

## Tim M. Agajanian

Partner

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Tim Agajanian, tort law attorney, focuses his practice on complex commercial litigation, business law, and catastrophic injury and tort matters, including construction, motorsports and racing, entertainment and hospitality, environmental, municipal contracting and government affairs, professional liability, personal and catastrophic injury, and landlord-tenant/real estate, and government investigations.

His clients rely on him for his ability to find creative solutions that keep deals on track, mitigate the need for litigation, minimize legal spending, and expedite the efficient handling of litigation. He often settles complex cases, avoids costly trials, and handles a trial when required. Tim also has extensive experience handling environmental remediation matters in California and nationally, involving Superfund issues and other regulatory compliance concerns for waste management and landfill companies.

### Background

A frequent speaker and author, Tim offers custom-tailored programs to his clients, providing updates on regulations and case law and overviews of best practices across various industries and business lines.

Tim provides practical, hands-on advice to regional and national clients in business transactions, risk management, and litigation. He counsels clients regarding regulatory and compliance issues, including DOJ, SEC, and IRS subpoenas, proceedings, related investigations, and possible enforcement actions.

### Mediation Fee Schedule

**Full-Day Session** | starting at \$2,000 per party

For scheduling and availability, please email his assistant, [Diane Trent](#).

Tim has handled hundreds of construction defect matters over his 37 years of practice. He has the knowledge and experience to handle residential construction matters, and commercial, business litigation, general

liability, and casualty cases.

## Representative Experience

### GOVERNMENT INVESTIGATIONS & COMPLIANCE

Counseled a client on an SEC/PCAOB subpoena case, favorably settling the matter with no litigation filed.

Successfully defended accounting clients in relation to two SEC Subpoenas on public offering enforced actions against issuers and accounting firms.

Advised a client regarding a grand jury subpoena and investigation of an accounting firm which was successfully resolved with no enforcement.

Successfully resolved DOJ and SEC subpoenas on behalf of accounting firms, accountants, and other professionals.

Represented clients in grand jury subpoenas related to DOJ and IRS investigation inquiries in California, Hawaii, Texas, and other jurisdictions.

### CONSTRUCTION AND REAL ESTATE

Obtained a favorable settlement and early dismissal of a \$750,000 landlord-tenant lawsuit in which 13 former tenants complained of habitability defects in each of their units in a building previously owned by our clients.

Successfully negotiated a favorable settlement for a mid-sized developer and construction company where plaintiffs were seeking \$19 million. The settlement was reached during the pre-litigation process required for residential construction defect cases under CCP Section 895.

Secured a favorable settlement for a subcontractor in a construction defect suit for which our client only had to contribute 40% of the more than \$680,000 in water and mold damages arising from defects following the construction of a custom, single-family home.

Defended a general contractor in a construction defect case in which the plaintiff claimed that all the installed windows and doors leaked and required removal and replacement. Settled the matter for less than 20% of the total settlement by demonstrating that the client's subcontractors were primarily responsible for the defect.

Secured dismissal on behalf of our client, a solar panel installer, by demonstrating that the failure of a \$1 million solar energy array, which the plaintiffs expected to operate for at least 10 years at its facility, was due to manufacturing and not installation defects.

Currently defending a building owner in a case where one of its tenants in a residential apartment building assaulted another tenant with a gun. The plaintiff, who seeks approximately \$175,000 in damages, alleges our clients should have prevented the attack by evicting the perpetrator of the attack sooner.

## PERSONAL INJURY AND TORT

Resolved a workplace injury matter with a dispositive motion with a potential liability of more than \$3 million after the plaintiff's hand was amputated by an industrial accident while operating machinery at our client's business. The plaintiff claimed to be our client's guest, but we argued that he was an employee whose remedies were preempted by workers' compensation laws.

Convinced the plaintiff to dismiss our client, a distributor of stone products, for a waiver of costs before the motion for summary judgment hearing occurred. The plaintiff was diagnosed with an incurable lung disease allegedly sustained as a result of working with various natural and artificial stone products and related materials. The plaintiff sued our client and a number of other manufacturers and distributors for the products that he handled in the course of his work.

Persuaded the plaintiff to dismiss a \$500,000 claim against our client, an atomizer manufacturer, after the plaintiff's e-cigarette exploded in his pocket, causing him to sustain third-degree burns to his thigh and torso. We demonstrated that the explosion was likely caused by the e-cigarette's battery, not the atomizer.

Settled a case with a minimal amount of discovery after a patron got into an altercation with another customer at our client's popular bar/restaurant, suffering a serious traumatic brain injury. The plaintiff initially filed a \$3 million claim, arguing that the bar had inadequate security.

Negotiated a favorable settlement for less than half of the amount of damages sought for a major national emergency protection manufacturer facing a wrongful death and products liability action in which an elderly couple died from a fire at their home. As part of the terms of the settlement, the manufacturer admitted no fault. The original claim on behalf of the three plaintiff heirs included a \$1 million policy limit demand.

Efficiently resolved all claims filed against a corporation in a \$2.5 million breach of contract matter related to an alleged failure to provide defense and indemnity in a prior catastrophic injury case by moving quickly to bring all the parties together at an early mediation.

Settled a \$4 million nuisance suit on behalf of a security firm for a popular New Jersey seaside restaurant in which a patron alleged to have been served excessive amounts of liquor, and upon leaving the premises, sustained severe injuries after being involved in a motor vehicle accident.

## Related Services

[Business and Commercial](#)

[Construction](#)

[General Liability/Catastrophic Injury](#)

[Professional Liability](#)

## **Publications & Speaking Engagements**

CLE Panel - What Happened at the Super Bowl? A Legal Analysis of the Feud Between Kendrick Lamar and Drake

Dallas Bar Association's Entertainment, Art, & Sports Law Section

Co-Panelist

March 26, 2025

Assumption of Risk and Hazardous Activity Liability Waivers

The Racing Attorney Conference (TRAC)

April 10, 2024

Environmental Risk & PFAS Litigation Conference

Perrin Conferences

June 14, 2022

Recent & Future Trends in the Food & Beverage Industry

Perrin's Food & Beverage Litigation Conference

November 5, 2020

Cumis Counsel Selection and its Impact on Claims

Best's Insurance Law Podcasts

September 24, 2020

Independent Counsel for Insured Defendants

Perrin Conferences

July 23, 2020

Long Term Care vs. Hospital Professional Liability: Better Results through Better Claims/Legal Approaches in the Long-Term Care Environment

Cyber Management & Professional Liability Conference

July 7, 2020

## **Education, Admissions & Activities**

### **EDUCATION**

University of Southern California

B.S., 1983

Southwestern Law School

J.D., 1986

### **BAR ADMISSIONS**

California

1987

Texas

2022

#### COURT ADMISSIONS

United States District Court of California

Central, Eastern, and Southern

United States District Court of Texas

Northern

#### PROFESSIONAL AND COMMUNITY ACTIVITIES

Association of Defense Trial Attorneys - Former Member