

## Roy H. Schwartz

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Roy H. Schwartz is a Partner at Zetlin & De Chiara LLP. He focuses his practice on commercial and construction litigation. He has defended architects, engineers, and land surveyors in professional malpractice claims, and has also represented developers and contractors. Prior to joining Zetlin & De Chiara, Roy was with a New Jersey law firm where he represented design professionals in the defense of professional liability and related claims. He has lectured on malpractice-related issues. Amongst other notable successes, he has procured summary judgment several times by arguing that plaintiffs' experts have provided inadmissible, net opinions. His experience also includes, for example, representing plaintiffs and defendants in commercial and personal injury claims, and preparing appeals. Roy has been recognized by *The Best Lawyers in America: Ones to Watch for Construction Law and Litigation - Construction*. In 2024, he was recognized by New York Real Estate Journal (NYREJ) in the "Ones to Watch" Rising Stars Spotlight for his work in construction law. Roy also serves as counsel for AIA Queens.

Roy previously clerked for the Honorable Anthony J. Parrillo, J.A.D., a New Jersey Appellate Division judge.

Roy is admitted to practice in the State and Federal Courts of New Jersey, Pennsylvania, and New York; and the Third Circuit. He received his J.D. from Rutgers Law School-Camden, and his M.S. (Global Studies) and B.A. (Political Science and Economics) from Rutgers College. While in law school, Roy served as the Production Editor of the Rutgers Law Journal and Vice-President of the Rutgers International Law Society. He participated in the Hunter Moot Court, where he was recognized as a Top Ten Oralist. Roy also received the Richard B. Morris Prize in American Legal History.

## EXPERIENCE

The following are select representative matters:

### Government Facilities

#### **Arbitration Relating to Governmental Data Center**

We served as lead counsel in an international arbitration concerning a joint venture dispute totaling several millions of dollars in claims. We prevailed on our client's claims of entitlement to damages based upon the joint venturer's conduct, and successfully defeated all counterclaims. This lawsuit concerned an overseas base. After succeeding in the arbitration, we then obtained an enforceable judgment and collected.

#### **Arbitration Relating to Governmental Data Center**

We represented a design firm who was sued for malpractice regarding a data center located in West Virginia. Following discovery, we arbitrated to a successful result.

#### **Fire/Police Emergency Station**

Roy represented an architectural firm sued for professional malpractice regarding alleged structural deficiencies. A municipality filed the lawsuit, claiming that its fire/police station had been incurring differential settlement. In a case of first impression, New Jersey's Supreme Court agreed with Roy's position that the architectural firm should be entitled to empty chair allocation (on the verdict sheet) against the structural and soils engineers because, due solely to the plaintiff's delays in filing suit, those parties were dismissed under New Jersey's Statute of Repose.

### Commercial Projects

#### **Solar Power Project**

We represented a developer of solar power projects in a dispute with a major solar power contractor. Following discovery, we prevailed at arbitration on claims that the contractor breached an agreement with our client and, further, defeated all counterclaims.

#### **Prestigious West Coast Museum Lawsuit**

We provided legal counsel to an architectural client who designed a multi-million dollar project for a well-known museum.

#### **Brewing Factory (Located Overseas)**

We litigated a high-stakes, complex arbitration, where we represented an engineer sued by an owner/developer of a large, overseas packaging plant. The allegations primarily focused on whether

or not the packaging assembly lines were adequately designed to ensure the facility's high production.

#### **Restaurant**

We represented a restaurant owner, engaged in a lawsuit with its general contractor over payment issues and allegations of defective work. The Philadelphia Court agreed with our argument that, under a seldom-cited statutory provision in Pennsylvania's lien law, our client was entitled to pay the contractor's subcontractors in a process that allowed the owner to circumvent the general contractor.

#### **Office Building**

We represented a MEP engineer who was sued by an injured worker at a construction site. After reviewing the claims and the surrounding evidence, we filed a pre-Answer, Motion to Dismiss based upon documentary evidence to support that our client could not be held liable on a Labor Law theory. After considering our Motion to Dismiss's likelihood of success, plaintiff agreed to dismiss our client.

#### **Office Building**

We represented a MEP engineer in a personal injury case, where plaintiff claimed that the engineer's work exposed the plaintiff to toxins. The Court dismissed our client (without prejudice) upon agreeing that plaintiff failed to satisfy certain conditions precedent for suing a design professional regarding services performed nearly 40 years prior.

#### **Hospital**

We represented a code consultant in a personal injury case, where plaintiff claims that he was injured due to the insufficient design of certain egress routes. The Court granted summary judgment to our client upon finding no evidence that the code consultant breached any professional standards or otherwise could be held liable for the various legal theories presented.

