



AAA Mediation.org™

Jon B. Masini, Esq.

Chicago, Illinois



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Current Employer-Title Masini, Vickers & Hadsell, P.C. - Partner/Owner

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Profession Attorney, Arbitrator and Mediator

Work History Partner/Owner, Masini, Vickers, Ruksakiati & Hadsell, P.C., 1-1-19- present; Partner, Vanek, Vickers & Masini, P.C., 2006- 2018; Partner, Fisher Kanaris, P.C., 2004-06; Partner, Daar, Fisher, Kanaris & Vanek, P.C., 1993-04; Attorney, Clausen Miller, P.C., 1989-93; Architect, 1984-1989.

Experience In addition to serving as a mediator and arbitrator, runs a national litigation practice primarily in the areas of construction litigation, commercial litigation, and warehousing/transportation law since becoming a licensed attorney in 1989. In addition to being an attorney, is also a former licensed architect, having worked as a Project Architect and Technical Specification Writer for a large Chicago architectural firm before becoming an attorney.

In construction law practice, has represented architects, all engineering disciplines, surveyors, owners, developers, construction managers, contractors and insurance companies in all types of construction-related cases. Also has extensive experience in reviewing, negotiating and drafting all types of construction-related contracts. Has worked on all types of design and construction-related claims involving residential, multi-family, commercial, industrial, institutional, governmental and medical projects.

In commercial litigation practice has represented business owners, manufacturers, corporations, distributors, suppliers in various litigation and transactional matters, including defense of claims of product liability, breach of contract, intentional interference with business/contractual relationships, fraud, wrongful termination, breach of non-compete provisions, negligence and alleged statutory violations.

In warehousing/transportation law practice, has represented warehouse owners, lessees, brokers, carriers/trucking companies across the country in all types of cases involving loss, damage, theft or

destruction of goods, vehicles and damage to warehouse facilities. Has also drafted and reviewed all types of contracts, warehousing/storage agreements, transportation agreements, warehouse receipts, bills of lading. Handles claims arising under the Uniform Commercial Code, bailment law, negligence, breach of contract, conversion, fraud and other alleged statutory violations.

Examples of cases handled:

- John Hancock facade renovation project during which a 100-foot long suspended scaffold failed, killing three people and injuring several others. Claims totaled more than \$100 million;
- Thirteen-week trial in Tallahassee, Florida involving \$26 million delay and extra claim by general contractor on bridge construction project;
- Fire in high-rise office building in Chicago which killed six people; included a mock trial;
- Comingling and contamination of food products, and ammonia leaks in refrigerated warehouse;
- Multi-million dollar delay claim on O'Hare Airport Expansion project;
- Personal injury case involving accident during the construction of Soldier Field;
- Multimillion dollar construction delay and cost overrun claim on biomedical research facility project;
- Trial in Green Bay, Wisconsin arising out of fire in 105,000 sq. ft. paper storage warehouse involving \$11 million in claims;
- Multimillion dollar claims arising from design and construction of hotels across the country regarding the use of Exterior Insulation and Finish Systems (EIFS);
- Breach of Non-Compete clause in partnership agreement;
- Copyright infringement lawsuits;
- Personal injury case arising from jet bridge at airport which ran over and seriously injured airport employee;
- Personal injury case in which plaintiff was rendered a quadriplegic by tripping and falling on handicap ramp;
- Personal injury and property damage lawsuits arising from collapse of masonry gymnasium wall during construction of middle school;
- Death of an electrician when a partially demolished parapet wall collapsed;
- Trial in Denver, Colorado involving \$5 million in claims by depositors arising out of a fire in a refrigerated warehouse;
- Death case involving a car which struck and broke through a bridge railing
- ADA/FHAA claims on several senior living renovation projects.
- Theft of truckload of cigarettes

Mediator Experience

Has successfully mediated more than 75 matters, including primarily construction cases, commercial cases and warehouse law/bailment cases.

Representative Issues Handled as a Mediator

Construction cases mediated have involved claims of negligent design against architects and all engineering disciplines, faulty construction, mechanics lien claims, breach of contract, non-payment, and delay/loss of efficiency claims. Representative cases include:

- Mediation of multi-party construction case involving Owner, Architect, Civil Engineer and Surveyor with claims arising out of design and installation of site utilities for \$27 million multi-family residential development
- Mediation of claims and counterclaims between Owner and General Contractor relating to the design and construction of \$7.5 million Assisted Living Facility
- Mediation of claims and counterclaims between Owner, Architect, Consultant, Contractor and Subcontractors arising out of the design and construction of outdoor sports facility, including football field, baseball fields, tennis courts, playground, gazebo, walking path, bioswale and parking lot
- Arb/Med Hybrid case involving claims and counterclaims between Owners and Contractor, including alleged faulty construction and building code violations on project not yet completed due to termination of contractor

