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David Demian is a savvy business advisor and experienced litigator who works with construction and general business owners, in-house counsel, and real estate owners, landlords and tenants. He is an expert in federal contracting procurement and regulatory law, SBA and VA set-aside programs, corporate licensing and business agreements, commercial transactions and real estate matters. Clients value his ability to provide solutions to their toughest business problems – all while maintaining the positive demeanor you expect from your strongest business advocate. David’s commitment to providing a quality legal product and the best possible service is evidenced by a long list of loyal clients.

Most businesses will benefit from collaboration with a take-charge leader who is not afraid to roll up his sleeves. While at Harvard University, this SoCal native served as captain of the men’s basketball team and was respected by both coaches and teammates. Today, David thrives leading ambitious large and small business ventures – and everything in between – from early stage fundamentals and planning through to commercial enterprise success and founder exit strategies.

## FEDERAL PROCUREMENT AND REGULATORY LAW

In the highly regulated construction arena, David offers in-depth knowledge of federal contracting issues including Federal Acquisition Regulations, the Contract Disputes Act, the Miller Act, and all SBA and VA set-aside programs. Taking the time to fully understand the legal and business challenges his owner clients face daily sets David apart. This extra effort is exactly why David is so well suited to provide advice on the structuring of small businesses that desire to operate and qualify in both state and federal programs such as Women Owned Small Business, HUBZone Small Business, Veteran Owned Small Business, and 8(a) Small and Disadvantaged Business Enterprises.

## CORPORATE LICENSING AND BUSINESS AGREEMENTS

For construction and general business owners, David often summons Benjamin Franklin’s axiom, “An ounce of prevention is worth a pound of cure” for good reason. It is prudent advice for in-state and out-of-state companies looking to succeed in California. David and his team offer a one-stop solution for business owners seeking

## PRACTICES

- Construction Law
  - Claims & Disputes
  - Local Agency, Municipal & State Contracts
  - Federal Procurement & Claims
  - Project Counsel
  - Prime Contracts & Subcontracts
  - Real Estate
  - Corporate
  - Wealth Preservation
- Business & Commercial Litigation
- Business & Commercial Transactions
- Real Estate
- Wealth Preservation

## ADMISSIONS

- California: State Courts
- U.S. District Courts of California: Central, Eastern, Northern, Southern
- U.S. District Court of California: Southern Bankruptcy Court
- U.S. Court of Federal Claims

## EDUCATION

- University of San Diego School of Law, J.D.
- Harvard University, B.A., Government

Finch, Thornton & Baird, LLP  
4747 Executive Drive, Suite 700  
San Diego, CA 92121

# David S. Demian

PARTNER

advice and legal counsel surrounding corporate structure, licensing, finance, regulatory, asset protection, and business continuity planning. David and his team have cultivated a much deserved reputation for getting even the most challenging legal needs done right for both a U.S. and international clientele.

## BUSINESS AND COMMERCIAL TRANSACTIONS AND LITIGATION

In addition to creating the strong legal foundation necessary for business success, David counsels clients on routine – and not so routine – business operations issues. These include the contractor, subcontractor, or general business agreements necessary to effectively address consulting, purchasing, teaming, joint venture, loans, and security issues. The fact that David frequently serves as his clients' officially designated agent in California is testament to the trust he has earned and the quality legal work he delivers.

As the saying goes, "Business is business." Because business doesn't always work as planned, however, David's dispute resolution and litigation experience in a variety of business, construction, and real estate settings can help, too. David and his experienced team have all the tools necessary to represent clients from early positioning and negotiation through trial and appeal.

## REAL ESTATE TRANSACTIONS AND LITIGATION

Shortly after the launch of his legal career, David enjoyed success as a licensed broker in San Diego's real estate community. This hands-on experience serves construction and non-construction clients especially well throughout all aspects of their transactional and litigation needs. Real estate finance transactions for both permanent and construction financing for multiple office building and housing projects are a particular focus. David represents owners, landlords, and tenants.

## EXPERIENCE

- Construction, business, and commercial litigation
- Corporate counseling, business planning, and asset protection agreements
- Small, disadvantaged, and set-aside business agreements for SDVOSB, 8A, DBE, and WOSB
- Business and licensing agreements for California and out-of-state companies
- Corporate structuring, restructuring, finance, compliance, and acquisition agreements
- Key employee, executive compensation, and business continuity agreements
- Regulatory, compliance, and operational agreements
- Federal claims and procurement disputes including Miller Act claims, Requests for equitable adjustments (REAs), GAO protests, and SBA Size and Status protests
- Local, state, and federal bid protests
- Real estate finance transactions for both permanent and construction financing
- Leasing transactions for industrial and office properties

## MEMBERSHIPS

- State Bar of California
- Harvard Club of San Diego

## RECOGNITION

- San Diego Super Lawyer for Business & Corporate Law by *Super Lawyers Magazine* in 2013-2022
- Best of the Bar by the *San Diego Business Journal* in 2016
- San Diego County Top Attorney in Real Estate and Construction by the *San Diego Daily Transcript* in 2014
- California Top Real Estate Attorney by *San Diego Daily Journal* in 2012

## COMMUNITY

- Board of Directors, American Heart Association, San Diego Division
- Distinguished speaker for American Heart Association 2012 San Diego Heart Beach Ball

## LEADERSHIP

Mr. Demian is an accomplished public speaker and regularly addresses the construction community on a range of training and educational topics, including formation of limited liability companies, indemnity in construction, lien law, and more:

### Top 10 Issues For Construction Contract Negotiations

### Indemnity Made Simple For Construction Law

### Federal/State Small Business Programs And Teaming To Win Projects

### SBA/SDVOSB/VOSB/SDBE/WBE

### Value Add Lease Provisions: Maximize Economics And Increase Flexibility In Commercial Leases

### What The Heck Is An LLC And Why Should I Care?

### Construction Lien Law In California