

Patrick J. Perrone

Partner

Newark
+1.973.848.4034

patrick.perrone@klgates.com

OVERVIEW

Patrick Perrone is a trial lawyer and concentrates his practice on construction and product defect matters. He is an experienced litigator who has handled hundreds of cases involving consumer products, building products, and construction defects in state and federal courts throughout the country. As part of his construction practice, Patrick regularly handles insurance coverage issues that consistently arise in these matters and pursues and secures insurance coverage for his clients while simultaneously defending the claims. Patrick is also an experienced class action lawyer and has defended a variety of consumer and building products class action suits in courts throughout the country. His clients include major developers, homebuilders, and product manufacturers.

Patrick is a Leadership in Energy and Environmental Design Accredited Professional (LEED®-AP). Additionally, Patrick has been recognized as a New Jersey Super Lawyer from 2004 - 2019.

PROFESSIONAL BACKGROUND

Patrick started his career in the New York County District Attorney's office where he investigated and prosecuted misdemeanors and felonies, and presented cases to the Grand Jury. As an attorney in the Trial Bureau, he tried over 20 cases to verdict. Prior to joining K&L Gates, Patrick was a partner at a Newark law firm, where he focused his practice on civil litigation.

ACHIEVEMENTS

- Recognized by *The Best Lawyers in America*® in New York, NY, 2027
  - Commercial Litigation
  - Litigation - Construction

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association
- New Jersey State Bar Association, Class Actions Committee

SPEAKING ENGAGEMENTS

Patrick frequently speaks on issues regarding consumer/building products and construction issues. His recent presentations include:

- "Construction Defect Defenses: Loss Mitigation, Economic Waste, Right to Repair, Betterment Doctrine," Strafford, August 3, 2022.
- "Green Construction Materials: Mitigating Risks, Reps and Warranties, Defective Sustainable Materials," Strafford, June 1, 2022.
- "Latest Developments in Class Action Litigation," *New Jersey State Bar Association Annual Meeting and Convention 2015*, May 14, 2015.
- "New Jersey Law Update: Are Your Arbitration Provisions Enforceable?" *Association of Corporate Counsel New Jersey CLE program*, April 21, 2015.
- "Construction Product Litigation and Class Actions," *HarrisMartin Group*, October 25, 2013.
- "Hot Topics in Construction Defect Litigation," *Leading Builders of America General Counsels Meeting*, November 15, 2012.
- "Developing Issues in Green Building," *American Law Institute*, February 28, 2012.
- "LEED Certification Litigation – Emerging Risks," *Strafford Publications, Inc.*, December 20, 2011.
- "How to Market Green Buildings and Materials: Complying with Applicable Green Standards and Laws," *2010 International Builders' Show*, January 2010.
- "A Manufacturer's Potential Liability for Green Building Products," *National Association of Homebuilders, Fall Directors Meeting*, Chicago, Illinois, October 2009.
- "Green Building Legal and Liability Issues," *2009 National Green Building Conference*, May 2009.
- "New Regulations and Potential Liability," *Law Seminars International: Legal and Regulatory Issues in Green Development*, January 2009.
- "Green Building Products: Can They Perform As Promised," *The 2009 International Builders' Show*, January 2009.
- "Extrapolation of Damages," *Brookings Judicial Symposium on Construction Defect Litigation*, March 2008.
- "Using Statistics and Statistical Analysis to Combat the Plaintiff's Damage Claims," *Construction Law Seminar*, Scottsdale, Arizona, September 6-7, 2007.
- "Expert Testimony and Scientific Evidence in Construction Defects Cases," *The Judicial Education Program AEI-Brookings Joint Center for Regulatory Studies Judicial Symposium on Critical Issues in Construction Defects Litigation*, March 2006 and March 2007.

- "Useful, Safe and Effective Terms and Conditions for Invoices, Contracts and Other Important Documents," *The 2005 National Manufacturing Week Conference*, March 2005.
- "Developments and Decisions in Construction Defect & Mold Litigation," *Mealey's Construction Defect and Mold Litigation Conference*, December 2004.

