

Adam E. Levy

Shareholder

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Adam is a member of the firm's Architectural, Engineering & Construction Defect Litigation Practice Group. He concentrates his practice in complex construction defect matters, which include the defense of contractors, architects, engineers, surveyors and other professionals. He also defends claims of bodily injury, property damage, delay damages and other claims related to the construction industry.

In complex multiparty litigation, Adam has developed significant experience. He has successfully represented clients in matters involving wrongful death, school construction defects, condominium construction defects, public entity construction projects, and geotechnical engineering, including inaccurate surveying claims, improper dynamic compaction claims, and various other claims of deviations from architectural and engineering standards of care.

Adam earned his Bachelor of Arts Degree from Stockton State College and his *juris doctor* from The Thomas M. Cooley Law School.

Education

- Cooley Law School (J.D., 1996)
- Stockton University (B.A., 1990)

Admissions

- New Jersey, 1997
- U.S. District Court District of New Jersey
- Pennsylvania, 1996

Published Works

- “New Jersey’s Affidavit of Merit – Pitfalls and Practice Pointers,” *Defense Digest*, Vol.

Practices

- Architectural, Engineering & Construction Defect Litigation
- Construction Injury Litigation

27, No. 4, September 2021

- "Plan to be Immune: Derivative Protection for Design Professionals Via Title 59," *The New Jersey Law Journal*, Professional Malpractice Supplement, January 20, 2015

Significant Representative Matters

- Successfully defended client through a two and a half month trial, with a no cause of action verdict against a products defect claim which allegedly resulted in burns to over 58% of plaintiff's body. The case involved claims against a major U.S. car manufacturer as well as an internationally recognized automotive organization. On the eve of closing arguments, the other parties settled without notice to Adam or his client. The last demand on Adam's client was for tender of its \$10 Million Policy.
- Obtained a jury verdict on behalf of insurer in favor of carrier on an insurance fraud claim. Plaintiff in this matter fraudulently accepted payment from both a tortfeasor's automotive carrier and his own carrier, effectively "double-dipping" to receive duplicative recoveries. Adam successfully obtained a verdict recovering for the carrier its payment with treble damages for the defendant's violation of the New Jersey Insurance Fraud Act.
- Successfully represented major amusement park owner through trial in defense of a juvenile death case. Representation included Supreme Court submissions and appearances prior to trial. Results included seminal Supreme Court decision on the allocation of liability on behalf of the client as against a sovereign entity that was dismissed from the case due to the plaintiff's failure to add the sovereign as a direct defendant prior to the expiration of the notice provisions of the torts claim act. Based on our representation, the jury would be instructed to allocate liability for the sovereign's negligence thus offsetting any potential negligence against the client.

Representative Matters

- Obtained summary judgment for a national engineering firm against claims of personal injury to a construction worker injured on a job site. Issues related Affidavit of Merit Statute and its applicability to client's field representative's scope of work during the construction of a multi-million dollar U.S. Coast Guard facility.
- Obtained summary judgement for a major national residential home developer against claims of personal injury by a construction worker injured on a job site. Issues related to the scope of client's involvement in the construction of a planned urban development.
- Obtained dismissal of claims against a major national residential home developer arising out of alleged defects in the construction of a multi-million dollar home. Also recouped all costs and fees related to the client's defense based on contractual indemnifications from co-defendant.
- Obtained summary judgement for a major regional residential homebuilder against claims of construction defect arising out of damages to multi-million dollar beachfront home caused during Hurricane Sandy.
- Obtained summary judgment for a developer and general contractor in a construction defect case. The plaintiff, a homeowners association, sued multiple parties seeking \$2.5 million in damages related to water infiltration due to the allegedly negligent installation of roofing, exterior cladding, windows, doors, railings and decks. We also represented several previous developer/association board members who were sued individually. Prior to filing suit, the plaintiff filed a claim with the state of New Jersey under the Home Owners Warranty program.
- Obtained dismissal of all claims against major energy company related to death claim. Deceased's estate alleged that client was implicated in an alleged failure to provide

safety on the roof of a construction site which resulted in the deceased falling through roof to his death.

Results

Obtained Positive Outcome in a Construction Site-Related Personal Injury Case

We secured a positive outcome for our client in a construction site-related personal injury case in New Jersey. After a month of trial, we successfully placed the entirety of the plaintiff's \$4.2 million jury verdict against the remaining co-defendant. We also succeeded in placing all of our client's costs and attorney's fees on the co-defendant. In total, the judgment against the co-defendant was in excess of \$7 million.

Thought Leadership

July 1, 2023

The Lack of a Retainage Payment to General Contractor Did Not Bar Payment to the General Contractor's Subcontractors, Regardless of a Condition Precedent Requiring that the General Contract be Paid Before the Subcontractors

July 1, 2022

New Jersey Extends the Statute of Limitations in Construction Cases Involving Planned Real Estate Development Associations

January 3, 2022

New Jersey's Prompt Pay Act requires exactly that – prompt payment.

September 1, 2021

New Jersey's Affidavit of Merit – Pitfalls and Practice Pointers

July 1, 2021

The Affidavit of Merit Statute Requires the Affidavit to be Served within 60 Days of the Licensed Professional's Answer - However, that Deadline is Not Draconian