

Stephen F. Willig

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PRACTICE AREAS

Business Litigation + Counseling
Construction
Design Professionals
General Liability
Premises Liability
Professional Liability
Toxic Tort Liability

EDUCATION

Brooklyn Law School, JD, 1986
Fordham University, BA, *with honors*, 1983

BAR ADMISSIONS

New Jersey
New York
US Court of Appeals for the Second Circuit
US Court of Appeals for the Third Circuit
US District Court, District of New Jersey
US District Court, Eastern District of New York
US District Court, Southern District of New York
US District Court, Western District of New York
US District Court, Northern District of New York

Overview

Steve Willig is an experienced litigator and has been defending professionals, business owners and contractors, and representing insurers, in commercial and casualty litigation for more than 35 years. During that time, he has litigated complex matters involving professional malpractice, director and officer liability, employee fidelity bonds, insurance coverage, contracts, government regulations and negligence.

Steve's trial and appellate practice has included matters before the federal and state courts in New York and New Jersey, as well as arbitrations and mediations, both privately run and court-sponsored. Steve has made numerous presentations on design professional standard of care, legal and accounting malpractice, and New Labor Law litigation, among others. He is also editor of the firm's Design & Construction Management Professional Reporter. Previously, Steve was a partner at Donovan Hatem, which was acquired by MG+M The Law Firm, and D'Amato & Lynch.

Experience

+ Currie v. Mansoor, 159 A.D.3d 797 (2d Dept. 2018): Obtained reversal of summary judgment on liability against Home Depot on basis the Graves Amendment does apply to shield it from liability in an accident involving its load-n-go truck rentals.
+ Grant v Guggenheim, 139 A.D.3d 583 (1st Dept. 2016): Won summary judgment below on Labor Law 240 claim by a worker who fell from truck bed, reversed on appeal.
+ Federico v Defoe, 138 A.D.3d 682 (2d Dept. 2016): In defending an adjoining contractor, successfully won summary judgment confirming no duty was owed.
+ Stalker v. Stewart Tenants, 93 A.D.3d 550 (1st Dept. 2012): In defending a cooperative and its board members, successfully had a breach of fiduciary duty claim dismissed as well as all claims against the individual board members.
+ Catholic Health Services v. National Union, 46 A.D.3d 590, 847 N.Y.S.2d 638 (2d Dept. 2007): Represented the carrier in action where the insured sought a declaration of coverage under a not-for-profit individual and organization insurance policy. The insured sought coverage for counsel fees (in excess of $2 million) in answering a subpoena and otherwise responding to the Attorney

General's anti-trust investigation of a joint venture entity of which the insured was a part. We succeeded in having the complaint dismissed on the basis that there was no claim brought against the named insured entity. The Appellate Division affirmed.

+ American International Specialty Lines v. International Business Machines, New York State Supreme Court, New York County, June 21, 2006: Represented an insurance company as subrogee of its insured seeking to claim over against a third party (IBM). We alleged IBM was responsible to indemnify for a claim brought by a patent holder against the insured. IBM sought to dismiss this subrogation claim on the basis that an “antiassignment” clause in its contract with the insured prohibited the claim. The Court denied that motion, holding that subrogation is a legal concept distinct from assignment and thus not subject to the anti-assignment clause. We were also successful through across-motion in having IBM's affirmative defenses of statute of limitations and laches dismissed.
+ Serio v. National Union, 18 A.D.3d 319, 795 N.Y.S.2d 529 (1st Dept. 2005): This was an action in which the liquidator of a defunct insurance company sought to collect under a directors and officers liability policy for a judgment the liquidator had obtained against a former officer of the insurance company. The Appellate Division affirmed the lower Court's dismissal of the complaint in part based upon the dishonesty exclusion of the policy. It was held that the jury findings in the underlying action specifically brought the claim within the policy's exclusion.
+ American Century v. American International, 2002 WL 1879947 (SDNY 2002): In this action, the insured sought a declaration of coverage under the terms of an investment management insurance policy. The company had paid in excess of $3 million to settle a patent infringement case. Plaintiff moved for summary judgment early on in discovery, and we were successful in defeating the motion. The Court held that the illegal profit or advantage exclusion applied to at least part of the payment that American Century made to the patent holder, since it represented money that should have been paid when the product was purchased.
+ FDIC v. National Union, 146 F.Supp.2d 541 (DNJ 2001) (Third Circuit affirmance not published): The action was brought by the FDIC on behalf of a failed savings and loan seeking a declaration of coverage under a fidelity policy. It was alleged that the savings and loan had been caused to incur some $19 million in losses due to the dishonest acts of one of its employees. After discovery, we were successful in moving for summary judgment. The Court held that the plaintiff lacked evidence to support a factual issue that the bank employee had acted with “manifest intent” to both injure the bank and benefit himself or some other third party. The decision was affirmed on appeal to the Third Circuit
+ Greenwich v. Markoff, 234 A.D.2d 112, 650 N.Y.S.2d 704 (1st Dept. 1996): Legal malpractice action claiming law firm, retained to represent client in Worker's Compensation matter, was negligent for failing to commence lawsuit against third party. Action dismissed because client retained new counsel while statue of limitation was still open for a third party action, and Appellate Division affirmed.

- Davis v. Klein, 224 A.D.2d 196 (1st Dept. 1996): Legal malpractice action claiming law firm, retained to represent client in Worker's Compensation matter, was negligent for failing to commence lawsuit against third party. Action dismissed for failure to demonstrate viable claim could have been brought against third party.
- North American Development v. Shahbazi, 1996 WL 306538 (SDNY 1996): RICO claims brought in this case against a lawyer with regard to real estate transactions. We succeeded in having the claims dismissed on motion.
- Morris v. Metropolitan Transp. Authority, 191 A.D.2d 682, 595 N.Y.S.2d 539 (2d Dept. 1993): Represented lawyers sued for malpractice for allegedly failing to bring claim for wrongful death in a timely manner against MTA. Suit against MTA was still pending, and we encouraged counsel to move to dismiss the affirmative defense of statue of limitations (defense was based on a recent decision with regard to accrual of the cause of action). Motion was granted on default. New counsel came in for the MTA and was able to have default removed and action dismissed. We obtained permission to act as appellate counsel for plaintiff and succeeded in having the decision reversed and the underlying case reinstated, thus removing the basis for the malpractice.
- Morin v. Trupin, 835 F.Supp. 126 (SDNY 1993), Morin v. Trupin, 832 F.Supp. 93 (SDNY 1993), Morin v. Trupin, 1993 WL 248802 (SDNY 1993), Morin v. Trupin, 809 F.Supp. 1081 (SDNY 1993), Morin V. Trupin, 799 F.Supp. 342 (SDNY 1992), Morin v. Trupin, 778 F.Supp. 711 (SDNY 1991): Series of motions in large tax shelter securities case where pleadings were constantly changing and being amended as law in areas of Rule 10(b)(5) and RICO was also changing. We represented lawyers in the case.
- Alexander v. Evans, 1993 WL 427409 (SDNY 1993): Represented lawyers in case involving private placement of securities for mail order pharmaceutical company in which securities fraud was alleged. Court granted, in part, summary judgment.
- Matignon v. Ameritel, 1989 WL 153282 (SDNY 1989): Represented lawyers in securities fraud claim involving telecom industry and successfully had complaint dismissed.

Involvement

- ACEC NY, Legislative Committee Member
- Architects League of Northern NJ

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