

Sean T. Scuderi

Vice Chair of Construction Practice

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Sean T. Scuderi is a partner and Vice Chair of the Firm's Construction Practice. Sean serves as general counsel for individual owners, multicultural centers, and educational institutions on their various commercial, real estate, and construction business ventures and disputes. He advises clients through ongoing construction and renovation projects, addressing issues such as delays, liens, violations, termination, compliance with the NYC Building Code and other applicable laws, and disputes with contractors, consultants, and neighbors.

Sean counsels his clients through every phase of the design and construction process, from negotiating agreements to complex business disputes. He regularly negotiates and prepares construction, design, and consultant agreements for developers, architects, engineers, general contractors, and construction managers. Relying on his strategic experience, Sean can easily shift to represent clients in litigation, arbitration, and mediation disputes as they arise, including on construction and design defects, professional liability, delay claims, fraud, property damage, and breaches of contract. He leverages his experience to provide clients valuable insight and guidance to mitigate risk, navigate issues and disputes, and manage professional relationships.

Education

- Boston College (B.A.)
 - With Honors
- St. John's University School of Law (J.D., *cum laude*)
 - Executive Articles Editor of the American Bankruptcy Institute Law Review

Bar Admissions

- New York
- Pennsylvania
- District of Columbia
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

Related Services

- Construction
- Adjacent Access
- Construction Disputes & Resolution
- Litigation
- General Counsel Services
- Cooperatives & Condominiums
- Private Client & Family Offices
- Ownership Transition Planning

Professional Affiliations

- New York City Bar Association, Construction Law Committee and Social Event & Networking Committee
- New York State Bar Association
- Center for Architecture Foundation, Guess-A-Sketch Hosting Committee

Awards & Honors

- *Best Lawyers in America*®, 2024 - 2026
- *Chambers USA*, Up and Coming in Construction, 2023-2024,
- *Chambers USA*, Band 3 in Construction, 2025-2026
- *Law360's* 2022 Construction Rising Star
- *Real Estate Weekly's* 2020 and 2019 Rising Star

Clerkships

- P. Kevin Castel, U.S. District Court, Southern District of New York
- Stephen A. Bucaria, New York State Supreme Court, Nassau County, Commercial Division
- Gregory Lasak, New York State Supreme Court, Queens County, Criminal Term

Areas Of Concentration

- Adjacent Access
- Construction Litigation
- Liquor Licensing

Article

- Benefits and Pitfalls of Outsourcing Email Services, *New York Law Journal*

Speaking Engagements

- The Design Professional's Guide to Avoiding Problems, Claims and Disputes, Presentation at the Center for Architecture (October 20, 2016)
- Introduction to Scope of Services, Presentation at American Society of Civil Engineers Conference (October 12, 2013)

Adjacent Access

Real estate development in New York City presents many challenges, including coordinating construction with neighboring property owners and protecting adjacent properties. Sean negotiates access license agreements for his development clients – as well as impacted neighboring property owners – in order to address all aspects of accessing requests that arise during the development process. These requests include underpinning, structural reinforcement, chimney extensions, coordination of concurrent construction projects, lot line window protection and closures, monitoring, and overhead

and rooftop protections. In addition, Sean has broad experience litigating special proceedings pursuant to RPAPL 881 to dictate access terms to neighboring properties.

Representative Matters:

- Represents a not-for-profit religious organization in the development of a \$20 million cultural and community center. This includes the negotiations of construction and design agreements, managing COVID-19 related delays and cost increases, managing disputes with contractors, and license agreement negotiations to access neighboring properties.
- Represents charter schools in the multimillion-dollar construction of new schools in NYC and in the renovation of existing buildings.
- Represents a developer in the construction and renovation of nursing homes and assisted living facilities across the country, including projects in Massachusetts, Texas, Nebraska, and Iowa.
- Represents Philadelphia-based developers in the construction of ground-up mixed used and multi-family residential properties, ranging from \$5 million to \$15 million.
- Defended a NYC hotel in a RPAPL 881 proceeding where a neighboring developer sought access to install protections on amenity terrace space. Sean obtained a favorable and since heavily cited opinion, that awarded the client significant consideration and legal protections for the impacts to its hotel operations.
- Negotiated construction management agreement for the development of a new \$20 million mixed-use building in New Jersey.
- Represented a real estate developer in an appeal before the New York State Appellate Division, Second Department to discharge a mechanic's lien based purely on pre-construction management services. Obtained a monumental decision limiting the scope of pre-construction services that may form a valid basis for a mechanic's lien.
- Represented solar energy development companies and succeeded on motion to dismiss breach of fiduciary duty, tortious interference with prospective business relations, unjust enrichment and conspiracy claims for lack of personal jurisdiction, failure to state a cause of action, and forum non conveniens.
- Succeeded on motion for summary judgment dismissing all claims against structural engineering firm client in multimillion-dollar action alleging various construction and design defects.
- Defended an architecture firm and structural engineer firm against design defect and professional liability claims in an adversary proceeding in the U.S. Bankruptcy Court, Eastern District of New York and succeeded on motion to dismiss all claims on abstention grounds.
- Represented an owner of a landmarked, historic brownstone building in an action against a neighboring property owner for breach of a license agreement, property damage, and private nuisance and obtained a favorable settlement at mediation.
- Represented a not-for-profit religious organization that was developing a meditation retreat center in claims against its former construction manager for delays, defective work, and breach of contract.
- Represented a real estate investment company in its fraud claims against a developer arising from the developer withholding significant latent defects during the sale of high-rise residential building. Assisted with successful respondent's brief upholding

dismissal of defendants' motion to dismiss and obtained sanctions against the defendants for the spoliation of documentation, leading to a favorable settlement.

Insights

June 18, 2026

AI-Assisted Design Review in Construction: Rethinking Professional Responsibility and Risk Allocation

May 21, 2026

ICE Raids on Construction Sites: What Contractors Need to Know

March 24, 2026

Addressing Damages for Delay Contractually

December 26, 2025

The New RPAPL 881 is Officially Here: NY Governor Signs Amendment with Significant Changes to Adjoining Property Access Framework

December 3, 2025

A Primer on Construction-Related Insurance Products

November 7, 2025

Preparing for New York's Jan. 1 All-Electric Buildings Act: What Developers and Contractors Need to Know

June 23, 2025

Planning for Construction Costs in the Face of Tariff Uncertainty

April 15, 2025

NYC Sidewalk Shed Reform Legislation Brings Major Impacts to Property Owners

March 18, 2025

Game Changer for Adjacent Property Owners: A Unique Way to Exert Your Rights

February 7, 2023

H-1B Cap Pre-Registration Period Begins March 1, 2023

June 24, 2022

School's Out for Summer Construction: Measures to Ensure Timely Completion

May 7, 2021

Key Takeaways From The Commercial Observer's Construction Safety Forum

December 1, 2020

Law Brief: Sean Scuderi and Rich Schoenstein Talk Mechanics Liens for Preconstruction Services

November 9, 2020

David Pfeffer and Sean Scuderi's Co-Authored Article "Pre-Construction Services: To Lien or not to Lien" Featured in the Mann Report

February 6, 2017

**Sean Scuderi Authors Article on the Benefits and Pitfalls of Outsourcing Email
Services in the New York Law Journal**