

CONSTRUCTION AND MECHANICS' LIENS

The filing of a lien claim can be a powerful tool employed by contractors, subcontractors and suppliers to help ensure and expedite payment on construction projects. Our construction team has extensive experience advising and assisting such clients with respect to the filing and enforcement of private commercial and residential construction lien claims and public municipal mechanics' lien claims in the State of New Jersey and private and public mechanics' liens in the State of New York.

Our construction team also represents our owner and general contractor clients in challenging and seeking the discharge of non-conforming or improperly filed lien claims.

In addition to providing our clients with expert advice and counsel, our construction attorneys have lectured and published articles and guides on the New Jersey Construction Lien Law.

REPRESENTATIVE MATTERS

After a New Jersey court ordered the dismissal of a contractor's complaint and construction lien claim, and also required the contractor to pay the owner's legal fees, the contractor retained Cole Schotz. In appealing the ruling, our construction team presented a number of novel arguments to the New Jersey Supreme Court on the interpretation of the New Jersey Construction Lien Law. The Supreme Court reversed the trial court's ruling in its reported decision in *DDB Interior Constr., Inc. v. Trends Urban Renewal, Ltd.*, 176 N.J. 164 (2002). As a result, the contractor's complaint and construction lien were reinstated, resulting in a very favorable settlement for the contractor.

A subcontractor filed a \$600,000 construction lien for structural steel supplied at a nursing home project after the financially troubled general contractor was unable to pay its bill. The subcontractor then filed suit and consolidated its claims with dozens of pending claims filed against this general contractor on several unrelated construction projects. On behalf of the project owner, a large regional hospital, Cole Schotz filed several motions resulting in the dismissal of the suit against our hospital client and the discharge of the construction lien filed by the subcontractor.