

CAPABILITIES / LITIGATION

Construction Litigation

Obermayer represents the construction industry from contract formation and administration through claim initiation and resolution – delivering effective and efficient representation.

OVERVIEW

“Our team understands both the business and legal challenges that our clients face in today’s complex construction industry.”

— Nicholas Poduslenko

Our Construction Litigation team recognizes the integrated, multi-disciplinary nature of modern construction, providing services from the inception of the construction project to its conclusion. These include advice and counsel for:

- Environmental issues;
- Land use and construction permitting;
- Drafting, reviewing and negotiating contract documents;
- Negotiation and drafting of development and joint venture agreements; and
- Negotiation among project team members.

When disputes arise, our attorneys look to negotiate and resolve construction claims using the most efficient and cost-effective means possible, whether by mediation, arbitration or litigation.

Our Value

We partner with our clients, providing tutorials and “lessons learned” meetings to avoid and mitigate potential claims. We also represent our clients in defense of personal injury claims that often arise in the

construction industry.

Members of Obermayer's Construction practice have extensive experience with the financial aspects of construction, including advising lending institutions. We also represent lenders in drafting and negotiating construction loan documentation and evaluate construction projects if loans default.

Finally, our Construction Litigation attorneys have extensive experience dealing with labor issues related to construction. This includes managing strike negotiations and jurisdictional disputes. We appreciate the intricate and dynamic relationships between parties in modern projects and we strive to achieve creative, practical solutions.

Our Clients

Public and private owners, developers, prime contractors, subcontractors, construction managers, architects and engineers, and other design professionals – as well as insurers and bonding companies – rely on the members of our Construction Litigation practice to represent them in the state and federal courts in the region and beyond. In addition, Obermayer provides claims avoidance services to its clients on how to avoid and mitigate claims during a project.

Our Focus

The construction industry is slow in adopting new technologies. Therefore, companies that are early adopters in implementing current technology have a noticeable advantage, not only with project efficiency, but also with claims documentation and prevention. Thanks to Obermayer's experienced team, our members provide advice and counsel to our clients on not only having the appropriate technology, but ensuring that it is implemented properly by the client's employees.

In addition, safety continues to be a challenge – and a top priority – within the construction industry. Obermayer counsels its clients about developing safer work environments as well as protocols to avoid injuries from occurring.

Obermayer helps clients manage costs and avoid claims. We do this by ensuring that clients have up-to-date, enforceable contracts and that they document events during the course of the construction project in the event claims are presented. We also assess whether to resolve claims at an early stage in order to avoid the time and expense involved in litigating and defending claims.

Awards Won*



*[Click here](#) for a description of the standard or methodology on which the awards and honors are based. No aspect of this advertisement is approved by the Supreme Court of New Jersey.

EXPERIENCE

- We represented a client in a claim involving a defectively designed and constructed 700,000-square-foot shelter roof. Our litigation team, with the help of technical consultants, determined the cause of the roof failures and then pursued claims against multiple parties involved in the construction project, positioning them for an early resolution. Upon initiation of the claims, our attorneys engaged all counsel involved on behalf of the parties, where a mediation resulted in the successful resolution of the matter on behalf of the client.
- We successfully defended a transit agency in defending and ultimately resolving a multi-million dollar lawsuit involving 24 distinct claims. Through defending the matter, we were able to resolve the claim for a fraction of the value being sought.
- We represented a developer in a property line dispute involving the construction of 17 townhomes. Neighboring property owners filed an injunction action where we were able to have the injunction resolved, allowing the developer to construct the townhomes.

ATTORNEYS

Key Contacts

Nicholas Poduslenko

PARTNER
215.665.3256
np@obermayer.com

Jeffrey S. Batoff

OF COUNSEL
215.665.3064
jeffrey.batoff@obermayer.com

Alex Basilevsky

PARTNER

Justin J. Boehret

ASSOCIATE

Jennifer Bruce

ASSOCIATE

215.665.3094
alex.basilevsky@obermayer.com

Tara Burns

ASSOCIATE
215.665.3056
tara.burns@obermayer.com

Anastasius (Tassos) Efstratiades

PARTNER
215.665.3030
tassos.efstratiades@obermayer.com

Derek S. Green

OF COUNSEL
215.665.3080
Derek.Green@obermayer.com

Thomas T. Hearn

PARTNER
215.665.3013
thomas.hearn@obermayer.com

Lars J. Lederer

ASSOCIATE
215.665.3188
lars.lederer@obermayer.com

Richard P. Limburg

PARTNER
215.665.3074
richard.limburg@obermayer.com

Joseph J. McGovern

PARTNER
215.665.3058
Joseph.McGovern@obermayer.com

Katarzyna Parker

ASSOCIATE
215.665.3154
kasia.parker@obermayer.com

Michael D. Vagnoni

PARTNER
215.665.3066

215.665.3012
justin.boehret@obermayer.com

Dove A.E. Burns

PARTNER
917.994.2550
dove.burns@obermayer.com

Michael F. Eichert

OF COUNSEL
215.665.3274
michael.eichert@obermayer.com

Matthew A. Green

PARTNER
856.857.1413
matthew.green@obermayer.com

Andrew J. Horowitz

PARTNER
412.288.2461
Andrew.Horowitz@obermayer.com

Thomas A. Leonard III

CHAIRMAN EMERITUS
215.665.3220
thomas.leonard@obermayer.com

Paige Macdonald-Matthes

PARTNER
717.221.1609
pmm@obermayer.com

Madison G. Melinek

ASSOCIATE
215.665.3071
madison.melinek@obermayer.com

Michael S. Pepperman

PARTNER
215.665.3032
michael.pepperman@obermayer.com

Brett Wiltsey

PARTNER
856.857.1435

717.221.1604
jennifer.bruce@obermayer.com

Mark S. Danek

PARTNER
484.344.5429
mark.danek@obermayer.com

Daniel P. Finegan

PARTNER
215.665.3166
daniel.finegan@obermayer.com

Steven A. Haber

PARTNER
215.665.3253
steven.haber@obermayer.com

Samantha J. Koopman

PARTNER
215.665.3045
Samantha.Koopman@obermayer.com

William J. Leonard

PARTNER
215.665.3228
william.leonard@obermayer.com

Melissa A. Maione

ASSOCIATE
215.665.2921
melissa.maione@obermayer.com

Henry J. Noye

PARTNER
215.665.3196
henry.noye@obermayer.com

Tricia A. Swann

ASSOCIATE
215.665.3266
tricia.swann@obermayer.com

michael.vagnoni@obermayer.com

brett.wiltsey@obermayer.com

RELATED CAPABILITIES

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