



John Randy Sawyer Esq.

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SERVICE AREAS

- Litigation
- NJ PA & National Construction Litigation Lawyers

BAR ADMISSIONS

- New York
- New Jersey

FULL BIO

John Randy Sawyer is a Shareholder and member of the firm's Construction Litigation Group. Mr. Sawyer has been practicing for fifteen years and has developed during that time extensive experience litigating in state and federal courts in New York and New Jersey. Mr. Sawyer concentrates his practice in construction litigation, including defective workmanship claims, design errors and omissions, product liability, breach of contract, insurance coverage litigation and appellate practice. Mr. Sawyer has represented developers, general contractors, subcontractors, condominium associations and homeowners in cases involving a wide variety of structures, ranging from single family homes to twenty-plus story high rises. Mr. Sawyer is the co-founder of www.ConstructionLitigationLawBlog.com.

Mr. Sawyer's construction litigation experience is bolstered by his studies in construction related fields. Mr. Sawyer studied architecture at the New Jersey Institute of Technology's School of Architecture in Newark, New Jersey for two years. Mr. Sawyer also received extensive training in building envelope inspections at the Exterior Design Institute in Virginia Beach, Virginia.

Mr. Sawyer has extensive trial experience. He served as lead counsel in Camelot Condominium Association v. Dryvit Systems, Inc. et al, a product liability trial which resulted in a jury verdict finding that Dryvit, a construction product manufacturer, violated the New Jersey Consumer Fraud Act. This verdict was the first of its kind in New Jersey. Mr. Sawyer also served as lead counsel in Renaissance Condominium Association v. Wickes Direct et al, a five month trial that resulted in a multi-million dollar jury verdict against a lumber supplier.

Mr. Sawyer also has extensive appellate practice in the area of construction defect litigation that includes the following appeals:

- Served as counsel to Amicus Curiae Community Associations Institute in the matter of Port Liberte Homeowners Association Inc. et. al. v. Sordoni Construction Company, which resulted in an Appellate Division decision expanding condominium owner's rights under consumer protection laws.
- Served as counsel to Amicus Curiae Homeowners Against Deficient Dwellings, Inc. in the matter of Dean v. Barrett Homes, involving the application of the economic loss doctrine to construction defect cases.
- Served as lead appellate counsel in Marrone v. Greer & Polman Const., Inc., involving the interplay of the product liability act and the economic loss doctrine in residential construction.

- Served as lead appellate counsel in Port Liberte II Condo. Ass'n v. New Liberty Residential Urban Renewal Co., LLC, which resulted in an Appellate Division decision of first impression holding that developers, contractors and other defendants cannot enforce condominium by-laws against owners of units in the condominium.
- Served as lead appellate counsel in Fairview Heights Condo. Ass'n v. R.L. Investors, which resulted in a decision by the Appellate Division holding for the first time that New Jersey's Statute of Repose can be equitably tolled upon a showing of extraordinary circumstances.

Mr. Sawyer has been involved in construction litigation matters involving a wide variety of construction products and improvements to real property, including:

- Exterior Insulation and Finish System (EIFS) products
- Roofing materials including clay tile, concrete tile, asphalt shingles and EPDM low-slope roofing
- CPVC fire suppression systems
- Sea walls, bulkheads and revetments
- Concrete plazas, garages and foundations
- High rise curtain wall systems
- Building envelope construction, including window systems and wood, vinyl, stucco, hardwood, and stone siding
- Golf course construction, including clay pond liners and irrigation systems
- Electrical systems
- Brick cladding systems, including thin-brick products
- Fire separation assemblies
- Pre-fabricated roof and floor truss systems
- Plumbing systems
- Underground storm/sewer drainage systems
- Deck and balcony construction

Mr. Sawyer also has an extensive history of achieving favorable outcomes for the firm's clients through his involvement as either co-counsel or lead counsel in construction litigation cases that have settled at or shortly before trial. A representative sample includes:

