

Kevin W. Weber

Partner

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Newark, NJ 07102

Industries

Finance

Practice Areas

Construction

Alternative Dispute Resolution

Business & Commercial Litigation

Litigation

Real Estate & Land Use Litigation

Bar Memberships

New Jersey

New York

Kevin provides strategic guidance to businesses of all sizes, in litigation, alternative dispute resolution, and general counseling matters. He has extensive experience guiding clients through real estate and construction disputes, from inception through trial, and routinely represents developers, contractors, commercial landlords and tenants, and government entities in high-stakes matters. In addition to his real estate and construction industry focus, Kevin has wide-ranging commercial litigation experience in mergers-and-acquisitions (M&A) disputes, trade secret actions, business divorces, and litigation with public entities (including bid protests and procurement disputes).

Kevin implements a results-oriented approach to meet his clients' specific business needs. His multifaceted practice includes crisis management counseling, implementation of litigation avoidance strategies, expedited proceedings and injunction practice for emergency situations, cost-effective case management, and, when required, "bet-the-company" litigation through trial and appeals.

Kevin maintains an active pro bono practice and serves on the Board of Volunteer Lawyers for Justice, a 501(c)(3) not-for-profit corporation providing legal services throughout the state of New Jersey.

Included on the *Super Lawyers Rising Stars* list for New Jersey, Kevin has significant experience in expedited proceedings taking place in the Chancery Division of the Superior Court of New Jersey. Prior to joining the firm, he served as a law clerk to the Honorable Kenneth S. Levy, Presiding Judge, Superior Court of New Jersey, Chancery Division, General Equity Part, and he remains actively involved in the Equity Jurisprudence sections of the New Jersey

and Essex County Bar Associations.

Kevin is also a Rule 1:40 New Jersey Court Approved Mediator and has experience in a wide variety of alternative dispute resolution venues.

Other Info About Kevin

Experience

Reported Decisions

- *Bedrock Steel v. Raritan Urban Renewal*, Docket No. A-0410-22, 2023 N.J. Super. Unpub. LEXIS 691 (App. Div. May 8, 2023)
- *Accurate Builders LLC v. Rise Concrete LLC*, Civil Action No. 22-04911, 2023 U.S. Dist. LEXIS 51423 (D.N.J. March 27, 2023)
- *Am. Neighborhood Mortg. Acceptance Co., LLC v. Crosscountry Mortg., Inc.*, Civil Action No. 20-00874 (SDW)(LDW), 2022 U.S. Dist. LEXIS 223174 (D.N.J. Dec. 12, 2022)
- *Am. Neighborhood Mortg. Acceptance Co., LLC v. CrossCountry Mortg., Inc.*, Civil Action No. 20-00874 (SDW)(LDW), 2022 U.S. Dist. LEXIS 205999 (D.N.J. Nov. 10, 2022)
- *March Assocs. Constr., Inc. v. Pawtucket Dev. Grp., LLC*, C.A. No. 20-00506-WES, 2022 U.S. Dist. LEXIS 148810 (D.R.I. Aug. 19, 2022)
- *Stryker Corp. v. Hagag*, Civil Action No. 21-12499 (ES) (CLW), 2022 U.S. Dist. LEXIS 139226 (D.N.J. Aug. 3, 2022)
- *Am. Neighborhood Mortg. Acceptance Co., LLC v. Crosscountry Mortg., Inc.*, Civil Action No. 20-874 (SDW) (LDW), 2022 U.S. Dist. LEXIS 241864 (D.N.J. July 15, 2022)
- *Am. Neighborhood Mortg. Acceptance Co., LLC v. CrossCountry Mortg., Inc.*, Civil Action No. 20-00874 (SDW)(LDW), 2022 U.S. Dist. LEXIS 81628 (D.N.J. May 4, 2022)
- *Vita v. Vita*, Civil Action No. 21-11060 (SRC), 2022 U.S. Dist. LEXIS 22208 (D.N.J. Feb. 8, 2022)