Commercial and warehouse claims mediated have involved interpretation and application of various types of contracts for goods and/or services, leases/subleases, application of Uniform Commercial Code, bailment claims, including lien rights, claims of conversion, breach of contract, intentional interference with contract relations and unjust enrichment. Representative cases include:

- Mediation of commercial dispute between owner/operator of refrigerated warehouse facility and customers/depositors involving alleged contamination of food products, assertion of Warehouseman's Lien and claims of Conversion, Breach of Contract, Fraud and Unjust Enrichment
- Mediation of multi-million dollar commercial dispute arising out of the refurbishment of 15 monorail train cars and other vehicles for the O'Hare Airport Transit System
- Mediation of multi-million dollar commercial dispute between food manufacturer/distributor and owner/lessor of food processing facility

Mediator Style & Process Preferences	<p>One of the reasons I became a mediator years ago was because, having been involved in more than 100 mediations at the time as a litigator, including numerous large, multi-party, complex, technical cases, I became frustrated with certain mediators who did not seem to delve into the details and technical merits of each party's positions. My mediation philosophy is that disputes should be resolved based upon the merits of each party's positions, not simply on the amount of the claims and/or how much insurance is available and/or the costs of litigation. As the mediator, one of my roles is to perform a detailed analysis and evaluation of the factual and legal positions of the parties and work with them to make sure they understand and appreciate both the strengths and weaknesses of their positions "on the merits". My philosophy and mediation practice also involves conducting separate meetings and/or conference calls with each party in advance of the mediation, to fully and confidentially discuss, in detail, the strengths and weaknesses of their positions, so that they can determine and quantify the value of the case prior to negotiations at the mediation. I have found, and have been told by the parties, that the pre-mediation meetings and calls are extremely helpful for the parties, who often need to reevaluate their cases, from both a substantive and monetary standpoint, which allows them to be more realistic and prepared to negotiate at the mediation. I believe it is critical that such reevaluation by the parties occur prior to the mediation, and I also believe it is why so many of my mediations result in settlements.</p>
Education	University of Notre Dame (B.Arch-1984); Loyola University of Chicago (JD-1989).
Professional Licenses	<p>Admitted to the Bar of the United States Supreme Court, the State of Illinois; U.S. District Court, Northern District of Illinois; U.S. District Court, Eastern District of Illinois. Has been admitted to practice pro hac vice in numerous other states, including Wisconsin, Michigan, Indiana, Ohio, Missouri, Minnesota, Tennessee, Kentucky, Colorado, New York, California and Florida.</p> <p>Former licensed Architect</p>
Professional Associations	InterNational Academy of Dispute Resolution (INADR); American Bar Association (Section on Dispute Resolution and Construction Industry Forum); Association of Defense Trial Counsel; International Warehouse Logistics Association; Jefferson Society of Architect Lawyers; Construction Specifications Institute (CSI) .
Recent Publications & Speaking Engagements	<p>"Alternative Dispute Resolution (ADR) For The Warehousing Industry", IWLA Legal Symposium, October 2015; "Mediation: Benefits, Procedures and Strategies," IWLA Annual Legal Symposium, June 2010; "Lightning Never Strikes Twice - Or Does It?" International Warehouse Logistics Association Annual Legal Symposium, Mock Trial Presentation, June 2009; "Lessons Learned from the Case of Cook v. Paschen, et al.," presentation to client, June 2008; "Joint and Several Liability - A Practical Analysis of Case Law and Statutes," CNA Annual National Panel Counsel Meeting, May 2008; "Lessons Learned Regarding Site Observation Responsibilities," A/E Clients, September 2007; "Statutes of Limitation and Repose - Analysis of Legal Issues and 50-State Summary," presentation for various insurance carriers, August 2006; "Everything You Say and Email Can and Will Be Used Against You In A Court of Law," A/E Clients, November 2005; "Fortune 500 Manufacturing Co. v. Small Town Warehouse," Mock Trial Presentation. Has been a regular speaker at various seminars for design professionals, insurance carriers and risk managers. Was the only attorney from the United States selected to speak at the First Seminar on Structural Forensic Engineering - An Engineering, Legal and Insurance Perspective, held in Ontario, Canada.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	No charge for travel if driving. No charge for meals whether driving or flying to destination.

Mediation Rate	\$500 Per Hour
Languages	English
Citizenship	United States of America
Locale	Chicago, IL

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.