a producer of high-value cellulose fiber in a \$550 million public offering of 5.5% Senior Notes and related \$650 in senior secured credit facilities.

Advised a pharmaceutical company in a \$500 million public offering of 1.375% Convertible Senior Notes.

Represented an electronics and IT distribution company in its tender offer for \$300 million in aggregate principal amount of its 2% Convertible Senior Debentures.

## **Private Equity and Venture Capital**

Represented a regional home health care company in a \$47 million investment by two private equity funds.

Represented a global bank in a joint venture with a global private equity investment firm to securitize \$1.3 billion in private equity fund interests.

Represented a technology company in a reverse merger with a Hong Kong-based pharmaceutical company, and a concurrent \$12 million private placement.

# SacksTierney P.A.

ATTORNEYS

Represented a private equity fund that specializes in middle-market manufacturing companies in a \$50 million private placement of limited partnership interests.

Represented an Arizona-based community bank in a \$10 million private offering of common stock.

Represented the placement agent in a \$7.65 million private placement of preferred stock and warrants by a manufacturer of electronic products.

Represented an investment fund in a \$50 million private offering of membership interests for real estate investments in the southwest U.S.

Represented an investment fund in a \$5.5 million private placement of partnership interests for a real estate investment in Arizona.

## **Professional Memberships and Activities**

American Bar Association

State Bar of Arizona: Business Law Section, Securities Regulation Section

New York State Bar Association

Association of Corporate Counsel

Society of Corporate Secretaries

Duke Alumni Association

Duke Clubs of Phoenix and Jacksonville

Advisor, ASU Technopolis and SkySong Innovation Center (2008-2009)

## **Bar and Court Admissions**

New York, 2001

Arizona, 2006

Florida, 2013, Authorized In-House Counsel (Inactive)

## **Presentations**

"SEC and Corporate Governance Developments," 2014

"Ethics & Compliance Programs," 2014

"Reg FD: External Communications with the Investment Community," 2013

“Stock Trading Compliance and Procedures in the Pharmaceutical Business,” 2012

“Executive Compensation: Complying with the SEC’s New Disclosure Rules,” 2006

Various Sarbanes-Oxley CLE seminars, 2002-2003

#### **Community Involvement**

Volunteer Youth Soccer Coach, Jacksonville Football Club, 2013-2015

Volunteer Youth Soccer Coach, Chandler San Tan Soccer Club, 2010-2012

United Way, Corporate Team Leader, 2014

Pro Bono Counsel, Afghan-American Art Museum, 2003-2004

Pro Bono Counsel, Steamers Landing Restaurant (9/11), 2001-2003

Pro Bono Counsel, United Nations, Cluster Munitions Disarmament, 2000-2001

#### **Prior Professional Experience**

Chris spent the first 10 years of his legal career practicing at two international law firms in New York and Phoenix, where he focused on securities law, venture capital financings, M&A and general corporate matters. Chris’s clients included public companies, start-up and emerging growth companies, entrepreneurs, private equity funds and individual investors.

In 2009, Chris left private practice to join Medicis Pharmaceuticals (NYSE: MRX), a specialty dermatology and medical device company in Scottsdale, where he oversaw the Corporate Securities division of the legal department and was instrumental in completing the company’s \$2.6 billion sale in 2012. Chris gained substantial experience in the pharmaceutical and health care industries during his tenure with Medicis.

In 2013, Chris joined Rayonier, Inc. (NYSE: RYN) in Jacksonville, Florida, a publicly traded REIT with forestry, timber and performance fiber operations. Chris served as the Corporate Secretary and Chief Compliance Officer and was directly responsible for managing the company’s board of directors and compliance programs. Chris also oversaw other key corporate and legal functions, including SEC compliance, public disclosures, enterprise risk management (ERM), the company’s intellectual property portfolio, and the corporate contracting process. Chris had a lead role in completing the company’s 2014 separation into two independent publicly traded companies through a \$7 billion spin-off transaction.

Chris later joined Fidelity National Information Services, Inc. (NYSE: FIS), the world’s largest global banking technology company, located in Jacksonville, Florida, where he served as Legal Executive and oversaw securities compliance, M&A, and strategic investments and partnerships in the technology banking industry.