#### **Residential Projects**

##### **Residential Tower in Manhattan (Allegations Regarding Design and Material Selection)**

We defended a prestigious, international architectural firm in a lawsuit where the developer claimed it incurred damages due to certain design issues and selection of high-end building materials. The Commercial Division dismissed our client upon agreeing that the allegations were not grounded in any viable legal theories.

##### **Residential Co-Op in Manhattan (Allegations Regarding Toxic Exposure)**

We represented an architect, sued by an individual who claimed that the architect's design work (and alleged administration) caused her exposure to toxins. After we filed a pre-Answer Motion to Dismiss, the plaintiff agreed to let out our client due to the evidence supporting that, as a matter of

law, the architect could not be held liable under these circumstances.

**Residential Building in New Jersey (Numerous Allegations By Condominium Residents)**

We represented a MEP engineer at a newly-constructed, residential, condominium building in Hoboken, New Jersey. We moved for summary judgment following plaintiff's failure to serve an Affidavit of Merit. The Court agreed with our arguments that, despite plaintiff's claims to the contrary, there were no equitable grounds for keeping our client in the litigation.

**Home In Caribbean (Interior Design Issue)**

On behalf of an owner, we sued an interior design firm concerning a luxury, overseas residence. After procuring a default judgment, we obtained a monetary judgment following an inquest hearing.

**Home in New Jersey (Settlement Issue)**

Roy represented a civil engineering/surveying firm, who was sued by a home owner over allegations that a retaining wall was contributing to the house's differential settlement problems. The Trial Court, and then the Appellate Court, agreed that the plaintiff's expert witness's credibility must be assessed by a factfinder (as opposed to a Judge considering plaintiff's summary judgment motion) given the expert witness's credibility issues developed through discovery. In this case, the factfinder determined that the civil engineering/surveying firm was not liable.

**Home in New Jersey (Surveying Issue)**

Roy represented a land surveyor, who a developer sued under allegations that the surveyor failed to properly "set back" the developer's house pursuant to local zoning requirements. The Court dismissed the claims upon agreeing that the plaintiff's expert relied upon personal standards, not objective standards.

**Education**

Rutgers Law School-Camden, J.D.

Rutgers College, M.S.

Rutgers College, B.A.

**Clerkships**

Honorable Anthony J. Parrillo, J.A.D., a New Jersey Appellate Division Judge

## Admissions

New Jersey

New York

Pennsylvania

## Court Admissions

U.S. Court of Appeals, Third Circuit

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, Western District of New York

U.S. District Court, District of New Jersey

U.S. District Court, Eastern District of Pennsylvania

## EXPERIENCE

### Representative Matters

The following are select representative matters:

#### Correctional Institutions

##### **Arbitration Relating to the Construction of an Overseas Government Facility**

We served as lead counsel in an international arbitration concerning a joint venture dispute totaling \$39 million in claims.

##### **Arbitration Relating to Governmental Data Center**

We represented a design firm who was sued for malpractice regarding a data center located in West Virginia. Following discovery, we arbitrated to a successful result.

## Cultural Institutions

### **Prestigious West Coast Museum Lawsuit**

We provided legal counsel to an architectural client who designed a multi-million dollar project for a well-known museum.

## NEWS & EVENTS

### News

Partner Roy Schwartz Recognized in 2024 Rising Stars Spotlight by NYREJ  
02.27.2024

Zetlin & De Chiara LLP Promotes Roy H. Schwartz to Partner  
12.05.2023

The Best Lawyers in America 2024 Recognizes 16 Zetlin & De Chiara Attorneys  
08.17.2023

Roy Schwartz, Principal, was Recognized by AIA Queens for Service to the Organization  
12.07.2022

Zetlin & De Chiara LLP Again Recognized in the Best Lawyers List  
08.18.2022

Zetlin & De Chiara LLP Lawyers Highly Recognized by Best Lawyers®  
Best Lawyers®, 08.19.2021

Zetlin & De Chiara Lawyers Named to 2021 Best Lawyers and to Ones to Watch Lists  
08.20.2020

Anazette Ray and Roy Schwartz Briefed NYC High School Students on Careers in Law as part of  
NYC Career Discovery Week  
Partnership for New York City and NYC Department of Education, 02.28.2020

Roy Schwartz Featured in Real Estate Journal's 2019 One to Watch Spotlight  
Real Estate Weekly, 11.05.2019

Roy H. Schwartz Named 2019 Rising Star by Real Estate Weekly  
*Real Estate Weekly*

Roy Schwartz Promoted to Principal

Zetlin & De Chiara Adds Roy Schwartz to its Construction Law Practice

## **Publications**

Zetlin & De Chiara LLP Spring 2018 Update  
05.08.2018

Absence of Privity as a Defense to Claims Against Architects and Engineers  
03.06.2017