- \$20,000,000 recovery from settlements and trial in a construction defect case for an 80 unit condominium at the jersey shore involving deficient roofs, EIFS, decks, structural framing, plumbing and other defects
- \$7,250,000 settlement at trial of a complex construction deficiency case against over 30 defendants involving claims relating to roofs, EIFS, stone and decks in a 125 unit condominium;
- \$6,000,000 settlement before trial of a complex design and construction defect case Stark & Stark took over from another law firm involving a 460 unit condominium with severe water infiltration and structural deficiencies;
- \$4,250,000 settlement achieved during transition negotiations in a complex condominium construction defect case involving EIFS, decks, dormers and other common elements;
- \$3,000,000 settlement before trial of a complex construction deficiency case against over 20 defendants involving claims relating to EIFS, windows, doors, the sea wall, roofs, and structural damages to concrete decks constructed from concrete filigree slabs in a 50 unit condominium;
- \$1,650,000 settlement at trial of claims against 6 defendants relating to EIFS, framing, the fire suppression system and structural issues in a 48 unit condominium;
- \$1,600,000 settlement before trial of claims against 8 defendants relating to structural issues, decks, roofs and EIFS in a 2 story condominium;
- \$1,390,000 settlement before trial of claims relating to deficient installation of stucco and stone on 69 single family homes;

- \$1,300,000 settlement before trial of claims relating to deficient installation of a brick exterior cladding system on a 6 story mid-rise building;
- \$1,000,000 settlement at trial of claims against multiple defendants relating to structural issues caused by severe site drainage deficiencies.
- Successfully defended large developer of a 125 unit townhome development in Park Ridge, New Jersey, against claims of deficient EIFS, brick and shingle roofing, including prosecuting declaratory judgment action on behalf of developer against its insurance company.
- Successfully defended general contractor and developer of a 61 unit condominium development in Eatontown, New Jersey, against claims of deficient brick and vinyl cladding, storm sewer system defects, and fraudulent concealment of environmental conditions.

PROFESSIONAL ORGANIZATIONS

- American Bar Association
- Association of Trial Lawyers of America
- New York State Bar Association
- New Jersey State Bar Association

EDUCATION

- **J.D.**, Seton Hall University School of Law, 1998
Constitutional Law Journal; Civil Litigation Clinic; Law clerk for Justice Daniel J. O'Hern of the New Jersey, Supreme Court; Law clerk for The Honorable Thomas F. Shebell, Presiding Judge of the New Jersey Superior, Court Appellate Division; Law clerk for The Honorable Erminie L. Conley of the New Jersey Superior Court, Appellate Division for the 1998-1999 term; Intern with the Civil Litigation Department of the New Jersey Attorney General's Office.
- **B.S., Criminal Justice**, Jersey City State College, 1995

HONORS & AWARDS*

- **New Jersey Super Lawyers List issued by Thompson Reuters.**
2007 - 2008; Construction Litigation, Business Litigation

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

SPEAKING ENGAGEMENTS

- Panelist, *Construction Defect and Liens Seminar*. New Jersey Builders Association Seminar. June 1, 2015.
- *Tackling Construction Law Issues*. Continuing Legal Education Seminar. Summer 2009.
- *When Bad Construction Happens to Good Associations*. Continuing Legal Education Seminar. Summer 2007.
- *Construction Law: Overview & Update*. Continuing Legal Education Seminar. Winter 2006.

- [WBGQ Radio](#). Interview discussing EIFS Litigation. 2003.

AUTHORED ARTICLES

- [Interpreting Business Interruption Insurance Policies For Small Businesses](#). Times Publishing. August 2, 2020.
- Co-Author. [Internal Affairs of N.J. Condo Associations Are Free From Outside Challenges](#). [New Jersey Law Journal](#). March 24, 2014.
- [Changing Commercial General Liability Insurance for Builders](#). [Cutting Edge](#). November 2009.
- [The Economic Loss Doctrine: A License to Sell Defective Building Products](#). [New Jersey Law Journal](#). 196 N.J.L.J. 394. May 11, 2009.
- [Beware What You Say, Don't Say and What You Print and Promise: Understanding of broad scope of potential liability under the Consumer Fraud Act](#). [New Jersey Law Journal](#). October 20, 2008.
- [What Every Builder Should Know About the New Jersey Consumer Fraud Act](#). [Dimensions, Monthly Newsletter of the New Jersey Builders Association](#). August 2008.
- [UCIOA - A Wolf In Sheep's Clothing](#), [New Jersey State Bar Association Construction Law Section Newsletter](#), Vol. 12, No. 1. 2007.
- [EIFS Cases: Is it Preferable to Bring Them as Class Action Suits or as Individual Suits?](#), [Journal of Community Association Law](#), 52, Vol. 6, No. 2. 2003.
- [Consider Conflicts of Interest Before Representing a Developer and Community Association](#), [Journal of Community Association Law](#), 51, Vol. 3, No. 2. 2000.
- [Minority Shareholder Oppression Under the Business Corporations Act](#), [New Jersey Law Journal](#), Vol. CLVII, No. 7, Index 641. August 16, 1999.