



MEET NICK

*“My goal is to objectively evaluate a client matter, have the client understand its strengths and weaknesses, and then convince the opposing party of the same to see whether a resolution can be reached sooner than later.”*

— Nicholas Poduslenko

Nick is the Chair of Obermayer’s Construction Law Practice Group and a partner in the firm’s Litigation Department. He practices in the areas of complex commercial disputes, construction law, alternative dispute resolution and workouts and creditors’ rights. He represents banks and financial institutions in lender liability foreclosure proceedings and debt collections. He also handles workouts of complex financing projects for banks.

Nick develops a well thought out, balanced, and cost-effective way to reach an early resolution and, if unable to do so, a cost-effective way of reaching trial. For Nick, it is gratifying to be able to guide a client through a dispute of any sort where, at the end of the day, they feel that they were able to be heard and have their issues addressed properly.

In his free time, Nick enjoys spending time with his wife and three children and relaxing in Sea Isle City during the summer. He is also an avid, albeit at times frustrated, Philadelphia sports fan who attends as many games as he can.

EXPERIENCE

In his role as chair of the firm’s Construction Law Practice Group, Nick represents owners, general contractors, subcontractors, suppliers, architects, engineers, shopping center owners and developers in a wide variety of construction matters. His work includes managing surety claims, indemnity claims, insurance issues, mechanics liens, bond claims, claims for additional compensation, liability for

construction activities, delay claims, impact claims, inefficiency claims, prompt payment, and construction defect claims. He also represents his clients in land use matters.

Nick also is seasoned in managing complex commercial conflicts, restrictive covenants and contract disputes. He also has extensive experience handling personal injury and product liability matters with a specialty in catastrophic losses. His clients come from a diverse group of industries such as municipal entities and authorities, contractors, developers, car dealerships, software companies, physician practice groups, manufacturers and nonprofits.

In alternative dispute resolution, Nick has an active ADR practice, serving both as a mediator and arbitrator. He has successfully participated in and resolved several disputes arising out of construction projects, commercial leases and a host of business related contracts.

A representative listing of matters Nick has handled, include:

- Attaining a \$7 Million judgment on behalf of a client against a large utility company in relation to internet technology services and consulting;
- Attaining at trial a \$4.1 Million judgment on behalf of a commercial tenant against the landlord;
- Successfully defending and negotiating settlements in construction claims which originally started where the plaintiffs were seeking seven figure damages;
- Defending lending institutions in lender liability matters and resolving defective deed and title claims;
- Successfully defending, litigating, and resolving premises liability claims on behalf of municipal entities, including a municipal airport facility;
- Representation of owners of construction projects in multi-million dollar delay and inefficiency claims brought by contractors;
- Pursuing claims on behalf of a building owner against the designer and builder of a 450,000 square-foot roof atop a bus storage facility;
- Pursuit of design error and omission claims on behalf of owners of construction projects;
- Representation of an architect involving the faulty construction of a \$1 million residence;
- Representation of a municipal utility in explosions resulting in catastrophic losses;
- Defense of municipal agencies in claims relating to negligence, premises liability, product liability, explosions, fires and construction failures;
- Defense of law enforcement officials in Section 1983 civil rights claims;
- Representation of nonprofit organizations with regard to claims of director malfeasance;
- Defense of an international manufacturer of wind turbines in a multi-million dollar claim of breach of an exclusive service contract;
- Representation of the owners of a patent for a cord-free phone against various infringers;
- Pursuing a claim under the Pennsylvania Storage Tank and Spill Prevention Act on behalf of a shopping outlet mall owner to recover damages arising out of contamination of the property.

## NEWS & INSIGHTS

### **PA Supreme Court Grants Hearing to Obermayer Attorneys in Gamesa Energy v. Ten Penn Center case**

August 23, 2018 by Nicholas Poduslenko, Samantha J. Koopman, Jeffrey S. Batoff, Jeffrey S. Batoff

## Obermayer Forms Lender Liability Practice Group

July 05, 2017 by Nicholas Poduslenko, David A. Nasatir

### ACTIVITIES & HONORS

Nick is a member of the Philadelphia Bar Association, the Pennsylvania Bar Association and the American Bar Association. He is also a member of the Brookside Homeowners Association.

He is the co-author of "[Pennsylvania Home Improvement Consumer Protection Act: Contractors Beware!](#)" (biz570.com; North East Pennsylvania Business Journal, January 8, 2010).

Nick also operates and manages the Malvern Prep Baseball Booster Club which has raised a minimum of \$30,000 a year to help support the baseball program at Malvern Prep.

### 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.

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### EDUCATION

- Temple University School of Law, JD
- Villanova University, BS

### ADMISSIONS

- Pennsylvania
  - New Jersey
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CAPABILITIES

**Litigation**

Appellate  
Commercial Litigation  
Construction Litigation  
Environmental  
Insurance

**Business & Finance**

Intellectual Property  
Lender Liability & Workouts  
Mergers & Acquisitions

**Labor & Employment**

Labor Arbitration

**Industry Focus**

Financial Services  
Health Care  
Individuals & Private Clients  
International Businesses  
Local Governments & Municipal Authorities  
Nonprofit Organizations  
Real Estate & Construction  
Universities & Secondary Schools