EDUCATION

- J.D., American University Washington College of Law, 1987 *(cum laude)*
- B.A., University of North Dakota, 1984 *(magna cum laude, member of the varsity wrestling team)*

ADMISSIONS

- Bar of New Jersey
- Bar of New York
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of New York
- United States District Court for the Southern District of New York

THOUGHT LEADERSHIP *POWERED BY HUB*

- 2 June 2026, NJ Court Rejects Coverage-Minimizing Application of Non-Cumulation Clauses in Construction Defect Cases
- 23 February 2023, Specific Language Not Required in New Jersey Arbitration Agreements Between Sophisticated Parties
- 18 May 2022, New Jersey Legislature Amends Statute of Limitations for Defect Claims Brought by Condominium and Homeowners' Associations
- 15 May 2020, COVID-19: Update – What You Need to Know As New Jersey and New York Construction Projects Begin to Reopen
- 10 April 2020, COVID-19: Update – New Jersey and New York Executive Orders' Impact on Construction Projects
- 30 March 2020, COVID-19: Update – New Jersey and New York Executive Orders' Impact on Construction Projects
- 19 April 2018, The New Jersey Supreme Court Deals a Significant Blow to TCCWNA Claims

- 14 November 2017, New Jersey Supreme Court Rejects Class Certification of TCCWNA Claims in Drink Price Actions
- 28 June 2017, New Jersey Supreme Court to Consider Key TCCWNA Issues
- 25 October 2016, No Harm, No Foul: Lack of Concrete Injury Dooms Two Separate Actions Based on the Truth in Consumer Contract Warranty and Notice Act
- 26 September 2016, The New Jersey Appellate Division Confirms that TCCWNA Applies Only to "Consumers"
- 10 May 2016, The New Jersey Truth-In-Consumer Contract Warranty and Notice Act: What You Need to Know About "TCCWNA" and the Rise in Consumer Class Actions
- 15 June 2015, Examining the New Jersey Offer of Judgment Rule's Biases against Defendants

OTHER PUBLICATIONS

- "New Jersey Legislature Amends Statute of Limitations for Defect Claims Brought by Condominium and Homeowners' Associations," *Real Estate Finance Journal*, Fall 2022
- "NJ Consumer Contract Act Questions May Soon Get Answers," *Law360*, 22 November 2019
- "Why NJ Supreme Court OK'd Allotting Fault To Phantom Foes," *Law360*, 3 May 2018
- "Class Action Defendants Hit the Bull's-eye with 'Dart,'" *New Jersey Law Journal*, June 29, 2015.
- "The Many Perils Of Going Green," *Construction Law, Connecticut Law Tribune*, July 2008.
- "Is Expert Extrapolation in Construction Defect Cases Sufficiently Reliable?" *Mealey's Litigation Report: Construction Defects*, April 2006.
- "Molds: A Comprehensive Guide to Litigating Mold Damage and Injury Cases: An Overview of Mold Litigation in New Jersey," *Lawyer's and Judges Publishing Co.*, January 2004.
- "A Landlord's Quandary: Whether to Disclose Mold Remediation," *Multi-Housing News*, January 2003.
- "Spoliation of Evidence in a Mold Case," *Mealey's Litigation Report: Mold*, August 2001.
- "Finding Insurance Coverage for Mold Litigation," *Mealey's Litigation Report: Mold*, March 2001.

NEWS & EVENTS

- 9 February 2023 , Daubert Motions in Construction Litigation, Hosted by Strafford

AREAS OF FOCUS

- Construction and Infrastructure

- Class Action Defense
- Mass Tort
- Product Liability

INDUSTRIES

- Energy

REPRESENTATIVE EXPERIENCE

- Trial counsel for developer of condominium complex in which we are pursuing a declaratory judgment action for insurance coverage for alleged defects in design and construction of buildings.
- Representation of developer of New York City high rise in connection with seeking insurance coverage under its commercial general liability insurance policy, and as an additional insured under its subcontractors' commercial general liability policies, for claims by adjacent building owners for alleged property damage caused during construction of client's building.
- Trial counsel for developer in case in which more than 30 purchasers of condominium units claimed that their units decreased in value because of alleged defects in construction and alleged failure to build certain amenities.
- Defense counsel for manufacturer of dishwashers in nationwide and state-based putative class actions based on allegations of breach of warranty, consumer fraud, and other claims relating to alleged defects.
- Representation of owner/developer of mid-rise building located in Manhattan with respect to action asserting claims against architect for breach of contract and professional malpractice for errors and omissions in the design of, among other things, windows, bathrooms, stairwells, and mechanical systems, resulting in over $8 million in construction-related damages.
- Representation of owner/developer of mid-rise building located in Manhattan with respect to action asserting claims against contractors for breach of contract and negligence in construction of building foundation, which necessitated repairs to client's building and neighboring structures, resulting in recovery of several million dollars.
- Representation of homeowner in litigation against insurance agent alleging negligence in connection with failure to place flood insurance prior to Superstorm Sandy.
- Representation of owner/developer of medical facility located in Manhattan with respect to dispute with engineers, architects, and contractors over construction and design-related defects relating to the facility's foundation.
- Representation of construction manager for construction of new building in Manhattan in action with respect to claims by project developer for breach of contract relating to allegations of construction defects allegedly causing damages exceeding $19 million.