- *In re New Jersey Sports & Exposition Auth. Resolution 2020-07*, Docket No. A-2868-19, 2022 N.J. Super. Unpub. LEXIS 121 (App. Div. Jan. 27, 2022)
- *Am. Neighborhood Mortg. Acceptance Co. v. CrossCountry Mortg., Inc.*, No. 20-3324, 2021 U.S. App. LEXIS 30260 (3d Cir. Oct. 8, 2021)
- *Vita v. Vita*, Civil Action No. 21-11060 (SRC), 2021 U.S. Dist. LEXIS 154630 (D.N.J. Aug. 16, 2021)
- *Squicciarini v. Borough of Closter*, No. A-0822-19, 2021 N.J. Super. Unpub. LEXIS 1352 (Super. Ct. App. Div. July 2, 2021)
- *Avon Bros. v. Phoenix Diversified Group*, Docket No. BER-L-2666-20, 2021 N.J. Super. Unpub. LEXIS 1848 (Law Div. May 7, 2021)
- *Avon Bros. v. Phoenix Diversified Group*, Docket No. BER-L-2666-20, 2020 N.J. Super. Unpub. LEXIS 4088 (Law Div. Nov. 12, 2020
- *Am. Neighborhood Mortg. Acceptance Co. v. CrossCountry Mortg.*, Civil Action No. 20-00874 (SDW)(LDW), 2020 U.S. Dist. LEXIS 253608 (D.N.J. Oct. 23, 2020)
- *Alpha Painting & Constr. Co. v. Del. River Port Auth.*, 822 F. App'x 61 (3d Cir. 2020)
- *loanDepot.com v. CrossCountry Mortg.*, Inc., 399 F. Supp. 3d 226 (D.N.J. 2019)
- *Alpha Painting & Constr. Co. v. Del. River Port Auth. of Pa.*, No. 1:16-cv-05141-NLH-AMD, 2019 U.S. Dist. LEXIS 106516 (D.N.J. June 26, 2019)
- *loanDepot.com v. CrossCountry Mortg., Inc.*, No. 18-12091 (KM) (JBC), 2019 U.S. Dist. LEXIS 106518 (D.N.J. June 24, 2019)
- *Bath Iron Works Corp. v. Congoleum Corp.*, No. 2:18-cv-00405-GZS, 2019 U.S. Dist. LEXIS 80878 (D. Me. May 14, 2019)
- *DVL, Inc. v. Congoleum Corp.*, No. 17-4261 (KM) (JBC), 2018 U.S. Dist. LEXIS 143437 (D.N.J. Aug. 23, 2018)
- *Alpha Painting & Constr. Co. v. Del. River Port Auth. of Pa.*, 2018 U.S. Dist. LEXIS 104695 (D.N.J. June 22, 2018)

- *Cliffs Nat. Res. Inc. v. Seneca Coal Res., LLC*, 2018 U.S. Dist. LEXIS 76232 (D. Del. Apr. 30, 2018)
- *DSA Promotions, LLC v. Vonage Am., Inc.*, 2018 U.S. Dist. LEXIS 31230 (N.D. Tex. Feb. 27, 2018)
- *Cliffs Nat. Res. Inc. v. Seneca Coal Res., LLC*, No. 17-567, 2017 U.S. Dist. LEXIS 189985 (D. Del. Oct. 31, 2017)
- *Alpha Painting & Constr. Co. v. Del. River Port Auth.*, 2017 U.S. Dist. LEXIS 126933 (D.N.J. Aug. 10, 2017)
- *Alpha Painting & Constr. Co v. Del. River Port Auth. of Pa.*, 853 F.3d 671 (3d Cir. 2017)
- *Alpha Painting & Constr. Co. v. Del. River Port Auth. of Pa.*, 208 F. Supp. 3d 607 (D.N.J. 2016)
- *Alpha Painting & Constr. Co. v. Del. River Port Auth. of Pa.*, 2016 U.S. Dist. LEXIS 152691 (D.N.J. Nov. 2, 2016)
- *SymQuest Grp., Inc. v. Canon U.S.A., Inc.*, 2015 U.S. Dist. LEXIS 114898 (E.D.N.Y. Aug. 7, 2015)
- *Weinberg v. New Jersey Sports & Exposition Authority*, 2015 N.J. Super. Unpub. LEXIS 994 (Law. Div. April 29, 2015)
- *In re Order of the N.J. Racing Comm'n*, 2015 N.J. Super. Unpub. LEXIS 279 (App. Div. Feb. 17, 2015)
- *In re Challenge of Contract Award Solicitation No. 13-X-22694 Lottery Growth Management Services*, 436 N.J. Super. 350 (App. Div. 2014)
- *New Meadowlands Stadium Co. v. Triple Five Group*, 2013 N.J. Super. Unpub. LEXIS 2130 (Ch. Div. Aug. 26, 2013)
- *Kawasaki Kisen Kaisha, Ltd. v. Maher Terminals LLC*, 2013 U.S. Dist. LEXIS 67432 (D.N.J. May 13, 2013)
- *Parkland Services, Inc. v. Maple Leaf Foods, Inc.*, 2013 U.S. Dist. LEXIS 55240 (E.D. PA. Apr. 18, 2013)
- *New Meadowlands Stadium Co., LLC v. Triple Five Group Ltd.*, 2012 N.J. Super. Unpub. LEXIS 1920 (Ch. Div. Aug. 9, 2012)
- *Marshall v. Raritan Valley Disposal*, 2012 N.J. Super. Unpub. LEXIS 544 (App. Div. Mar. 13, 2012)

- *Prof'l Benefit Consultants, Inc. v. Claims & Benefit Mgmt.*, 2011 U.S. Dist. LEXIS 137978 (D.N.J. Dec. 1, 2011)
- *Financial Freedom Senior Funding Corp. v. Fischer*, 2011 N.J. Super. Unpub. LEXIS 2362 (App. Div. Mar. 31, 2011); cert. den., 208 N.J. 337 (Sept. 7, 2011)

