

# Nathan D. O'Malley

Partner, Los Angeles Office

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## PRACTICE GROUPS

- International Arbitration and Litigation
- Construction
- Business Litigation

## EDUCATION

California State University, Fresno, B.A. (History),  
1997

McGeorge School of Law (University of the Pacific),  
J.D., 2000

Erasmus University of Rotterdam, International  
Business & Trade Law, LL.M., 2001

## PROFESSIONAL SUMMARY

Nathan O'Malley is a partner in the Los Angeles office of Musick Peeler. He leads the Firm's International Arbitration and Litigation Practice, where he focuses on representing parties involved in renewable energy and infrastructure projects. Nathan is experienced in handling both international and US disputes, including litigation and arbitrations seated in various locations in the United States and abroad, and has advised clients on pre-dispute claim procedures and in numerous mediations.

In total, Nathan has appeared as lead counsel, arbitrator, or expert in over 50 international and domestic arbitrations, the majority of which arose out of the engineering and construction sector. He has argued before the United States Court of Appeals for the Ninth Circuit, as well as the California Court of Appeal on issues concerning the application of the Federal Arbitration Act and the California Arbitration Act. He has also appeared before the Courts of British Columbia as an expert on matters of US arbitration law and has been cited by the Singapore Court of Appeals as an authority on the taking of evidence in international arbitration. For two years, Nathan served as the Western U.S. correspondent for the International Construction Law Review.

## RECENT CONSTRUCTION EXPERIENCE

The following is an abbreviated list of Nathan's recent engagements arising out of the construction and engineering sector:

- Lead counsel on behalf of the EPC contractor in a lawsuit over the termination of a contract for the design, build and delivery of a 450 MW combined-cycle natural gas-fueled electricity generating power plant located in the northwest of the United States. The matter was compelled to arbitration after prevailing in an appeal before the Ninth Circuit Court of Appeals. The total claims in the matter exceeded \$300 million;
- Lead counsel on behalf of the EPC contractor in four arbitrations arising out of the construction of a 250MW solar-thermal, electricity generating plant located in California. The total claims in these matters exceeded \$50 million;
- Lead counsel for water infrastructure contractor and materials supplier regarding a dispute arising out of a federally funded transmission project located on the Navajo Nation Reservation. Managed federal and tribal court litigation, before ultimately obtaining a favorable result in mediation.
- Provided legal counsel to EPC contractor during tender and contracting phase with regard to large offshore wind project located off the east coast of the United States. After performing extensive legal review and negotiation support, the client successfully won the tender and executed the project agreement.
- Arbitrator for AAA dispute arising out of community-scale solar field project located in Hawaii. Claims involved issues of delay, contract scope and performance.
- Arbitrator in AAA dispute arising out of the construction of a marquee commercial high rise project in downtown Los Angeles. The arbitration covered a wide range of matters including issues of contract scope, inspection quality and workmanship regarding the steel building infrastructure.
- Lead counsel for a marine & dredging contractor engaged in the expansion of Port Taichung in Taiwan in a dispute submitted to arbitration. The matter was settled after the arbitrator awarded the client the full amount claimed, plus liquidated damages for delay.