



Gary Strong

PARTNER

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Gary Strong focuses his practice in the areas of construction litigation and professional malpractice defense including representation of design professionals, insurance brokers, real estate agents, lawyers, and accountants in the state and federal courts of New Jersey and New York. He has represented a variety of clients in the construction arena, including project owners, developers, design professionals, general and prime contractors, and specialty trade contractors, in all phases of construction and commercial litigation. He regularly counsels clients during the pre-construction and construction phases on issues including contract negotiations, risk management, and disputes. His representation extends to both public and private projects, and addresses payment claims, delay and impacts, acceleration, design issues, lien law, bond claims and surety issues, defective work, and wrongful termination. He has extensive experience in construction lien foreclosure actions involving the New Jersey Construction Lien Law and New Jersey's Municipal Mechanics' Lien Law.

Experience

- *Nagan Construction, Inc. v. Monsignor McClancy* (Supreme Court of New York, Queens County)
Representation of an engineer facing a claim of tortious interference with a contract. The Court granted the pre-answer motion to dismiss, accepting the argument that the client had not interfered with the plaintiff's contract with owner, but had merely highlighted deficiencies in the plaintiff's work after the plaintiff had been terminated.

- *Ring v. Meeker Sharkey, et al.* (Superior Court of New Jersey, Ocean County) Representation of an insurance agency that had sold a homeowner's policy to the plaintiff (who had procured a separate policy of flood insurance). After the plaintiff's home was declared a total loss after Superstorm Sandy, and the declared losses exceeded the limits of the flood policy, the plaintiff filed an action against our client, alleging that the client had a duty to advise him to purchase excess insurance. The court granted our motion for summary judgment before commencement of expert discovery.
- *Hackerman v. Knabb Associates, et al.* (Superior Court of New Jersey, Ocean County) Representation of a real estate agent in relation to claims that the realtor failed to disclose past instances of water infiltration into a residence. The Court granted the motion for summary judgment as to the plaintiff's claims under the New Jersey Consumer Fraud Act.
- *Oceanview Associates, LLC v. HLS Builders, Corp.* (Supreme Court, Westchester County) We were successful in our pre-answer motion to dismiss Plaintiff's Complaint on the basis of the Statute of Limitations. We were able to establish that Plaintiff's fraud claim was based upon the same facts that formed the basis of Plaintiff's breach of contract and negligence and, thus, did not extend the Statute of Limitation timer period.

Professional Affiliations

- Defense Research Institute
- Claims Law Management
- New Jersey State Bar Association
- New York State Bar Association

Civic Activities

- Jewish Family Services of Central New Jersey

Publications

- "The Pros and Cons of Artificial Intelligence in the Construction Industry," *New Jersey Law Journal*, March 2024.
- "Contractors Need Protection From NJ Homeowner Protections," *Law 360*, February 2024. (PDF)
- "AI on the Open Road," *CLM Magazine*, February 2024. (PDF)
- Co-author, "Construction Companies Can Address Social Media Settlements," *Law360*, November 2022.

- “Surety Defenses: Overpayment of Contract Funds and Cardinal Change to Contract,” *Construction Executive*, March 2021.
- “What Claim Adjusters Want,” *CLM Magazine*, March 2021.
- “Knowing Your Payment Bond- Conditions Precedent and Limitation on Lawsuit Can Affect a Claimant’s Right to be Paid,” *Construction Executive*, May 2020.
- “Covid-19’s Effect on Filing of Construction Liens,” *Construction Executive*, April 2020.
- “Combating Cyberattacks in the Construction Industry,” *Law360*, May 2019.
- “The Economic-Loss Doctrine As Applied in the World of Design Professionals,” *For The Defense*, Defense Research Institute, April 2019.
- “How Contractual Indemnity Clauses Can Wreak Havoc on Potential Settlements in Construction Litigation,” *DRI-The Critical Path*, March 2018. (PDF)
- “What to Do With Performance Bonds When Projects Default,” *Law360*, January 2018. (Subscription Required)
- “A Look at NJ Insurance Brokers’ Standard of Care Since Sandy,” *Law360*, November 2017.
- “Affidavits of Merit and the Design Professional: Extricating the Design Professional from Malpractice Litigation at the Earliest Opportunity,” *For The Defense*, Defense Research Institute, February 2017. (PDF)
- “Indemnity Provision and What to do When You Are Sued,” *Onsite Magazine*, September 2016.
- “Unintended Consequences – New Jersey Supreme Court to Decide Issue of Whether Consequential Damages are Covered by CGL Policy,” *The Critical Path*, Volume 20, Issue 1, April 2016. (PDF)
- “To Protect or Not to Protect: Indemnification Provisions in Complex Construction Projects,” *New Jersey State Bar Association Construction Law Section Newsletter*, January 2016. (PDF)
- “Cybersecurity Risks to Real Estate Professionals? They Are Alive and Well,” *Property Owner’s Association of New Jersey*, October 2015. (PDF)
- “2012 Supplement for New York of the 50 State Lien and Bond Book” (2nd Edition).
- “Interplay of Rules and Statutes in Complex Construction Projects,” *New Jersey Law Journal*, January 29, 2015. (PDF)
- “AM I COVERED? Insurance Considerations for the Design Professional ‘Going Green,’” *New York County Lawyers Association Construction Law Journal*, Winter 2013.
- “New Jersey’s Construction Lien Law Undergoes Reform,” *New York County Lawyers Association Construction Law Journal*, Summer 2011.

