



Jon B. Masini, Esq.

Hourly Rate	\$500
Current	Masini, Vickers & Hadsell, P.C. - Partner/Owner
Practice	9
Cases	In excess of 75
Languages	English

Current Employer-Title

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

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 as a Mediator

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 muti-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

Years of Practice as a Mediator

9

Total Number of Cases Mediated

In excess of 75

Mediation Experience as an Advocate or Party

Has been involved in more than 120 mediations as counsel for one of the parties in some very large and high profile cases including the following:

- Litigation arising from the John Hancock facade renovation project during which a 100-foot long suspended scaffold failed and fell to the street below, killing three people and injuring several others. Claims against the various defendants totaled more than \$100 million;
- Litigation arising from fire in high-rise office building in Chicago which killed six people and injured numerous others;
- Multi-million dollar delay claim on O'Hare Airport Expansion project;
- Personal injury case involving construction site accident during the construction of Soldier Field;
- Multimillion dollar construction delay and cost overrun claim by general contractor on University of Chicago construction project;
- Three separate but related multimillion dollar claims arising from design and construction of hotels across the country regarding the use of Exterior Insulation and Finish Systems (EIFS);
- Personal injury case arising from jet bridge at Midway Airport which ran over and seriously injured airport employee;
- Personal injury case in which plaintiff was rendered a quadriplegic by allegedly tripping and falling on handicap ramp designed by engineer;
- Separate but related personal injury and property damage lawsuits arising from collapse of masonry gymnasium wall during construction of middle school;
- Lawsuit arising from the death of an electrician when a partially demolished parapet wall collapsed;
- Warehouse case in Los Angeles, CA, involving claims and counterclaims for Bailment, Breach of Contract, Intentional Interference with Contract, Conversion, Unjust Enrichment and seeking both compensatory and punitive damages;
- Case in Denver, Colorado involving \$5 million in claims by depositors arising out of a fire in a refrigerated warehouse;
- Multi-million dollar lawsuit involving product contamination at a warehouse facility;
- Litigation in Green Bay, Wisconsin arising from fire in 105,000 sq. ft. warehouse resulting in claims by depositors exceeding \$11 million;
- Lawsuit involving a serious personal injury sustained as a result of an alleged defective concrete texture curing machine;;
- Multi-million dollar suit alleging defective design of a tractor wheel assembly system;
- Litigation involving failure of a heat exchanger for a sugar unloading cart system at a chewing gum factory in Chicago resulting in approximately \$1,000,000 in damage;
- Personal injury case involving the alleged defective design of a rag catcher vault installed at a mental health facility;
- Multiple personal injury lawsuits alleging defective product design against a scaffolding manufacturer;
- Lawsuit for property damage alleging defective manufacture of a convection oven resulting in a fire originating near the oven's exhaust system;
- Death case involving product liability and negligence claims against multiple parties arising from an allegedly defective garage heater.

Mediation Philosophy

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.

Mediation References

Edward Fitzsimmons Dunne, efdunne@karballaw.com,
(312) 431-3620

Robert Moore, bobmoore@rdmintl.com, (818) 985-7654

Todd Rowden, trowden@thompsoncoburn.com,
(312) 580-2229

James Karras,
jjkarras@kellykarras.com;
(630) 575-0202

Alternative Dispute Resolution Training

AAA/ICDR/AAA Mediation.org Panel Conference, 2019; ACE 18 - Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; Judge at InterNational Academy of Dispute Resolution (INADR) Mediation Competition March, 2018; AAA Construction Conference: Navigating the Unique Aspects of Construction Arbitration, 2017; Served as Judge for International Law School Mediation Competition conducted by ICDR (2015); AAA 2016 Construction Conference: Ahead of Schedule and Under Budget, 2016; AAA/ICDR/Mediation.org Panel Conference, 2016; Arbitrators Conducting Legal Research - Good Idea or Bad? 2015; AAA Construction Mediation and the User Experience: Pathways to Settlement and Satisfaction, 2015; Cook County Mortgage Foreclosure Mediation Training, 2011; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (ACE001), 2011; AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2011; Center for Conflict Resolution, 40-Hour Mediation Skills Training, 2010. Cook County Mandatory Arbitration Training, 2009.

Professional Licenses

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.

Former licensed Architect

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) .

Education

University of Notre Dame (B.Arch-1984); Loyola University of Chicago (JD-1989).

Publications and Speaking Engagements

"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.

Compensation

\$500 Per Hour

Languages

English

Citizenship

United States of America

Locale

Chicago, IL

The AAA provides mediators to parties on cases administered by the AAA under AAA mediation procedures. Mediations that proceed without AAA administration are not considered AAA mediations, even where parties select a mediator who is a member of an AAA mediation roster.