

## ADAM E. LEVY

SPECIAL COUNSEL



### AREAS OF PRACTICE

Architectural, Engineering and  
Construction Defect Litigation  
Construction Injury Litigation

### CONTACT INFO

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### ADMISSIONS

New Jersey  
1997

U.S. District Court of New  
Jersey

### EDUCATION

Western Michigan University  
Thomas M. Cooley Law School  
(J.D., 1996)

Stockton State College (B.A.,  
1990)

### YEAR JOINED

2013

## OVERVIEW

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.

## THOUGHT LEADERSHIP

### New Jersey's Affidavit of Merit - Pitfalls and Practice Pointers

Mount Laurel  
Miscellaneous Professional Liability  
September 1, 2021  
Defense Digest, Vol. 27, No.

**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.**

**Mount Laurel**

**Miscellaneous Professional Liability**

**Architectural, Engineering and Construction Defect Litigation**

**July 1, 2021**

The appellate division grappled with the meaning of the Affidavit of Merit (AOM) statute in light of a filing that Case Law Alerts, 3rd Quarter, July 2021 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent developments of interest to our readers.

## **Marshall Dennehey Announces 2019 Shareholder Class and Special Counsel Promotions**

January 2, 2019

Marshall Dennehey Warner Coleman & Goggin is pleased to announce that 13 associates and two special counsel have been elevated to shareholder. Additionally, the firm has promoted four associates to the position of special counsel.

[Read More](#)

## **Plan To Be Immune: Derivative Protection for Design Professionals Via Title 59**

**Mount Laurel**

**Construction Injury Litigation**

**Architectural, Engineering and Construction Defect Litigation**

**January 20, 2015**

## **PUBLISHED WORKS**

"New Jersey's Affidavit of Merit - Pitfalls and Practice Pointers," *Defense Digest*, Vol. 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

## **RESULTS**

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

**Architectural, Engineering and 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 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.

