

## JOHN H. OSORIO

CHAIR EMERITUS, ARCHITECTURAL, ENGINEERING AND CONSTRUCTION DEFECT LITIGATION PRACTICE GROUP  
SENIOR COUNSEL



### AREAS OF PRACTICE

Architectural, Engineering & Construction  
Defect Litigation  
Miscellaneous Professional Liability  
Product Liability

### CONTACT INFO

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Mount Laurel, NJ 08054

### ADMISSIONS

New Jersey  
1985

U.S. District Court of New Jersey  
1985

### EDUCATION

Southwestern University School of  
Law (J.D., 1984)

University of Montana (B.A., 1979)

## OVERVIEW

John serves as Chair Emeritus of the Architectural, Engineering & Construction Defect Litigation Practice Group. In this capacity, he oversees a large group of attorneys throughout many of the firm's offices dedicated in the defense of construction professionals.

For over 30 years, John has handled more than 500 matters in the defense of architectural and engineering firms, general contractors, subcontractors, developers, and owners in litigation matters involving personal injury and property damage. The scope of his representation includes construction and design defect matters, breach of contract, delay damage cases, indemnity and coverage, and construction code and safety violation claims.

In addition to John's vast experience in an all matters of construction litigation, he has handled many hundreds of matters involving personal injury, product liability, and catastrophic loss matters.

John graduated from the University of Montana in 1979 with a Bachelor of Arts in history and political science. He then went on to receive his *juris doctor* from Southwestern University School of Law in Los Angeles, California.

## THOUGHT LEADERSHIP

### On the Pulse...Profile of Our Architectural, Engineering & Construction Defect Litigation Practice Group

**Mount Laurel**  
**Architectural, Engineering & Construction Defect Litigation**  
**September 1, 2015**

Marshall Dennehey's Architectural, Engineering & Construction Defect Litigation Practice Group is focused on defending litigation matters related to the construction industry. Defense Digest, Vol. 21, No. 3, September 2015

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## 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.*

New Jersey Super Lawyer  
2005

*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.*

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## ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Camden County Bar Association

Defense Research Institute

Gloucester County Bar Association

New Jersey Defense Association

New Jersey State Bar Association

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## YEAR JOINED

1997

## CLASSES/SEMINARS TAUGHT

*Construction Defect Litigation in New York and New Jersey*, Client Webinar, December 2020

*Construction Defect Conference Architect & Engineers in Construction Defect Claims*, Panelist at Perrin

*Struggles and Successes of the Past 25 Years*, Panelist at West Coast Casualty Conference

*Risk Transfer in Construction Defect Litigation*, client seminars

*The Professional (Architect & Engineer) Part in Construction Defect Claims*, Panelist, 2nd Annual National Construction Defect Conference, November 2016

*Minimizing Risk and Avoiding Consequences as a Design Professional in the State of New Jersey*

*Defending Roof Collapse Cases*

*Defending Architect and Engineer Malpractice Claims in New Jersey*

*The Applicability of the Economic Loss Doctrine to Design Professional Claims*

## PUBLISHED WORKS

"Additional Insured Status of Design Professionals," *Defense Digest*, Vol. 4, No. 3, 1998

Proceedings of the 42nd Annual Meeting of Invited Attorneys

## RESULTS

### Defense Secures Dismissal of Claims in Construction Defect Case

#### **Architectural, Engineering & Construction Defect Litigation May 11, 2017**

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.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully argued before the Supreme court of New Jersey in defense of a general contractor defending allegations of construction defect brought by a subsequent condominium association owner. The Supreme Court held that a construction defect lawsuit must be filed within six years from when the building's original or subsequent owner first knew or, through the exercise of reasonable diligence, should have known of the basis for a cause of action. A subsequent owner stands in no better position than a prior owner in calculating the limitations period. If a prior owner knew or reasonably should have known of the basis for a construction defect action, the limitations period began at that point. If the building's owner knew or reasonably should have known of construction defects at the time of the sale of the property, the purchaser takes title subject to the original owner's right – and any limitation on that right – to file a claim against the architect and contractors. Thus, a subsequent owner will stand in the shoes of a prior owner for statute of limitations purposes.

Successfully argued before the Supreme Court of New Jersey on behalf of a major amusement park owner resulting in the 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

Represented and successfully resolved a \$10 million plus claim brought by a railroad company alleging damage to a bridge as the result of a dam removal and stream restoration project. The matter involved the assertion of design deficiency claims involving geotechnical and hydrological investigation and the means and methods of construction implemented by the general contractor.

Represented a large general contractor in over ten construction defect cases involving high rise condominium and apartment complexes brought by condominium associations and owners.

Successfully represented a solar energy contractor in a breach of contract suit involving the installation of solar panels on numerous public schools in the State of Hawaii, islands of O'ahu and Kauai. The matter was tried for over three weeks heard by a three person binding arbitration panel. After the conclusion of our case in chief, the plaintiff accepted a settlement upon client's terms.

Successfully tried engineering malpractice claim where the demand was \$1.3 million by proving client's design was altered and not the proximate cause of community wastewater treatment facility's failure.

Successfully settled multi-plaintiff burn and personal injury case by orchestrating a settlement fund with equal contributions by multiple defendants, thus, capping catastrophic exposure and resolving liability among defendants.

Successfully settled multimillion dollar claim by high-rise condominium owners by way of mediation.

Successfully resolved multi-plaintiff burn case by way of mediation and use of extensive experts to reduce potential liability.

Successfully resolved wrongful death construction case and convinced mediator that general contractor client was the least culpable of all defendants.

Amicably resolved \$25 million burn claim through negotiated settlement in multiple defendant litigation wherein we represented design professional who contributed to the design of a hydrogen furnace which exploded. Obtained settlement through small contribution by establishing limited liability for proximate cause of the accident.

## **REPRESENTATIVE MATTERS**

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 a defense verdict on behalf of a defendant engineering firm in a two week jury trial alleging negligence in the design of a subsurface disposal field.

Obtained dismissal of a negligent design claim against a design professional, after a three day Evidentiary Hearing (Lopez hearing) to establish the accrual date for the applicable Statute of Limitations.