# SacksTierney P.A.

ATTORNEYS

Business & Corporate Law; Equity & Debt Finance; Healthcare Law; Mergers and Acquisitions; Securities Law

## MATTHEW F. WINTER

**General Information:** A native Arizonan, Matt Winter has more than 20 years of experience in counseling the owners of a wide range of closely held companies, financial institutions and not-for-profit entities. His clients in complex business and financial transactions benefit from Matt's litigation experience, which helps him detect contract terms and provisions that, if left uncorrected, could fuel future legal action.

Matt is the chair of the Fiesta Bowl and Cactus Bowl board of directors for 2015-2016. He is also the immediate past chair of Ryan House, which provides respite and palliative care for children with life-threatening conditions and their families.

Matt, his wife and their two young sons live in central Phoenix. He is a youth baseball coach and an avid reader of Civil War history.

**Education:** Arizona State University, J.D., 1991  
University of Arizona, B.S., Business Administration, 1988

### **Professional Memberships:**

American Bar Association  
Maricopa County Bar Association  
Defense Research Institute  
Arizona Association of Defense Counsel

### **Articles:**

"Crowdfunding Signals a New Era in Equity Investment," Sacks Tierney Client Newsletter, February 2014

### **Court and Bar Admissions:**

State Bar of Arizona, 1991  
U.S. District Court, District of Arizona, 1991  
U.S. Court of Appeals, Ninth Circuit, 1991

### **Community Leadership**

Fiesta Bowl and Cactus Bowl: Chair, Board of Directors, 2015-2016  
Luke Air Force Base: Honorary Commander, 56th Fighter Wing, Range Management Office  
Ryan House: Chairman (2012-2015) and Member, Board of Directors

Equity and Debt Finance; Business and Corporate Law; Civil Litigation; Real Estate Law;  
Employment Law

**SAMANTHA N. WINTER**

**General Information:** Samantha Winter advises clients in the area of tax planning.

A summa cum laude, Phi Beta Kappa graduate of Barrett, The Honors College at Arizona State University, Samantha earned her law degree at the University of Notre Dame Law School in 2011. She received an LL.M. in Taxation from the University of San Diego School of Law in 2015.

In addition to her legal work, Samantha is an accomplished singer, having performed the National Anthem at numerous sporting events.

**Education:** LL.M. in Taxation, University of San Diego School of Law, 2015

J.D., University of Notre Dame Law School, 2011

B.A., summa cum laude, Barrett, The Honors College at Arizona State University, 2008: Flinn Scholar, Phi Beta Kappa

**Professional Memberships:**

State Bar of Arizona: Tax Law Section

State Bar of California: Trusts and Estates Section

Ohio State Bar Association

The West Virginia State Bar

Scottsdale Bar Association

**Court and Bar Admissions:**

California, 2015

Arizona, 2014

Ohio, 2012

West Virginia, 2011

U.S. District Court, Northern District of West Virginia, 2013

U.S. District Court, Southern District of West Virginia, 2011

**Tax Law**

GOVERNMENT/PUBLIC ENTITIES REPRESENTED BY  
SACKS TIERNEY P.A.  
*(Examples of Previous Projects)*

Maricopa County: The firm has represented and currently does represent the Office of the Maricopa County Attorney with respect to the following matters:

■ Healthcare Partners Incorporated

Attorneys: Steven M. Goldstein

Reviewed loan documents for compliance with fraud and abuse and Stark laws.

■ HPI/Ching/MFA, Arizona

Attorneys: David C. Tierney

Represented the County in the defense of a matter relating to the County's attempt to sell the County Hospital and the litigation related thereto.

■ Maricopa County Indigent Health

Attorneys: David C. Tierney, Steven M. Goldstein

Represented the County in the development of a new system for handling health care services to indigents (including legislative changes to assist in the implementation of the new system) related to claims from various hospitals which provided health care to indigents and then made claims against County for reimbursement of costs.

Represented the County in a three-tiered approach aimed at dealing with the burgeoning County costs resulting from reimbursement claims brought against the County by virtually every hospital in the region. The effort involved assisting with the restructuring of the County system charged with handling indigent eligibility for health care services provided through AHCCCS; pursuit of remedial legislation and litigation of disputes over the hospitals' claims in court. The litigation was handled primarily by another private law firm.

■ Maricopa Faculty Associates

Attorneys: David C. Tierney, Steven M. Goldstein

Assisted the County in the negotiations of their annual contract between the Maricopa Faculty Associates and the Maricopa County Hospital.

■ Repco Waste Recovery

Attorneys: David C. Tierney, Stephen Aron Benson.

Represented the County in a dispute with Repco Waste Recovery regarding contractual dispute over recycling of tires.

