

SUNNY MARIE SPARANO

VICE CHAIR, ARCHITECTURAL, ENGINEERING AND CONSTRUCTION DEFECT LITIGATION PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

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

CONTACT INFO

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ADMISSIONS

New Jersey
2000

U.S. District Court 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

EDUCATION

Widener University School of
Law (J.D., 2000)

Seton Hall University (B.A.,
1997)

OVERVIEW

Sunny 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.

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. She is a member of the New Jersey State, New York State and Essex County Bar Associations, and is the Northeast Regional Associate for the [Women's Construction Litigation Alliance](#), a non-profit organization devoted to expanding the role of women in

HONORS & AWARDS

AV® Preeminent™ by
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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 Law Caucus,
1997-2000, President (2000)

Women's Construction
Litigation Alliance, Regional
Associate, Northeast Region

YEAR JOINED

2005

construction defect litigation.

THOUGHT LEADERSHIP

Lawsuit dismissed after election of new home warranty arbitration remedy.

**Architectural, Engineering and Construction Defect Litigation
January 1, 2012**

The court dismissed a homeowner's suit after the homeowner initially filed a warranty claim. Case Law Alert, 1st Qtr 2012

Regulatory violations of the Consumer Fraud Act can result in individual liability.

**Architectural, Engineering and Construction Defect Litigation
January 1, 2012**

The New Jersey Supreme Court further clarified when an individual owner or employee of a company may be liable under the Consumer Fraud Act ("CFA"). Case Law Alert, 1st Qtr 2012

Regulatory violations under the Consumer Fraud Act resulted in award of attorney fees.

**Architectural, Engineering and Construction Defect Litigation
January 1, 2012**

The Appellate Division reversed a trial court's decision to not impose personal liability on the owner of a residential construction company under the Consumer Fraud Act. Case Law Alert, 1st Qtr 2012

Public entity can reject low-bid contractor after bid accepted and contract signed.

**Architectural, Engineering and Construction Defect Litigation
July 1, 2011**

Bids were accepted, and a contract was awarded for improvements to a solid waste facility. Case Law Alert - 3rd Qtr 2011

Award for consumer fraud damages and associated attorney fees vacated when no "causal link" found between the violation of the consumer fraud act and the damages suffered by the homeowners.

**Architectural, Engineering and Construction Defect Litigation
January 1, 2011**

This case dealt with a dispute when a homeowner stopped making payments to the contractor who was constructing a first-floor extension and second-floor addition. Case Law Alert - 1st Qtr 2011

CLASSES/SEMINARS TAUGHT

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

RESULTS

Defense prevails in multi-party construction defect action

Architectural, Engineering and Construction Defect Litigation December 30, 2019

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.

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.