



John Foust

Senior Associate

John Foust's practice focuses on litigating construction disputes and product warranty claims in state courts, federal courts, and arbitration tribunals. He is experienced in all aspects of cross-border litigation, including jurisdictional issues, choice-of-law issues, conducting discovery abroad, and enforcing foreign judgments.

Mr. Foust is an active member of the ABA Construction Industry Forum, Division 8 – International Contracting.

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ADMISSIONS

California
New Mexico

EDUCATION

Boston College Law School (JD, 2001), *magna cum laude*, *Order of the Coif*

Boston College Law Review,
Managing Editor

University of New Mexico (BA,
English, 1994)

CLERKSHIP

Hon. Edward F. Harrington,
United States District Court for
the District of Massachusetts
(2001-2002)

REPRESENTATIVE MATTERS

- *Water Transmission Pipeline (Chile)*. Represented construction manager in a dispute over the design and performance of a water transmission pipeline in ICDR arbitration.
- *Wind Turbine Generators (USA)*. Represented manufacturer in a dispute over the performance of wind turbine generators in federal courts and in ICDR arbitration.
- *Pharmaceutical Plant (Spain)*. Represented EPC contractor in a dispute over the design and construction of a pharmaceutical plant in state court and ICDR arbitration.
- *Specialty Performance Theater (Nevada)*. Represented owner in dispute over the design and performance of a highly technical specialty theater in Las Vegas.
- *Partnership Contract (Tokyo)*. Represented Japanese citizen in an action for breach of a partnership contract in California state court.
- *Enforcement of Arbitration Award (Dubai)*. Represented U.S. company in an action to enforce an arbitration award in the United States that had been previously vacated by the courts in Dubai.
- *Solar Power System (California)*. Represented solar power supplier in connection with issues involving the power purchase agreements, facility lease agreements, and product warranty agreements.

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"Mechanics' Liens & Stop Notices: Obtaining Priority Over the Construction Lender." *CAGC Legal Retreat* (2003).

"State Power to Regulate Alcohol Under the Twenty-First Amendment: The Constitutional Implications of the Twenty-First Amendment Enforcement Act." *41 B.C.L. Rev.* 659 (2000).

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LANGUAGES

- French