■ Tobacco Settlement

Attorneys: David C. Tierney

Represented Maricopa County and 12 other Arizona counties in a claim against the State of Arizona relating to the State's participation in settlement of the nationwide tobacco litigation.

- Maricopa County Department of Transportation

Attorneys: David C. Tierney, Steven R. Beeghley

Represented Maricopa County in litigation relating to a million-dollar road design issue.

#### OTHER GOVERNMENTAL AND QUASI-GOVERNMENTAL MATTERS

The firm also represents and has represented the following:

- Ak-Chin Indian Community, Arizona

Attorneys: Judith M. Dworkin

Represented the Tribe in government relations with the State of Arizona.

- Anthem Community Council, Arizona

Attorneys: Judith M. Dworkin, Roxann S. Gallagher

Represented Anthem Community Council in connection with a preliminary water feasibility study and formation of an Anthem domestic water improvement district.

Represented Anthem Community Council in water rate case proceedings and wastewater district deconsolidation proceedings before the Arizona Corporation Commission.

- Arizona State University (through the Arizona Board of Regents)

Attorneys: Stephen Aron Benson, Roxann S. Gallagher

Represented the Board over various real estate issues involving real property owned or leased by Arizona State University, tax-exempt financing relating to such real property, and other unrelated contract work.

Represented the Board, for and on behalf of Arizona State University, or other special purpose entities, for and on behalf of Arizona State University, as bond counsel for approximately \$720,224,000 in aggregate principal amount of tax exempt bonds or certificates of participation issued between 2004 and 2010.

- California Public Employees' Retirement System ("CALPERS")

Attorneys: Stephen Aron Benson

Represented CALPERS in various real estate investment and leasing issues.

- City of Bullhead City, Arizona

Attorneys: Steven R. Beeghley, Roxann S. Gallagher

Represented the City in litigation relating to a zoning dispute.

Represented the City or its political subdivisions as bond counsel for approximately \$49,510,000 in aggregate principal amount of tax exempt bonds.

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ATTORNEYS

- City of Glendale, Arizona

Attorneys: Steven R. Beeghley

Represented the City in litigation relating to police use of force.

- City of Globe, Arizona

Attorneys: Steven R. Beeghley

Represented the City in negotiations with private companies and an Indian tribe involving water issues and litigation relating to inspection of private construction project.

- City of Lake Havasu City, Arizona

Attorneys: Roxann S. Gallagher

Represented the City or its political subdivisions as bond counsel for approximately \$52,914,429 in aggregate principal amount of tax exempt bonds.

- City of Scottsdale, Arizona

Attorneys: Roxann S. Gallagher

Represented the City or its political subdivisions as bond counsel for approximately \$809,163,000 in aggregate principal amount of tax exempt bonds.

- City of Tucson, Arizona

Attorneys: Judith M. Dworkin, Roxann S. Gallagher

Represented the City on various water issues, including allocation of Central Arizona Project Water; negotiations with the Central Arizona Water Conservation District, and with the Department of Water Resources; representing the City in litigation over groundwater rights; negotiating with other governmental entities over effluent exchange; negotiating and representing the City in litigation with an Indian tribe over water issues, litigation with United States over repayment obligation for Central Arizona Project.

Lobby on behalf of the City, at both the state and federal levels, on water issues.

Represented the City or its political subdivisions as bond counsel for approximately \$236,530,000 in aggregate principal amount of tax exempt bonds.

- Hualapai Indian Tribe, Arizona

Attorneys: Judith M. Dworkin

Represented a wholly-owned enterprise of the Tribe on various legal matters.

- Navajo Nation, Arizona

Attorneys: Judith M. Dworkin, Patty Ferguson, Roxann S. Gallagher

Represented the Nation in various election law matters and internal investigations.

- Pisinemo District of the Tohono O'odham Nation

Attorneys: Judith M. Dworkin

# SacksTierney P.A.

ATTORNEYS

Represented the District on negotiation of contracts, leases and various other legal matters.

- Town of Carefree, Arizona

Attorneys: David C. Tierney, Steven R. Beeghley

Represented the City in litigation regarding various land use disputes.

- Town of Cave Creek, Arizona

Attorneys: David C. Tierney

Represented the City in litigation regarding a land use dispute.

