



JAMES LOTITO

## REPRESENTATIVE EXPERIENCE

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### CONTACT

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### AREAS OF PRACTICE

*Construction Law and  
Litigation*

*Litigation/Trial Law*

*Corporate Law*

*Real Estate Law*

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### BAR ADMISSIONS

*New York*

*New Jersey*

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### Construction Litigation Experience

- Represented subcontractor in arbitration before the International Chamber of Commerce where subcontractor was terminated for default on a \$15 million Army Corps of Engineers' airfield reconstruction project in Kandahar, Afghanistan.
- Represented water and sewer contractor in arbitration with public utility under Section "U" of a New York City Department of Design and Construction contract involving claims of interference by public utility's overhead and underground gas and electric cables.
- Represented foundation contractor on \$3.5 million litigation against a New York City property owner alleging differing site conditions, extra work and delay in connection with the construction of a slurry wall.
- Represented developer in a litigation with general contractor and subcontractors involving over \$3 million of claims for deficient work on rehabilitation of affordable housing project.
- Represented sponsor of residential condominium in litigation with Board of Managers concerning defective work and breach of warranty claims.
- Represented masonry subcontractor in litigation concerning change order work performed on a New York City Housing Authority project.
- Represented construction manager in dispute with developer claiming breach of contract, tortious interference, and diversion of trust funds in connection with New York City residential condominium conversion.
- Represented subcontractor in prosecuting surety bond claim under the Miller Act in connection with a General Services Administration project for a new U.S. Post Office.

### Representative Construction Transactions

- Drafted and negotiated construction management, architectural, engineering  
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and consulting agreements on behalf of developer in connection with LEED Gold construction of Riverhouse Condominium in Battery Park City.

- Drafted and negotiated construction management agreement, architectural agreement and trade contracts on behalf of owner for rehabilitation of multi-family affordable housing buildings in Brooklyn, New York.
- Drafted and negotiated architectural and engineering agreements on behalf of developer for new mixed-use condominium, which included new space for The Museum for African Art in New York City.
- Drafted and negotiated construction management agreement on behalf of construction manager in connection with the new construction of a residential condominium in Tribeca.
- Drafted and negotiated numerous construction agreements in connection with rehabilitation of various affordable housing projects administered by the New York City Department of Housing Preservation and Development

#### **Representative Commercial Litigation**

- Represented a money-center bank in the foreclosure of multiple commercial properties located throughout New York State.
- Represented lender in connection with a default under a promissory note; obtained summary judgment.
- Represented both property owners and tenants in commercial lease disputes and obtained “Yellowstone” injunctions.
- Represented real estate brokerage firm against claim of deceptive trade practices.
- Represented majority member of limited liability company in connection with dissolution of the company and subsequent disposition of sole real property asset.

