



## Deanna L. Koestel

PARTNER & CHAIR, CONSTRUCTION LAW

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### PRACTICE AREAS

Construction Law

Corporate & Business Law

Litigation

Local Counsel

Business Divorce & Ownership Disputes

Food, Beverage & Hospitality

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### EDUCATION

B.A., University of Maryland, 1999

J.D., Temple University Beasley School of Law, 2002

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Deanna L. Koestel concentrates her practice on commercial litigation, construction law, and general business law matters in New Jersey and New York. She is chair of the firm's Construction Law practice and a partner in the firm's Commercial Litigation practice.

Deanna represents both individual clients and business entities in multiple industries including construction, pharmaceutical and healthcare, and food, beverage and hospitality, among others. She routinely handles business disputes including partnership and shareholder matters, business torts, breach of non-competition and non-solicitation actions, breach of contract actions, fraud and consumer fraud actions, and breach of fiduciary duty claims. She often acts as an "outside" general counsel to her clients and regularly assists clients with responses to non-party subpoenas. Given her broad experience with the New Jersey and New York courts, she often acts as "local counsel" for out-of-state firms and the clients they represent. Deanna is experienced in all aspects of commercial litigation from commencement through trial, and has in-depth knowledge and experience advising clients regarding electronically stored information ("ESI" or "e-discovery"), which is a critical component of modern litigation.

Deanna has significant experience in all aspects of construction law. She routinely represents residential and commercial property and business owners, contractors, subcontractors, suppliers, and manufacturers in all phases of the construction process. She also assists

clients with drafting construction contracts and with various construction litigation issues including breach of contract, warranty actions, building supply defects, and professional liability disputes. She handles construction and mechanic's lien issues on behalf of both owners and contractors. Deanna's experience on the litigation side of construction matters has provided her with valuable insight that she uses to work with her clients in drafting agreements or pre-litigation negotiation settings in order to minimize litigation risks when possible.

Deanna currently serves as a Board Member for the non-profit organization Girls on the Run NYC, where she proudly served as Board President from 2015-2019. Deanna also serves a member of the Rotary Club of New Paltz. In 2013, the non-profit organization H.A.R.K. (Healthy Active Responsible Kids) honored Deanna as its Volunteer of the Year. She was also a founding board member of Girls on the Run of Central New Jersey.

## Representative Matters

Our firm is proud of the results it has achieved for clients, some of which are noted here. Of course, each legal matter is unique on many levels, and past successes are not a guarantee of results in any other pending or future matters.

## Construction Industry Representative Matters

- Successfully represented residential property owners in a breach of contract and construction litigation matter against their general contractor.
- Represents architectural firm as general outside counsel.
- Represents engineering firm in multi-party construction defect matter.
- Represents an environmental contracting firm in connection with payment claims against a New York City public agency.
- Successfully defended and obtained dismissal of claims against a general contractor by a commercial business owner asserting breach of contract and construction defect.
- Negotiated a favorable settlement on behalf of an international mineral processing company against a manufacturer and fabricator on projects in several states.
- Represented a premier commercial construction company as general outside counsel on many contract and litigation matters throughout the Northeast region.
- Represented a surveyor in a multi-party construction litigation dispute and through extensive negotiations secured an early pre-discovery dismissal of the client.
- Represented a public housing authority in a construction litigation matter brought against it by a contractor seeking millions of dollars for a terminated contract for the construction of low income housing units before any units were constructed. After a three-week long trial, the jury returned a favorable jury verdict for the housing authority.

- Represented a commercial business owner in a breach of contract action brought against its general contractor for breach of contract, defective construction and fraud. The jury returned a favorable verdict on behalf of the company against the contractor.
- Represented a commercial business owner in a complex construction arbitration against its general contractor, construction manager, and architect for breach of contract and defective construction. After a multi-week arbitration hearing, the arbitrator returned an award in favor of the business owner.

## Pharmaceutical and Health Care Industry Representative Matters

- Represents several physical therapy practices as their general “outside counsel.”
- Represented prominent cardiology group and individual cardiologists in a business tort case brought against them by a specialty hospital asserting claims of tortious interference and unfair competition relating to the group’s referral practices. Retained after the trial court had just denied defendants’ motions for summary judgment and facing a trial that was expected to last several months, we spearheaded the filing of new motions for summary judgment that raised dispositive issues that had not yet been addressed in the more than seven-year-old litigation. Following extensive briefing, the trial court dismissed all of the hospital’s claims with prejudice. The hospital had been seeking nearly \$30 million in compensatory damages and an award of punitive damages. On appeal, the Appellate Division affirmed the dismissal of 99% of the hospital’s damages claim and remanded for further proceedings on claims valued at less than \$300,000. The case settled during trial, shortly after the parties selected a jury and delivered opening statements. Represented an international publicly held pharmaceutical company in connection with responding to third party subpoenas in a multi-district litigation.
- Represented an international publicly held pharmaceutical company in connection with responding to multiple third party subpoenas in a multi-district litigation.
- Represented dental manufacturing company in review and negotiation of multiple construction contracts for build-out of their manufacturing facilities and handled variety of construction related matters for the client during construction, including lien, bond and insurance matters.
- Negotiated a favorable early settlement for a large medical group-health care provider defending against breach of contract claims.

## Food, Beverage & Hospitality Industry Representative Matters

- Represents a restaurant group as general outside counsel.
- Represents a start-up beverage wholesale business.
- Represents restaurant owner in shareholder dispute with the co-founder/owner of the business.

- Represents an interior design business focused on the hospitality industry as its general outside counsel.
- Represents food manufacturer in various business and construction matters.
- Represented wine importer and distributor in breach of contract action brought by wine producer and successfully negotiated a settlement.
- Represented 50% owner of restaurant in shareholder dispute and negotiated favorable settlement and buy-out terms without litigation.
- Represented a family owned winery in connection with creating business agreements and negotiating a favorable settlement to collect overdue accounts from distributors.
- Represented restaurant owner in connection with multiple mechanic's liens filed by the general contractor and subcontractor and secured discharge of mechanic's liens and settlement of construction litigation dispute.
- Represented a locally-owned distillery in several contract actions, including securing a refund of defectively manufactured equipment critical to its business.

## Shareholder Disputes/ Business Law Representative Matters

- Represents a minority shareholder in a case involving claims of breach of fiduciary duty and breach of contract.
- Represents minority member of LLC in connection with restaurant startup including contract review and negotiation.
- Represented 50% owner and co-founder of skincare and beauty company in connection with claims of breach of fiduciary duty and negotiated favorable settlement without litigation.
- Successfully represented a group of LLC-members in a complex international shareholder dispute where the clients won control of the LLC after a decade-long dispute.
- Successfully represented a group of LLC members in a case asserting breach of fiduciary duty claims against the company's managing member.

## Honors & Awards

- Selected for inclusion in the list of Super Lawyers, New Jersey Rising Star, 2008-2017
- Volunteer of the Year, 2013, Somerset Hills YMCA for her work as a Founding Board Member and Trustee for H.A.R. K. (Healthy Active Responsible Kids)

The Rising Stars list is issued by Thomson Reuters. A description of the selection methodology can be found at [http://www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html).

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

## Community & Professional Associations

- New York City Hospitality Group
- New Paltz Rotary Club
- Professional Women in Construction, NJ Chapter
- Board Member, Girls on the Run NYC (Board President, 2015-2019)

## Bar Admissions

New York

New Jersey

Pennsylvania

## Court Admissions

U.S. District Court, District of New Jersey

U.S. District Court, Eastern District of Pennsylvania

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

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

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Second Circuit