- Town of Paradise Valley, Arizona

Attorneys: Roxann S. Gallagher

Represented the City or its political subdivisions as bond counsel for approximately \$16,055,000 in aggregate principal amount of tax exempt bonds

## PHILOSOPHY OF LEGAL PRACTICE

We are dedicated to the success of our clients. Be it transactional work or litigation, our attorneys share a common philosophy of practice.

First, we are practical and result-oriented. We know that our clients retain us to accomplish a business or litigation result and we never lose sight of that goal. We are aggressive in pursuing our clients' interests, and seek to contribute positively to solving our clients' problems.

Second, our tradition is excellence. We have been uncompromising in our search for the highest caliber legal talent and have conducted a successful national recruitment program for many years. This investment in our future has paid off. We believe that our attorneys have backgrounds of high achievement that compare favorably with leading law firms anywhere in the country.

Third, we are sensitive to the high cost of legal services, and have organized our firm to be streamlined, efficient and price competitive. We believe that superior results can be achieved without "over-lawyering" legal matters.

Above all, we are responsive to client needs. We recognize and appreciate the confidence that our clients demonstrate when they entrust their legal work to us, and we work hard to maintain that confidence and trust.

We offer an exciting alternative to our clients. We are specialized and large enough to provide the broad range of services essential for our transactional, corporate and litigation clients. Yet, our selective growth and client service orientations enable us to maintain our long tradition of high quality, personalized legal services.



EXPERTISE AT A GLANCE

	Appeals	Banking Law	Bankruptcy	Business & Corporate	Civil Litigation	Commercial/Public Finance	Construction	Dispute Resolution	Employment Law	Equity and Debt Finance	Estate Planning	Family Law	Healthcare	Homeowners Association Law	Indian Law	Intellectual Property	Private and Public School Law	Probate / Trust Administration	Real Estate Law	Taxation	Trust and Estate Litigation	Uniform Commercial Code	Water and Environmental
Aiken												•											
Armstrong	•				•											•							
Beeghley					•		•		•														
Benson						•													•			•	
Ditsch					•									•								•	
Dworkin				•										•	•								•
Ferguson	•				•										•								•
Gallagher				•		•									•								•
Goldstein				•									•							•			
Gottfredson		•			•										•					•			
Gould	•				•								•										
Harris														•									
Hebert			•																				
Holden	•			•	•				•														
Jackim		•		•										•						•			
Kimball				•																•			
Lenn		•		•		•				•										•			
Leonard		•			•																		
Meaker				•	•		•													•			
Merrett					•																		
Moffatt											•							•					
Moyer									•												•		
Ray			•																				
Rooney				•													•						
Rudd			•																				
Samuelson			•																				
Shively					•		•	•															
Teply				•							•							•					
Tezanos				•		•															•		
Tierney					•		•	•															
Van Tuyl				•						•													
Winter, M.		•		•	•					•			•							•			
Winter, S.											•									•			

