

## PAULINE F. TUTELO

SPECIAL COUNSEL



### AREAS OF PRACTICE

Architectural, Engineering & Construction  
Defect Litigation

### CONTACT INFO

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Suite 302  
Roseland, NJ 07068

### ADMISSIONS

New Jersey  
1996

New York  
1996

U.S. District Court of New Jersey  
1996

### EDUCATION

Seton Hall University School of  
Law (J.D., 1996)

Brandeis University (B.A., cum  
laude, 1992)

### YEAR JOINED

2009

### OVERVIEW

As a member of the firm's Professional Liability Department, Pauline focuses her practice on the defense of design and construction professionals, as well as builders and general contractors in lawsuits asserting claims regarding building and design-related deficiencies. These large and complex construction defect suits generally involve multiple parties and include issues of code violations, negligence, breach of contract and fraud, as well as insurance coverage claims under GL policies. Pauline has expanded her practice into the areas of employment litigation and public entity liability defense, including litigation related to municipalities and the exclusion of houses of worship in order to facilitate economic redevelopment (RLUIPA).

Pauline brought significant litigation experience when she joined the firm in 2009. Pauline was a construction litigation attorney representing builders and contractors, both independently and through their insurance carriers, in complex construction defect suits. Prior to entering the construction litigation arena, Pauline practiced personal injury and workers' compensation law representing large supermarket chains in the tri-state area.

In 1992 Pauline received her Bachelor of Arts from Brandeis University in Waltham, Massachusetts, graduating *cum laude*. She then went on to earn her *juris doctor* in 1996 from Seton Hall University School of Law in Newark, New Jersey. Pauline is admitted to the New Jersey and New York bars. Following law school, she served as judicial law clerk to the Honorable Mark A. Baber, J.S.C., in the Chancery Division, Family Part, Hudson County, New Jersey.

## THOUGHT LEADERSHIP

### **In a New York Conflict of Law Professional Malpractice Action, Appellate Court Affirmed Plaintiff Did Not Show that New Jersey Had Substantial Interest in the Litigation.**

**Roseland**  
**Miscellaneous Professional Liability**  
**October 1, 2024**

This matter deals with a conflict of law related to a professional malpractice action. Case Law Alerts, 4th Quarter, Octo

### **A Cautionary Tale – Diary, Diary, Diary**

**Roseland**  
**Architectural, Engineering & Construction Defect Litigation**  
**April 1, 2024**

It is a well-known tenet of law in New Jersey that a party has 30 days from the arbitration award to file a trial de novo, rejecting the arbitration award and returning the matter to the trial calendar.

### **Pay-if-Paid Clause in Construction Contract Found to Be Enforceable**

**Roseland**  
**Architectural, Engineering & Construction Defect Litigation**  
**June 1, 2023**

Key Points: Defense Digest, Vol. 29, No.

### **Appellate Division finds that the pay-if-paid clause in the construction contract is enforceable.**

**Roseland**  
**Architectural, Engineering & Construction Defect Litigation**  
**April 1, 2023**

The plaintiff entered into a purchase order contract with the defendant, the general contractor on a project with the County of Union. Case Law Alerts, 2nd Quarter, April 2023 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

### **Guidance to the Gatekeeper**

**Roseland**  
**Miscellaneous Professional Liability**  
**October 1, 2020**

Defense Digest, Vol. 26, No.

## **PUBLISHED WORKS**

"Construction Defect Litigation Begins With Authority To Sue," *The Legal Intelligencer*, August 6, 2013

## RESULTS

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

#### **Construction Injury Litigation**

**December 4, 2023**

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.

### Summary Judgment Secured Against Leading Construction Defect Law Firm

#### **Architectural, Engineering & Construction Defect Litigation**

**September 29, 2023**

We obtained a summary judgment on behalf of our architectural client against one of the top construction/design defect law firms in New Jersey. After three separate argument appearances, the court granted summary judgment, holding that the plaintiff's expert's report failed to substantively establish a deviation from the architectural standard of care.