

# Construction

Rosenberg & Estis provides full-service representation and advice in every aspect of real estate. We are the top choice for NYC's most prominent developers, landlords and institutions.

## OUR PRACTICE

The Construction Department represents the Firm's total commitment to serving our clients in all aspects of construction, from negotiating sophisticated design and construction agreements to effectively resolving disputes. Our construction group is led by Charles ("Chip") Pierce, a Fellow of the Construction Lawyers Society of America, who has over 35 years of experience in construction law.

The group prides itself on its practical, hands-on approach to the everyday challenges facing our construction clients. We represent large commercial property owners and developers as well as condominiums and co-ops, landlords, commercial tenants, health care companies, charitable organizations, and public owners. We also represent high net worth individuals from start to finish of the design and construction of various properties around the country. However, our practice is not limited to owners as we also represent construction managers, contractors, trade contractors, and design professionals. Our vast and varied client base gives us a unique perspective of the construction industry, providing us with insight into offering our clients with excellent, cost-effective legal representation.

At the transactional level, we focus on understanding our clients' needs and goals in order to most efficiently prepare and negotiate the appropriate agreement to achieve those goals. Whether it's a simple purchase order or a complex project in the hundreds of millions of dollars, the approach is the same: to advise the client on the appropriate course of action, properly allocate risk, limit exposure and place our client in the best situation for a successful project. On more complex projects, we meticulously ensure that all of the design and construction agreements are well coordinated, and that lending and other project requirements and considerations are integrated into the relevant agreements. We also handle license or access agreements between the developer and adjacent landowners.

At the dispute resolution and claims level, our focus is on objectively evaluating the various claims or issues, understanding our clients' goals, advising our client as to the costs and benefits associated with the dispute, and developing a comprehensive strategy to achieve our clients' goals. Our practice is as varied as our client base, and we handle all aspects of dispute resolution, including mediation, arbitration and litigation. Matters include claims between owners and contractors or construction managers relating to delays, defective work or additional compensation, disputes involving defective design, lien foreclosure actions, disputes between adjoining property owners, claims for breach of warranty and guaranty, and construction defect litigation, among other types of disputes.

Our team members' experience includes the following:

### Transactional Matters

- Drafted and negotiated design and construction agreements for a new ground up charter school in New York City.
- Drafted and negotiated construction and license agreements for a developer of a new \$200 million condominium building in New York City.
- On behalf of a developer, drafted and negotiated complex design and construction agreements for the renovation of a 250,000 square foot mixed-use project in Manhattan.
- Represented a health care center in connection with its expansion and renovation of their facilities in Queens, NY, including drafting and negotiating construction agreements and related agreements with various public agencies.



**OUR  
PRACTICE**

## Comprehensive Real Estate Representation Since 1975

- Represented numerous building owners in contracting for Local Law 11 façade work and elevator modernization, along with lobby renovations and related improvements.
- Represented numerous commercial office and retail tenants in the build out of their space.
- Represented the owner of a 20,000 square foot private residence in NYC in connection with the complete renovation of the home, including drafting and negotiating the numerous design, construction, and vendor agreements.
- On behalf of a national real estate development firm, drafted and negotiated design and construction agreements for a new office building in Michigan and conversion of an existing building in Kansas, as well as multiple buildings in New York State.
- On behalf of a national construction management firm, drafting a multi-jurisdictional Minority, Women Owned, Disadvantaged, Locally Based, Small Business Enterprise Program.
- Drafted and negotiated numerous access agreements for both the developing and neighboring property owners.

### Dispute Resolution

- Prevailed in arbitration on a payment claim of a custom metal and glass façade company against a general contractor in connection with the construction of high-end luxury residence.
- Successfully represented a condominium in their claims against the sponsor for a defective façade, including having the sponsor make the required and extensive repairs under observation by the client's architect.
- Successfully resolved through litigation a dispute concerning the duration of a \$6 million performance bond and the security posted to secure the bond.
- Resolved through litigation a dispute involving more than 50 alleged building code violations and a separate action brought by a municipality seeking injunctive relief against our client.
- After extensive investigations and negotiations, successfully reduced numerous violations assessed by OSHA and DOB against our contractor clients.
- On appeal, preserved a mechanic's lien of over \$1 million for our general contractor client and later settled the case including payment to our client and the various subcontractors.