## Pricing Schedule

	Grad Date	Yrs of Experience	ID	Billing #	2016 Rate Effective 2/1/16	Discount Rate	%
<b>SENIOR SHAREHOLDERS (16+ Yrs)</b>							
Tierney, David C.	1965	51	DCT	2	450.00	382.50	85.0%
Lenn, Stephen A.	1970	46	SAL	136	450.00	382.50	85.0%
Benson, Stephen Aron	1973	43	SAB	5	450.00	382.50	85.0%
Hebert, John J.	1973	43	JRH	160	675.00	573.75	85.0%
Rooncy, Michael R.	1974	42	MRR	6	450.00	382.50	85.0%
Leonard, Jeffrey S.	1974	42	JSL	106	450.00	382.50	85.0%
Kimball, Robert G.	1977	39	RGK	411	450.00	382.50	85.0%
Jackim, Janet	1978	38	JEJ	184	365.00	310.25	85.0%
Shively, Sharon B.	1983	33	SBS	20	440.00	374.00	85.0%
Ditsch, Brian E.	1983	33	BED	69	410.00	348.50	85.0%
Armstrong, James W.	1984	32	JWA	21	415.00	352.75	85.0%
Goldstein, Steven M.	1986	30	SMG	29	425.00	361.25	85.0%
Gould, Gaye L.	1986	30	GLG	35	350.00	297.50	85.0%
Dworkin, Judith M.	1986	30	JMD	51	425.00	361.25	85.0%
Moyer, Sharon S.	1987	29	SSM	52	410.00	348.50	85.0%
Holden, Helen R.	1990	26	HRII	144	360.00	306.00	85.0%
Winter, Matthew F.	1991	25	MEW	151	365.00	310.25	85.0%
Rudd, Philip R.	1991	25	PRR	161	450.00	382.50	85.0%
Merrett, André H.	1994	22	AHM	149	375.00	318.75	85.0%
Beeghley, Steven R.	1996	20	SRB	90	365.00	310.25	85.0%
Van Tuyl, Chris	2000	16	CVT	159	365.00	310.25	85.0%
<b>SHAREHOLDERS (10-16 Yrs)</b>							
Meaker, Matthew B.	2003	13	MBM	147	345.00	293.25	85.0%
Gottfredson, Bryan J.	2006	10	BJG	141	330.00	280.50	85.0%
<b>SENIOR ASSOCIATES (5-10 Yrs)</b>							
Samuelson, James S.	1996	20	JSS	152	315.00	267.75	85.0%
Ferguson-Bohnee, Pat	2001	15	PF	95	265.00	225.25	85.0%
Gallagher, Roxann S.	2002	14	RSG	137	355.00	301.75	85.0%
Tezanos, Jose N.	2003	13	JNT	156	340.00	289.00	85.0%
Ray, Wesley D.	2008	8	WDR	162	320.00	272.00	85.0%
Hiller, Evan F.	2010	6	EFH	163	275.00	233.75	85.0%
<b>ASSOCIATES (0-5 Yrs)</b>							
Aiken, Ellen K.	2011	5	EKA	148	235.00	199.75	85.0%
Winter, Samantha	2011	5	SNW	158	260.00	221.00	85.0%
Harris, Michael J.	2014	2	MJH	157	230.00	195.50	85.0%
<b>PARALEGALS</b>							
Chester, Jessica			JC	820	170.00	144.50	85.0%
Clark, Kathy			KC	982	210.00	178.50	85.0%
Ensslin, Susan			SE	934	170.00	144.50	85.0%
Velic, Taiba A.			TAV	943	170.00	144.50	85.0%
Wojczak, Barbara			BW	946	170.00	144.50	85.0%
<b>LEGAL ASSISTANTS</b>							
Chapa, Mary			MC	756	150.00	127.50	85.0%
Cooper, Toni			TC	768	120.00	102.00	85.0%
Miranda, Silvia			SM	774	120.00	102.00	85.0%
Misquez, Cathie			CM	757	150.00	127.50	85.0%
Nielsen, Pat			PCN	701	120.00	102.00	85.0%
Urias, Rebecca			RU	809	120.00	102.00	85.0%

## ADDITIONAL VALUE

### INTERNATIONAL RESOURCES

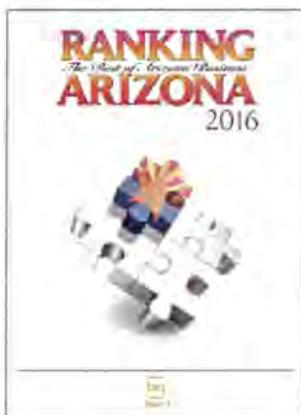


Through Sacks Tierney's affiliation with MERITAS, you can draw on the expertise of 5,000 attorneys in 200 business markets around the globe.

In 1990, Sacks Tierney was invited to become the Phoenix representative of MERITAS, a worldwide affiliation of medium-sized law firms committed to providing quality legal services in a cost effective manner. Based on its admission criteria, MERITAS, which has become the largest international law firm affiliation, selects one law firm from significant geographic areas in the United States and abroad.

With approximately 270 offices in 71 countries on six continents, MERITAS membership better enables us to serve you. For example, when you require legal representation in other states or countries, we can conveniently refer the matter to a law firm that has been pre-selected for quality and has a strong incentive to provide responsive and cost-effective service. In addition, many MERITAS firms have special expertise in narrow fields that is often of use to other MERITAS members and their clients. This expertise is known to all MERITAS members and is available for sharing as the need arises.

Through membership in MERITAS, our firm, in appropriate cases, can spearhead multi-jurisdictional activities of our clients while still maintaining overall coordination of your goals and needs.



### RANKING ARIZONA

Sacks Tierney P.A. ranked number one among law firms with 21 to 50 attorneys, in Arizona Business magazine's annual Ranking Arizona survey for 2016. This is Sacks Tierney's fifth number one title in Ranking Arizona.

Ranking Arizona is the outcome of the largest business opinion poll in Arizona. Members of the public are invited to vote for their favorite companies and professional firms in more than 200 categories.