- “Construction Manager Liability Still Awaits an Answer from Our Courts,” *New Jersey Law Journal*, January 25, 2010.
- “It is an Appellate Division Split,” *New Jersey State Bar Association Construction Law Section Newsletter*, August 2009.
- “Beyond Prospective Bidders, Potential Challengers to Bid Specifications Has Expanded,” *New Jersey Law Journal*, June 22, 2009.
- “Summary of Changes to AIA-2007 Documents,” *New Jersey Law Journal*, October 20, 2008.
- “Looking through the Lens of the New False Claims Act,” *New Jersey Law Journal*, June 23, 2008.
- “Contractor’s Lien Rights in Work for Tenants,” *New Jersey Lawyer Magazine*, March 31, 2008.
- “New Jersey Construction and Mechanic’s Lien Law, -Part Two- Residential Lien Claims,” *Journal of the Property Owners Association of New Jersey*, January 2008.
- “New Jersey Construction and Mechanic’s Lien Law -Part One- Public and Commercial Lien Claims,” *Journal of the Property Owners Association of New Jersey*, December 2007.
- “Protecting Yourself from Fraudulent Home Improvement Contractors,” *Journal of the Property Owners Association of New Jersey*, November 2007.
- “A Lesson for Co-Prime Contractors: Who They Can Recover from for Delays on a Co-Prime Project in New Jersey,” *Journal of the Utility Trade Contractor Association*, April 2007.
- “Pay-when-Paid and Pay-if-Paid Clauses in New Jersey and New York,” *Journal of the Utility Trade Contractor Association*, December 2006.
- “Maneuvering Through Key Construction Contract Provisions: The Liquidated Damage Clause & The No Damage-For-Delay-Clause,” *Construct!*, Spring 2006.

Speaking Engagements

- “Challenges for Design Professionals During Covid-19,” 2021 CLM Focus: Diversity, Equity & Inclusion, Management Liability, Medical Malpractice, Product Liability, Professional Liability, Transportation, Claims & Litigation Management Conference, October 2021.
- “Duty of Design Professionals and Insurance Professionals During Catastrophic Events,” 2021 CLM Focus: Diversity, Equity & Inclusion, Management Liability, Medical Malpractice, Product Liability, Professional Liability, Transportation, Claims & Litigation Management Conference, October 2021.
- “Understanding Construction Contract Essentials,” Half Moon Education Seminar Series, August 2020.
- “Impact of Covid-19 on Construction Projects,” CLM Webinar, April 2020.

- “Ethics in Complex Construction Mediation,” CLM Construction Claims Conference, San Diego, CA, September 2019.
- “How Catastrophic Disasters Affect Professional Liability,” CLM Professional Liability Conference, Boston, MA, July 2019.
- “Practical Professionalism: Ethics, Standards, and Civility In Claims Handling and Insurance,” Zurich North America, Parsippany, New Jersey, February 2019.
- “Cybersecurity in the Construction Industry,” CLM Construction Conference, Chicago, IL, September 2018.
- “Artificial Intelligence in Professional Liability Claims,” CLM Professional Liability Conference, Boston, MA, July 2018.
- “The House That Jack Built: Recent Developments in Architect Rights,” DRI Professional Liability Conference, New York, NY, December 2017.
- “50 State Survey of the Applicability of Statutes of Repose to Indemnity and Contribution Claims in Construction Cases,” CLM Construction Conference, San Diego, CA, October 2017.
- “The Effect of the Trump Presidency on Green Building,” CLM Professional Liability Conference, Boston, MA, July 2017.
- “Ethical Considerations for Engineers,” American Council of Engineering Companies (ACEC), March 2017.
- “Law 101 for Engineers,” Monthly Meeting at ACEC of New Jersey, November 2016.
- “How to Defend Claims Against Design Professionals,” First Annual CLM Construction Conference, San Diego, CA, September 2016.
- “Anatomy of a Construction Arbitration,” Annual New Jersey Construction Claims Litigation Conference, September 2016.
- “Ethical Considerations for Engineers,” American Council of Engineering Companies New Jersey Chapter, June 2016.

Capabilities

Practice Areas

- Insurance
- Defense Litigation
- Sports and Recreation
- Construction

- Catastrophic Construction Accidents
- Construction Litigation
- Commercial Litigation
- Professional Liability

Credentials

Admitted to Practice

- New Jersey
- New York
- Pennsylvania
- United States District Court, District of New Jersey
- United States District Court, Eastern District of New York
- United States District Court, Southern District of New York
- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Third Circuit

Education

- Yeshiva University, *B.A. History*
- Rutgers Law School-Newark, J.D.