



Nicholas J. Zaita

Partner

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BIO

A partner in Peckar & Abramson's New Jersey office, Nick delivers exceptional representation to contractor and corporate clients in construction and business disputes. Nick's practice includes advising clients throughout all phases of claims and litigation, ranging from complex infrastructure projects to commercial development to residential home construction.

Nick regularly represents heavy-highway construction contractors, sitework utility contractors, and specialty subcontractors, among others, in state and federal court. He guides his clients through all stages of a case – from case assessment through initial pleadings, discovery, motion practice, mediation, trial and even appeals. He has tried several cases to verdict or judgment and has secured numerous dismissals, judgments and favorable settlements for his clients. With a deep understanding of the complex legal landscape surrounding construction contracts and procurement, he also represents clients in bid protests and serves as a guest lecturer at Columbia University's College of Engineering on the subject.

Nick also devotes a significant portion of his practice to serving as corporate counsel to a variety of businesses in the construction industry and the New York-New Jersey Metropolitan area business community at large. He provides legal guidance on contract drafting and negotiations, employment policies, and insurance coverage. Nick commonly acts as a sounding board for his clients, to first identify and define the challenges facing the business, and then to formulate solutions to all sorts of issues in a collaborative and efficient manner.

Two significant published decisions where Nick obtained favorable outcomes for clients include *E.E. Cruz & Co., Inc. v. Axis Surplus Insurance Co.*, 87 N.Y.S.3d 173 (1st Dep't 2018) and *Ernest Bock & Sons-Dobco Pennsauken Joint Venture v. Township of Pennsauken and Terminal Construction Corp.*, 477 N.J. Super. 254 (App. Div. 2023).

In addition, Nick regularly authors articles and presents seminars on a variety of construction-related topics. He has also garnered accolades within the legal and business communities as a *NJBIZ* "Leaders in Law" honoree, *New Jersey Law Journal's* New Jersey Legal Awards "Mentor" honoree, and being named among Bergen County's top construction lawyers by *Bergen Magazine*.

Prior to pursuing a career in the law, Nick followed his passion for athletics and the sports industry by earning degrees in Sports Management from the University of Tampa and University of Florida. In law school, Nick integrated his experience in the sports industry with the law, working as a law clerk for the National Football League Management Council.

BIOGRAPHY CONTINUED

After graduating from New York Law School, Nick served as the law clerk for the Hon. Robert P. Contillo, P.Ch. (Ret.), in the Superior Court of New Jersey, Bergen Vicinage. During his clerkship, he gained invaluable knowledge of the inner workings of the court system, which he uses daily to provide the most effective representation for his clients.

Nick lives in Morris County with his wife and three children.

HIGHLIGHTS

ADMISSIONS

- State of New York
- State of New Jersey
- United States District Court, District of New Jersey
- United States District Court, Southern District of New York
- United States District Court, Eastern District of New York
- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Third Circuit

EDUCATION AND COURSES

- University of Tampa, B.S.
- University of Florida, M.S.
- New York Law School, J.D.

PRACTICE AREAS

- Construction and Infrastructure
- Construction Dispute Resolution
- Business Litigation

MEMBERSHIPS

- Panel Chair, Bergen County District Fee Arbitration Committee for the New Jersey Supreme Court Fee Arbitration Committee
- Bergen County Bar Association
- New Jersey State Bar Association, Construction Section
- ABA Forum on Construction

AWARDS AND RECOGNITIONS

- *NJBIZ* "Leaders in Law", 2023
- *Bergen Magazine* "Top Lawyer" - Construction, 2023
- *New Jersey Super Lawyers*, 2017-2021, 2025

PUBLICATIONS AND PRESENTATIONS

- "Little Miller Act Claims," NJICLE 2023 Construction Law Forum, June 2023 (presenter)
- "Army Corps of Engineers Developing an Incredible Opportunity for New Jersey," New Jersey Alliance for Action Seminar, May 2023 (moderator)

HIGHLIGHTS CONTINUED

- “New Jersey Appellate Decision Reminds Bid Protestors to Take Caution When Determining Where to File an Action,” *P&A Client Alert*, March 2023 (co-author)
- “Utilizing Technical Mediation and Other Alternative Dispute Resolution Measures to Resolve Complex Construction Disputes,” Risk Management in Underground Construction Course, February 2023 (co-presenter)
- “Best Practices for Implementing the New Buy America Requirements,” *AGC Cornerstone Magazine*, Winter 2022 (co-author)
- “Navigating the NJDOT Claims Process,” P&A Webinar, June 2022 (co-presenter)
- “Show Me the Money: Who is Responsible for the Impacts of a Differing Site Condition on a Design-Bid-Build Project Versus a Design-Build Project?,” P&A and Langan Engineering Webinar, May 2022 (co-presenter)
- “The Evolution of the Tunneling Industry and How it is Shaping Owner and Contractor Viewpoints on Risk Allocation,” Risk Management in Underground Construction Conference, April 2022 (co-presenter)
- “Degrees of Separation: Owner’s Risks in Spinning Specifications from a Joint Venture,” Construction SuperConference, December 2019 (moderator)
- “Be in the Know: The New Era of Contractor-Owner Claims Disputes,” Construction SuperConference, December 2018 (moderator)
- “Not Going Down With The Ship: Managing Risk and Surviving the Struggling Construction Project,” NJICLE, June 2017 (co-presenter)