

# Becker Secures Punitive Damages on Behalf of Several Clients

November 11, 2019

By: **Martin C. Cabalar, Sarah Klein, Vincenzo M. Mogavero, Robert I. Rabinowitz**



Did you know Becker has secured punitive damages and attorneys' fees under the New Jersey Consumer Fraud Act for several clients over the past two years?

For those of you who don't know, punitive damages are assessed to punish the defendant for outrageous conduct such as fraud, and are typically awarded only in very special circumstances. As a rule of thumb, this means the plaintiff will receive treble damages or triple the amount of the award. In addition, the court may also require the defendant to pay for the plaintiff's incurred legal costs.

**Here are four recent examples of successful outcomes that included a punitive damages award:**

- **Sarah Klein** secured a substantial judgment in favor of her client, a manufacturer and supplier of medical products, in its dispute with a roofing contractor. Significantly, the court found that the contractor violated the New Jersey Consumer Fraud Act, resulting in a punitive award of treble damages as well as attorney's fees and costs.
- **Matthew Meyers, Vincenzo Mogavero, and Martin Cabalar** secured a \$20 million verdict in favor of their client. The jury awarded \$3 million dollars against K Hovnanian as the developer and general contractor of Grandview I Condominium Association in West New York, New Jersey. The amount was then trebled under the New Jersey Consumer Fraud Act to \$9 million. The Jury also awarded \$ 13 million dollars against design professionals that performed services on the project.
- Vincenzo Mogavero and Sarah Klein secured a significant victory for their clients, a New Jersey couple, who engaged a contractor to perform construction work on their home. The contractor not only used an alias to hide his true identity from the couple; he also falsified positive reviews for his company and performed shoddy work at the clients' home. After motion

practice, the court granted partial summary judgment in favor of the clients on their New Jersey Consumer Fraud Act claim, resulting in an award of treble damages and attorney's fees and costs. The court also found in favor of the clients on the common law fraud and rescission counts of the complaint.

- **Robert Rabinowitz** and Sarah Klein successfully represented their clients, an elderly New Jersey couple, in a hearing against a home improvement contractor held before an arbitrator of the American Arbitration Association ("AAA"). In a reasoned award, the arbitrator found that windows installed at the clients' home violated the New Jersey Uniform Construction Code and awarded monetary damages and attorney's fees.