



## Partner

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## Industries

Construction  
Construction Litigation

Mark Schiavo has a very diverse legal practice. While concentrating primarily in general civil litigation in the state and federal courts of New Jersey and Pennsylvania, Mark maintains a particular emphasis on construction litigation, creditor's rights/loan workout and tort litigation.

## Practices

Litigation  
Environmental

With respect to his construction experience, Mark has represented contractors, owners, construction managers, engineers and architects in sophisticated matters involving construction/mechanic lien litigation, breach of contract, construction defect litigation, insurance coverage disputes and consumer fraud claims.

## Education

J.D., *cum laude*,  
Widener University  
School of Law, 2001  
B.A., University of  
Delaware, 1998

In addition, Mark maintains significant creditor's rights experience, including representing lenders in commercial loan workouts, restructurings and commercial foreclosures. In this capacity, Mark regularly seeks the appointment of receivers over distressed commercial properties with the ability to market and sell the property well in advance of a sheriff's foreclosure sale.

## Bar Admissions

New Jersey  
Pennsylvania  
United States District  
Court New Jersey  
United States Court of  
Appeals Third Circuit  
United States District  
Court Eastern District of  
Pennsylvania

Mark has also handled both the prosecution and defense of complex personal injury matters including motor vehicle (private passenger, buses and trucking), construction, premises, product liability, and catastrophic injury/death matters.

## Representative Experience

- Successfully tried jury trial in the Philadelphia Court of Common Pleas, Commerce Program, on behalf of a Plaintiff General Contractor ("GC") against individual members of a defunct LLC with whom the GC had contracted for the construction of two residential homes. Notwithstanding multiple motions seeking dismissal of claims against the LLC members individually relying upon the corporate form, the court ultimately agreed with the GC's position that the individual LLC members could be held personally liable because of their individual participation in the wrongs perpetrated against the GC. The jury returned a verdict in favor of the GC against the defendant LLC members holding them personally liable.
- Represented a plaintiff truck driver who sustained life threatening personal injuries received when he was crushed by bundled lumber that fell while being removed from his truck by a forklift at a construction job site. Defendants included the forklift operator, the general contractor, and the construction manager/site owner. Notwithstanding significant comparative

negligence issues raised by the defendants, the plaintiff received a confidential seven figure award after a seven day ADR.

- Represented the New Jersey Sports and Exposition Authority ("NJSEA") as plaintiff in a multi-million dollar New Jersey state court action concerning the collapse of a unique "supergrid" structure at the Historic Boardwalk Hall, located in Atlantic City, hours before the start of the Stripped and Jagged Justin Timberlake/Christina Aguilera concert. Defendants included the grid manufacturer, concert promoters, the design engineering firm, the touring companies and the management company overseeing the concert. The case also involved spin off insurance coverage actions. All cases settled successfully, resulting in a significant confidential settlement.
- Represented Southeastern Pennsylvania Transportation Authority ("SEPTA") and Conrail against American Premier Underwriters regarding the Paoli Railyard Superfund dispute. This litigation resulted in a \$38 million settlement on behalf of SEPTA and Conrail, which was the second largest verdict or settlement in the state of Pennsylvania in 2005.
- Successfully represented SEPTA in defense of a bid protest brought by way of preliminary injunction in the Philadelphia Court of Common Pleas, Commerce Program, involving a multi-million dollar railway completion project. The case resulted in a denial of claimant's request for injunction after a preliminary hearing.
- Successfully litigated a breach of lease matter on behalf of a coin operated laundry equipment supplier/servicer which led, at trial, to a full recovery of all liquidated damages claimed.

#### Professional and Community Activities

- Articles Editor, *Delaware Journal of Corporate Law*, 2000 – 2001
- Law Clerk to the Honorable Robert G. Millenky, J.S.C., Superior Court of New Jersey, Camden County, 2001 – 2002
- Member, New Jersey Bar Association
- Member, Camden County Bar Association
- Member, Burlington County Bar Association
- Member, Pennsylvania Bar Association
- Member, Philadelphia Bar Association
- Member, Justinian Society of Philadelphia

#### Speeches and Presentations

- Panelist, "Privilege, Work Product Or None of the Above?", Burlington County Bar Association, Commercial Bench and Bar Sub-Committee, May 27, 2015 .

### Professional Recognition

- Selected a winner in the Corporate America M&A Awards for the Best in Construction Litigation - Pennsylvania, 2015.
- Selected a Rising Star in the area of business litigation by *New Jersey Super Lawyers Magazine*, 2014, 2015, and 2016.
- Selected a Best Attorney in Business in the area of construction law by *South Jersey Biz*, 2014 and 2015.

### NEWS / EVENTS

#### Press Releases

- Dilworth Attorneys Named 2015 New Jersey Super Lawyers And Rising Stars
- Dilworth Attorneys Named 2016 New Jersey Super Lawyers And Rising Stars
- Dilworth Paxson Promotes Five Attorneys Within the Firm's Partnership

#### E-Alerts

- COVID-19 Construction Alert
- COVID-19 ALERT: CONSTRUCTION - NEWEST DEVELOPMENTS & NOTICE!, NOTICE!, NOTICE!
- COVID CONSTRUCTION ALERT: Liens, Bond Claims and Other Timing Issues
- COVID CONSTRUCTION ALERT: Re-Starting the Project
- COVID ALERT: Getting Control of the Re-Started Construction Project