

Scott Lippert Quoted in New Jersey Law Journal Article on Force Majeure Clauses

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Scott Lippert, Chair of the Commercial Real Estate practice at Pashman Stein Walder Hayden, was quoted in the *New Jersey Law Journal* article, “Settlements About as Few Look to ‘Test the Waters’ on Force Majeure in Litigation.”

Scott Lippert, a commercial real estate lawyer at Pashman Stein Walder Hayden in Hackensack, New Jersey, likewise said courts are presumed to be hostile to force majeure-based efforts to cancel contracts, so the focus is on settling.

He cited an Appellate Division ruling from last week, Bussel Realty v. Franco, which said disruption of a real estate company’s income, caused by the COVID-19 pandemic, was not cause for relief from its obligation to make payments under the settlement of a prior lawsuit.

“I’m seeing that, in general, resorting to the courts for relief of obligations is not working very well. I don’t anticipate that it will,” Lippert said.

Lippert said he was negotiating force majeure clauses in newly drafted contracts that reflect experiences of the coronavirus. But he said some clients feel the pandemic is over, and that it is “not likely to recur as badly as it did before.”

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