

# McElroy Deutsch

## Peter A. Gaudio



### Partner

[pgaudio@mdmc-law.com](mailto:pgaudio@mdmc-law.com)

[Morristown, NJ](#)

[New York, NY](#)

P: [973-425-8151](tel:973-425-8151)

F: [973-425-0161](tel:973-425-0161)

[Download V-Card](#)



### Curriculum Vitae

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**PETER A. GAUDIOSO** graduated *magna cum laude* from Syracuse University in December 1990. He was a member of phi beta kappa and served as a resident adviser for three years. Peter was a recipient of the Clements Internship Scholarship, which funded an internship in the Administrative Office of the Chief Justice of the United States, in Spring 1991. He attended Seton Hall University School of Law, in Newark New Jersey, from September 1991 through June 1994, graduating *cum laude*.

He was appointed Co-Editor-in Chief of the school newspaper and elected Editor-in-Chief of the Seton Hall Constitutional Law Journal. After law school, Peter served as a judicial law secretary to The Honorable James J. Petrella, P.J.A.D., from September 1994 through September 1995. Peter's published works include Justice Thomas Todd, in SUPREME COURT JUSTICES, AN ILLUSTRATED HISTORY (Cong. Qtly. 1993), and Batson's Incomplete Legacy: Gender Discrimination and the Peremptory Challenge, 3 SETON HALL CONST. L.J. 315 (1993).

He has litigation, trial, and appellate experience in areas of practice that include complex construction defect defense and coverage, legal malpractice defense, general civil defense and coverage litigation, and criminal defense. Peter serves as Managing Partner of the Firm's New York office and is a Practice Group Manager for the Firm's Insurance Services and Litigation Group. Peter has presented CLE seminars related to construction accidents and construction defects, additional insured coverage, contractual indemnification, and civil discovery. He is serving in his second appointment to the District V-C Ethics Committee, and in that capacity he investigates and prosecutes violations of the Rules of Professional Conduct.

Peter holds a private pilot license, single-engine land, with an instrument-rating.

## Awards

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- Martindale-Hubbell AV Preeminent Rated (2023) - Martindale-Hubbell's highest peer rating standard. This is given to attorneys who are ranked at the highest level of professional excellence for their legal expertise, communication skills, and ethical standards by their peers. A description of the standard or methodology on which the accolade is based can be found [HERE](#) (No aspect of the advertisement has been approved by the Supreme Court).
- Listed in Best Lawyers® (2022-2024) a Woodward/White, Inc. business and partners with U.S. News & World Report, in the area of Product Liability Litigation - Defendants. A description of the standard or methodology on which the accolade is based can be found [HERE](#) (No aspect of the advertisement has been approved by the Supreme Court).
- Listed in Super Lawyers® Rising Stars (2006-2009), a Thomson Reuters business, in the areas of Construction Litigation, Personal Injury - General: Defense and Professional Liability: Defense. A description of the standard or methodology on which the accolade is based can be found [HERE](#) (No aspect of the advertisement has been approved by the Supreme Court).

## Cases

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*Results may vary depending on your particular facts and legal circumstances*

### **Complex Construction Defect**

Rutgers, The State Univ. of N.J. v. Terminal Constr. Corp., MID-L-6929-00 (represented general contractor in complex construction defect case involving Rutgers Football Stadium, with third-party, indemnification, additional insured coverage claims against multiple subcontractors, settled after lengthy mediation)

St. Louis, LLC v. Final Touch Glass & Mirror, Inc., SOM-L-1553-01 (represented glazing subcontractor in complex construction defect case involving a mansion that had water leaking through its envelope, which was a glass curtain wall, \$1.1 million exposure), trial resulting in a reported decision, at 386 N.J. Super. 117 (App. Div. 2006).

Amherst Mews Homeowner's Association, Inc. v. Melo Construction, LLC, SOM L-1731-03 (represented roofer in a complex construction defect matter involving water-infiltration into multiple condominium buildings, settled after in limine motion and just before jury selection)

St. Louis, LLC v. Bomanite Corp. of N.J., Inc., SOM-L-1418-03 (represented stamped concrete subcontractor in complex construction defect case involving an hospital-quality HVAC system contaminated with cement dust; against \$3.2 million exposure, held verdict to \$495,000 that failed to meet the offer of judgment)

Arruda v. E Sambol Constr. Co., BUR-L-2189-04 (represented general contractor of NJDOT dam reconstruction project that was part of a series of dam collapses during a 500 year storm, settled during discovery)