Real Estate Litigation

- Obtained a temporary restraining order against a seller who improperly terminated a $26 million purchase-and-sale agreement for several industrial parcels
- Obtained summary judgment on behalf of a New Jersey hospital against a tenant pharmacy regarding the interpretation of a restrictive covenant lease provision
- Obtained final judgment and eviction of an industrial tenant who failed to pay over $2 million in rent to the landlord; included appeals to the Supreme Court of New Jersey and a bankruptcy filing
- Successfully defended action seeking to temporarily restrain the seller of a shopping center and freeze sale proceeds based on allegations of fraud
- Handled a lease termination and acceleration action on behalf of a commercial landlord for over $2 million in damages
- Prosecuted a professional malpractice action on behalf of a bank against a real estate appraiser seeking over $3 million in damages

Construction

- Defeated a temporary restraining order application seeking to halt construction of a 370-unit apartment building brought by a neighboring office building landlord that claimed vibration damage to its building
- Prosecuted a $5 million construction defect claim on behalf of a country club against the general contractor and over 20 subcontractors

- Prosecuted a $8 million+ earn-out claim in an AAA arbitration by a generation contractor against a successor contractor
- Defended a general contractor in an AAA arbitration action brought by the developer of a warehouse project for over $3 million in delay damages
- Prosecuted performance and payment bond claims by a general contractor against the surety for unfinished work by subcontractors during the construction of a big box retail store
- Defended a residential luxury homebuilder in a Consumer Fraud Act and water infiltration warranty claim

Government Litigation

- Obtained a preliminary and permanent injunction in the District Court of New Jersey against a bi-state agency overturning a procurement award for an $18 million bridge painting contract
- Won the dismissal at trial in the Superior Court of New Jersey of a bid protest action by the runner-up bidder seeking to invalidate the award of a school district's janitorial services contract
- Defeated a bid protest and affirmed an award of an $89 million contract to a software company
- Obtained summary judgment against a municipality invalidating an arbitrary and capricious ordinance that banned 24-hour convenience stores
- Defended the recipient of a Business Employment Incentive Grant in a clawback action by the New Jersey Economic Development Authority
- Served on the team that successfully represented the New Jersey Department of Treasury in the bid protest and subsequent appeal of the state's award of a contract to privatize the New Jersey State Lottery
- Served as litigation counsel to the New Jersey Sports & Exposition Authority on matters related to the development

of the American Dream project and the privatization of Monmouth Park and the Meadowlands Racetrack

Chancery Court Litigation

- Obtained a preliminary injunction against a departing employee and his new employer for violations of the New Jersey Trade Secrets Act and breach of the duty of loyalty based on the inevitable disclosure doctrine
- Successfully dissolved an ex parte temporary restraining order obtained against an anesthesiologist by a pain clinic
- Secured the successful dismissal of a *Caremark* (failure to monitor) claim in Delaware Chancery Court against a Director of an insolvent insurance company
- Secured the successful summary judgment dismissal of an action against a homeowner seeking rescission of a deed and revocation of estate planning documents

Complex Commercial Litigation

- Defense of an international coatings manufacturer in a case involving over $100 million in alleged damages to a private yacht
- Defense of a national flooring manufacturer in a $20 million environmental remediation cost recovery action involving complex issues of corporate successorship
- Defense of a coal mine owner in an action arising out of an asset purchase against claims of fraudulent transfer and breach of representations and warranties
- Defense of a group of mortgage brokers in an action brought by their former employer for breaches of fiduciary duty and misappropriation of trade secrets
- Defense of an international food company against allegations of misappropriated trade secrets related to construction of new factory
- Prosecution of a limited liability company member oppression action involving a minor league baseball team

- Defense of a national law firm in a malpractice claim regarding the sale and valuation of a family business during a management buy-out transaction

Education

Seton Hall University School of Law, J.D.

- Business Editor, *Seton Hall Law Review*, *Volume 38*

Rutgers University – Edward J. Bloustein School of Planning and Public Policy, M.P.P.

Rutgers University, B.A.

Clerkships

Law clerk to the Honorable Kenneth Levy, Presiding Judge, Superior Court of New Jersey, Essex Vicinage, Chancery Division – General Equity, 2008-2009

Courts

United States District Court for the District of New Jersey

United States District Court for the Southern District of New York

United States District Court for the Eastern District of New York

United States Court of Appeals for the Third Circuit

Recognition

Recognized by Best Lawyers®, 2026-2027 Editions: Commercial Litigation

Included on the *New Jersey Super Lawyers* list, Business Litigation

Included on the *New Jersey Super Lawyers Rising Stars* list, Business Litigation

Included on the *Benchmark Litigation* "40 & Under Hot List," 2016, 2017, 2018, 2019, 2020

Included on the *New Jersey Law Journal* 2017 "New Leaders of the Bar" list

Professional Affiliations

New Jersey Bar Association

Essex County Bar Association

New Jersey State Bar Association
Vice Chair, Equity Jurisprudence Section

Essex County Bar Association
Chancery Practice Committee

Civic Activities

Seton Hall University School of Law
Alumni Council

Volunteer Lawyers for Justice
Board of Trustees

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