"Being ranked first among so many other excellent law firms is a great honor for Sacks Tierney and a tribute to the skill and reputation of our attorneys," said managing partner Judith Dworkin. "We are very appreciative of the support we received from the survey participants, and we are committed to live up to the high standards that accompanies this recognition."

BEST LAWYERS IN AMERICA

11 Sacks Tierney Lawyers have been given *The Best Lawyers in America* by Woodward White. Lawyers were nominated for inclusion based on an exhaustive and rigorous peer-review survey.



- Stephen Aron Benson (Real Estate Law)
- Judith M. Dworkin (Native American Law, Water Law)
- Steven M. Goldstein (Health Care Law)
- John J. Hebert (Bankruptcy and Restructuring)
- Rob Kimball (Real Estate Law)
- Jeffrey S. Leonard (Commercial Litigation)
- Phoebe Moffatt (Estate Planning)
- Wes Ray (Bankruptcy and Restructuring)
- Mike Rooney (Business & Corporate Law)
- Sharon B. Shively (Construction Law)
- David C. Tierney (Alternative Dispute Resolution, Commercial Litigation, and Construction Law)

2016

Best Lawyers®  
2016 SELECTEES



Steve Benson



Judy Dworkin



Steve Goldstein



Jack Hebert



Rob Kimball



Jeff Leonard



Phoebe Moffatt



Wes Ray



Mike Rooney



Sharon Shively



Dave Tierney



## MARTINDALE HUBBELL "AV" RATED ATTORNEYS

18 Sacks Tierney attorneys have been given an AV<sup>®</sup> Peer Review Rating, the highest rating by Martindale Hubbell's Peer Review Ratings system. An AV<sup>®</sup> rating represents public confirmation of the status that we have achieved as highly respected ethical members of the Bar. This AV<sup>®</sup> rating signifies that our legal abilities are of the very highest standard and that our professional ethics and conduct are above question. We are proud of this independent endorsement. Our AV<sup>®</sup> rated attorneys are:

- Steven R. Beeghley (Construction Law; Civil Litigation; Employment Law; Loan Workouts)
- Stephen Aron Benson (Real Estate Law; Real Estate Planning Law; Secured Transactions)
- Brian E. Ditsch (Commercial Litigation; Uniform Commercial Code)
- Judith M. Dworkin (Indian Law; Water Law; Commercial Transactions; Environmental; Business Law; Corporate Law)
- Steven M. Goldstein (Health Care Law; Corporate Law; Real Estate Law; Lending and Financial Services)
- Gaye L. Gould (Civil Litigation; Appellate Practice; Health Care)
- John J. "Jack" Hebert (Bankruptcy and Restructuring; Chapter 11 Reorganization; Bankruptcy Litigation; Loan Workouts; Asset Protection)
- Helen Holden (Civil Litigation; Employment Law; Business and Corporate Law; Appeals)
- Janet Jackim (Real Estate Law; Business and Corporate Law; Loan Workouts; Homeowner Association Law; Banking Law)
- Robert G. Kimball (Real Estate Law; Corporate Law)
- Stephen A. Lenn (Business; Financial Institutions)
- Jeffrey S. Leonard (Civil Litigation)
- Matthew B. Meaker (Construction Law; Civil Litigation, Business and Corporate Law; Real Estate Law)
- Andre H. Merrett (Civil Litigation)
- Phoebe Moffatt (Estate Planning; Probate and Trust Administration; Guardianship and Conservatorship; Beneficiary/Heir Representation; Estate and Gift Tax Returns)
- Michael R. Rooney (Commercial Transactions; Business Law; Corporate Law; Private Post-Secondary School Law)
- Sharon Brook Shively (Commercial Litigation; Construction Law; Insurance Coverage)
- David C. Tierney (Commercial Litigation; Construction Law)

# Super Lawyers

Every year, Super Lawyers chooses attorneys from different firms across the country to be recognized. In 2015 Sacks Tierney had seven attorneys named, "Super Lawyer". We also had three attorneys named, "Rising Star"

- Stephen Aron Benson
- Judith M. Dworkin
- John J. "Jack" Hebert
- Andre H. Merrett
- Phoebe Moffatt
- Sharon Shively
- David C. Tierney
- Bryan J. Gottfredson, *Rising Stars*®
- Matthew B. Meaker, *Rising Stars*®
- Wesley D. Ray, *Rising Stars*®

Sacks Tierney has also been named as one of the Best Law Firms 2016, according to the *U.S. News & World Report*.

