



## Mark M. Wiechnik

Mark Wiechnik is a partner in the Firm's Community Association Group. His practice is focused on construction defect litigation, including defective roofs, exterior cladding (EIFS) systems, balconies, concrete, foundations, parking facilities and windows. In addition, Mr. Wiechnik advises community associations in pre-litigation negotiations with respect to transition from developer to unit owner control. Over the last 5 years alone, he has obtained more than \$15 million for his clients suffering from buildings with severe construction defects.

Mr. Wiechnik has experience representing associations, as both plaintiffs and defendants, in litigation arising from violations of the New Jersey Condominium Act and the Planned Real Estate Development Full Disclosure Act (PREDFDA), breaches of contract by association vendors and contractors, Municipal Services Act violations by municipalities, improper governing document amendments by developers, breach of fiduciary duty by developer-appointed trustees and violations of governing document provisions and restrictive covenants by unit owners.

Mr. Wiechnik is a regular speaker on the basics of construction defect litigation and related insurance matters. He has given presentations to attorneys, engineers, architects and contractors as part of the National Business Institutes' continuing education seminar series.

In 2015 Mr. Wiechnik, and associate Breanne DeRaps, successfully argued before the Appellate Division of the Superior Court of New Jersey in Cypress Point Condominium Association, Inc. v. Adria Towers, LLC that unintended and unexpected consequential damages caused by a subcontractor's defective work constitute both "property damage" and an "occurrence" under a standard commercial general liability policy.

The insurers for Adria Towers appealed that decision, and in August 2016, the New Jersey Supreme Court delivered a [unanimous decision](#) affirming the Appellate Division ruling. Cypress Point marked a significant change with respect to the insurance coverage potentially owed for construction defect claims in New Jersey, substantially strengthening home owners association's position when they seek redress for damage related to shoddy work during construction.

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### Areas of Practice

- Community Association Law
- Litigation

### Education

- The College of New Jersey (Trenton State), B.A., 1997
- Seton Hall University School of Law, J.D., 2000

### Admissions

- New Jersey Bar, 2001
- United States District Court of New Jersey

Mr. Wiechnik is a frequent writer for various trade magazines and is a contributor to the Firm's community association blog. He has written articles on construction defects, insurance, corporate governance, municipal services and proposed legislation related to community associations and condominiums in New Jersey and across the nation. He was also a reviewing editor for the American Bar Association's Treatise on Construction Defects that was published in 2012.

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Mr. Wiechnik is the volunteer Chairman of the Legacy Treatment Services. Legacy Treatment Services is a merger of the Drenk Center for Behavioral Health and The Children's Home. It is a private, non-profit organization with sites throughout New Jersey that offers a continuum of behavioral health services for both children and adults including education, prevention programs, emergency crisis intervention, outpatient therapy, psychiatric services, residential programs, and case management services. [www.legacytreatment.org](http://www.legacytreatment.org).

Prior to joining the Firm, Mr. Wiechnik was a partner at Herrick, Feinstein LLP in its Community Association Department. He is a graduate of The College of New Jersey (Trenton State College) and Seton Hall University School of Law.

In 2016, Mr. Wiechnik was named as a New Jersey SuperLawyer.\*

\*No aspect of this advertisement has been approved by the Supreme Court of New Jersey or the American Bar Association.