

Sunny Marie Sparano

Assistant Director, Professional Liability Department
Chair, Architectural, Engineering and Construction
Defect Litigation Practice Group

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Roseland – 973.618.4105



Sunny is the Assistant Director of the firm's Professional Liability Department and serves on the firm's Board of Directors. Along with the Director of the Professional Liability Department, she is responsible for the administrative oversight and leadership of more than 140 lawyers across 19 offices. As a member of the firm's Board of Directors, Sunny oversees the firm's daily operations spanning four departments and 50 practice areas.

Sunny also serves as Chair of the firm's Architectural, Engineering and Construction Defect Litigation Practice Group. She focuses her practice on the defense of design and construction professionals, both independently and through their insurance carriers, in complex construction defect suits asserting a variety of claims, such as building and design-related deficiencies.

These large and complex construction defect suits often involve multiple parties in which issues of code violations, negligence, breach of contract and fraud are at issue, as well as insurance coverage claims under GL policies. Similarly, Sunny defends contractors and design professionals in claims involving construction site accidents. She also defends manufacturers in product liability actions.

In addition to the above, Sunny regularly handles environmental claims and serves as counsel in litigation involving leaking underground storage tanks, groundwater contamination, and claims pursuant to the New Jersey Spill Compensation Act.

Sunny has brought a significant amount of litigation experience with her when she joined the firm in 2005. Prior to joining the firm, Sunny was a construction litigation attorney who represented builders and contractors in complex construction defect suits. Prior to gaining experience in the construction litigation arena, Sunny briefly focused her practice in ERISA litigation handling health, life and disability benefit claims and the defense of insurance companies in connection with said claims.

Practices

- Architectural, Engineering & Construction Defect Litigation
- Environmental & Toxic Tort Litigation
- Miscellaneous Professional Liability

In 1997 Sunny received her B.A. in Political Science from Seton Hall University. She then entered Widener University School of Law and received her *juris doctor* in 2000. Following law school, she served as judicial secretary to the Honorable Sallyanne Floria, J.S.C. in the Chancery Division, Family Part, Essex County, New Jersey. Sunny is a member of the New Jersey State, New York State and Essex County Bar Associations.

Education

- Widener University Delaware Law School (J.D., 2000)
- Seton Hall University (B.A., 1997)

Admissions

- New Jersey, 2000
- U.S. District Court District of New Jersey, 2000
- New York, 2001
- U.S. District Court Eastern District of New York, 2001
- U.S. District Court Southern District of New York, 2001

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
The Martindale-Hubbell rated attorney list is issued by Internet Brands, Inc. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.
- The Best Lawyers in America®, Litigation - Construction (2023-2027)
The Best Lawyers list is issued by Woodward & White. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.
- New Jersey Super Lawyer Rising Star (2010-2013)
The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Associations & Memberships

- Essex County Bar Association
- New Jersey State Bar Association
- New York State Bar Association
- Women's Construction Litigation Alliance, Regional Associate, Northeast Region
- Women's Law Caucus, 1997-2000, President (2000)

Classes/Seminars Taught

- *Navigating Liability for Design: Key Considerations for Contractors, Professionals, and Insurers*, ILG Webinar, July 10, 2024
- *Coordinating the Design Defense*, NJICLE 2023 Construction Law Forum, June 21, 2023
- *Building a Stronger Industry: The Impact of the Building Safety Legislation on Construction and Insurance*, ILG 360° London Annual Conference 2023, March 15, 2023
- *Survival and Revival - How the Construction Industry is Embracing Change to Overcome Recent Challenges*, ILG Virtual Conference, March 24, 2021
- *Construction Defect Litigation in New York and New Jersey*, Client Webinar,

December 2020

- *Leveling the Playing Field To Avoid Problems Down the Road on Construction Projects*, West Coast Casualty Construction Defect Seminar, May 2017
- *If It Ain't Broke, Don't Sue: Why Products Claims in Construction Defect Cases Are Not Easy Money*, West Coast Casualty Construction Defect Seminar, May 2016
- *Statute of Repose and PREDFDA in New Jersey Construction Defect Law*, Construction Defect Claims Manager Association, March 2013
- *Construction Defect in the State of New Jersey*, Construction Defect Claims Managers Association, March 2013

Published Works

- *Case Law Alerts*, contributor, 2011-2012
- "If You Build It, They Will Sue," *New Jersey Law Journal*, March 27, 2006, co-author
- "If You Build It, They Will Sue: Construction Defect Litigation In The Garden State And The Trend Of Alternative Dispute Resolution," *Defense Digest*, Vol. 11, No. 4, December 2005, co-author

Significant Representative Matters

- Successfully represented a general contractor in a multimillion dollar construction defect litigation in New York alleging deficient construction of a mid-rise luxury building and resolved the case through mediation. Achieved a global resolution of the case for less than ten percent of the total damages complained of by plaintiff. Significantly limited our clients contribution, by taking the lead role in mediation and working with the subcontractor defendants to come up with a global settlement package.
- Successfully represented general contractors in construction site injury cases whereby the defense of our client was tendered to the subcontractor defendants and the defense of our client was assumed.
- Successfully represented a window manufacturer in a multi-party litigation whereby the matter was resolved through mediation with no payment by our client.
- Summary judgment granted for defendant in case against an oil tank testing and removal company alleging negligence in connection with the testing of the underground oil tank.
- Summary judgment granted for defendant in case by homeowner against contractor whose alleged work caused and/or contributed to the alleged structural deficiencies of the home. Successfully established that plaintiff's expert failed to establish a causal connection between the alleged deficiencies and the work performed by defendant contractor.

Results

Defense Prevails in Multi-Party Construction Defect Action

The decision was later affirmed by the Superior Court of New Jersey, Appellate Division, and we successfully argued both the summary judgment motion and the appeal. The plaintiff, a condominium association, filed suit against the sponsor of a newly constructed mixed-use residential and commercial building in Hoboken, New Jersey. The plaintiff also sued the property management company, the general contractor and various

subcontractors involved in the construction. A temporary certificate of occupancy was issued in March 2004 and the plaintiff did not commence litigation until June 2014—more than ten years after substantial completion. Therefore, the claims were barred by the ten-year Statute of Repose, N.J.S.A. § 2A14-1.1. The former property manager for the building and the sponsor entity had common ownership. The plaintiff argued the sponsor maintained control of the property by virtue of its continued involvement through the property management entity, and that the Statute of Repose did not apply to a party in actual possession and control of the property at the time that the defective and unsafe condition caused the injury or damage at issue. The Appellate Division held that the plain language of the Statute of Repose precludes any “action, whether in contract, in tort, or otherwise, to recover damages for any deficiency in the design, planning, surveying, supervision or construction of an improvement to real property, [and] any action for contribution or indemnity for damages sustained on account of such injury . . . more than [ten] years after the performance or furnishing of such services and construction.” N.J.S.A. 2A14-1.1(a). The court found that the claims were also barred by the six-year statute of limitations as the plaintiff alleged that the first repairs at the building were undertaken in 2004, and the complaint was not filed until 2014.