Seneca Ins. Co. a/s/o Clifton Paperboard Co. v. Shield Fire Protection, Inc., MRS-L-1916-06 (represented sprinkler system design company in fire subrogation case involving allegations of defective system design and construction, settled after prevailing on spoliation motion)

Bear's Nest Homeowner's Ass'n v. Gina & Son's Masonry Construction, BER-L-2735-07 (represented mason in

multi-party complex construction defect litigation in which brickwork constituted a significant portion of the claim, settled at mediation)

Winding Creek Homeowner's Association, Inc. v. AG Construction, LLC, BER-L-4071-07 (represented roofer in a complex construction defect matter involving water-infiltration into multiple condominium buildings, settled after in limine motion and just before jury selection)

Diamond Beach, LLC v. City/Newark Glass, MON-L-001152-08 (represented glazer in water infiltration into a beachfront high rise, involving bankruptcy of general contractor and bond claims, settled in mediation after expert reports exchanged)

Plaza Grande at Old Bridge Homeowner's Association, Inc. v. DR Horton v. Env't Stoneworks, MID-L-5710-09 (represented manufacturer and installer of manufactured stone veneer in complex construction defect case, settled on eve of trial after we prevailed on indemnification motions)

Wallach, et al. v. Env't Stoneworks, CAM-L-3819-10 (represented manufactured stone veneer manufacturer and installer in complex construction defect case involving multiple homes)

Federal Ins. Co. v. CMA Mech., BER-L-10954-10 (represented sprinkler installation company after line failure caused significant flooding, settled after dispositive motions decided)

Jumping Brook Country Club v. Ocean Utilities Corp., MON-L-2369-10 (represented site work contractor in a dam collapse case with complex hydro-geological causation issues)

Middletown Board of Educ. v. Dartz & Matz, MON-L-1195-09 (represented general contractor against allegations of defectively constructed artificial turf field, settled at mediation)

Muccio v. Midway Glass Installers, ESX-L-8332-10 (represented glazing company in a complex construction defect matter against allegations that its curtain wall and interior glazing failed to meet natatorium requirements thereby causing over-humidification and mold growth at special needs school, settled at mediation)

Crisdel v. A&R Concrete Co., MID-L-8937-11 (represented manufacturer of failing concrete culverts, trench drains, and jersey barriers in a matter involving the Port of Elizabeth).

Lloyd's of London v. Montanha Mech., OCN-1619-11 (represented plumber in flood subrogation case involving product liability claims, settled after dispositive motions decided)

Wappel v. Baglino Builders, Inc., SSX-L-747-11 (represented general contractor on a substantial home addition to luxury home, including personal exposure on Consumer Fraud Act claims and third-party actions against multiple subcontractors, settled at mediation)

Holy Trinity Greek Orthodox Church v. DRK Assocs., ATL-L-7793-12 (represented general contractor against allegations that its renovations and additions to existing church were defective, involving third-party action against subcontractors, settled at mediation just prior to trial)

Inverness at Crystal Springs HOA v. CSB Developers v. James Hardie Building Products SSX-L-613-12 (represented siding manufacturer against claims of defective product design and installation supervision, settled at mediation)

Palmieri v. Mark Four, Inc., MID-L-5144-12 (represented siding contractor against defective work that was alleged to have caused mold exposure, settled at mediation)

Bak v. A&A Exteriors, Inc., MRS-L-394-14 (represented stucco installer in a complex construction defect case involving a custom-built mansion, dismissed on summary judgment)

Liberty Mut. Ins. Co. a/s/o Dietz & Watson, Inc. v. Absolutely Energized Solar Elec., BUR-L-1782-14 (represented photovoltaic power design and installation contractor in five consolidated matters after fire destroyed refrigerated warehouse; issues involved negligence, products liability, and indemnification; settled at mediation)

Kelpatrick, LLC v. Clarke, MRS-C-56-16 (represented business owner in prosecution of ground subsidence claim secondary to improper site work, settled with involvement of the court)

## **Industries**

Construction

Insurance

## **Practices**

Appellate Practice

Aviation

Construction

Insurance Coverage

Litigation

Personal Injury Defense

Professional Liability

White Collar Criminal Defense

## **Education**

Syracuse University (B.A. magna cum laude 1990)

Seton Hall Law School (J.D., cum laude 1994)

## **Admissions**

State of New Jersey

U.S. District Court, District of New Jersey

U.S. Court of Appeals, 3rd Circuit

U.S. District Court, District of Colorado

State of New York

U.S. District Court, SDNY

## **Memberships**

District V-C Ethics Committee

Essex County Bar Association

Fellow, American Bar Foundation