- Representation of large real estate developer in pursuit of insurance coverage for lawsuit by condominium association alleging property damage resulting from purported construction defects.
- Representation of construction manager in action in New York state court where project owner seeks damages of over $9 million for alleged construction defects, construction manager's alleged failure to meet contractual timelines, and construction manager's allegedly improper termination of contract.
- Representation of owner/developer of apartment building against architect and contractors for damages involving construction defects in which we recovered more than $5 million for repairs.
- Representation of a national home builder in litigation seeking insurance coverage as an additional insured for bodily injury and property damage claims of 40+ homeowners allegedly caused by water intrusion and mold in a North Carolina townhome development.
- Representation of condominium developers on suit brought by master association for three individual condominium projects located in Jersey City with respect to litigation based on allegations of financial irregularities and construction defects.
- Representation of condominium developers with respect to litigation of condominium located in Hoboken, New Jersey, containing 755 units based on allegations of construction and design defects and consumer fraud regarding sales misrepresentations brought by condominium owners' associations
- Representation of a fire-retardant treated lumber producer in litigation seeking insurance coverage from its liability and excess insurers for claims for property damage allegedly caused by premature degradation of fire-retardant treated plywood.
- Representation of condominium developers with respect to litigation of condominium development located in Jersey City, Weehawken and Middlesex County, New Jersey based on allegations of construction and design deficiencies, including alleged structural failures, and consumer fraud regarding sales representations brought by condominium owners' associations
- Trial counsel for developer in case in which plaintiff alleged that condominium buildings were sinking into the ground.
- Trial counsel for developer in case involving the collapse of a county road.
- Defense counsel for several residential homebuilders with respect to numerous lawsuits filed by homeowners relating to alleged construction defects.
- Defense counsel for national homebuilder in putative class action filed in New Jersey state court regarding alleged construction defects.
- National litigation counsel for residential homebuilder in numerous cases filed throughout the country alleging personal injury and property damage caused by mold.
- Defense counsel for homebuilders and property owners with respect to numerous lawsuits involving workplace accidents resulting in death and catastrophic injuries.

- Representation of developers and homebuilders in actions seeking insurance coverage for major construction defect claims.
- Drafted residential warranty program for national homebuilder for use in new construction throughout the United States.
- Representation of homebuilder in over 70 arbitrations regarding disputes with defaulting purchasers over the retention of deposits for condominium purchases.
- Defense counsel for manufacturer of wood-plastic composite decking in nationwide putative class actions filed in California federal court and state-wide putative class actions filed in New Jersey, Indiana, Kentucky, and Michigan federal courts.
- Defense counsel for manufacturer of windows in state-wide putative class actions filed in New Jersey, Pennsylvania, New York, Michigan, Wisconsin, Ohio, Illinois, Indiana, South Carolina, Minnesota, Georgia, Florida, Virginia, West Virginia, Maryland, and North Carolina federal courts.
- Defense counsel for manufacturer of chemically treated residential decking in putative class actions filed in Florida and Louisiana federal courts.
- Defense counsel for manufacturer of fire-retardant treated plywood roof sheathing in putative class action filed in Maryland state court.
- National litigation counsel for manufacturer of fire-retardant treated plywood roof sheathing in hundreds of cases filed throughout the country involving product defect claims and property damage.
- National litigation counsel for manufacturer of commercial and residential air conditioning systems in hundreds of cases filed throughout the country involving product defect claims and personal injury claims related to mold exposure.
- National litigation counsel for furnace manufacturer in lawsuits alleging asbestos exposure and personal injury.
- New Jersey litigation counsel for manufacturer of bathroom fans in cases alleging that fans caused fires and property damage.
- Representation of public utility in litigation with manufacturer and supplier of electrical meters regarding breach of contract and breach of warranty.
- Defense counsel for retailer in state-wide putative class action based on allegations of consumer fraud, breach of warranty, and unjust enrichment relating to the sale of motor oil.
- Defense counsel for retailer in state-wide putative class action based on allegations of consumer fraud, breach of warranty, and unjust enrichment relating to product labels on moisturizing lotion.