

# Dunnington Bartholow & Miller LLP

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*Attorneys at Law*

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CONSTRUCTION LAW TEAM

Dunnington  
Make a difference.

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## CONSTRUCTION LAW

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The Construction Law Practice Group represents owners, developers, contractors, subcontractors, design professionals, vendors and materialmen in all aspects of the construction business and construction related matters. From negotiation and document preparation, through administrative proceedings and issue resolution on active projects, to close out and, where necessary, dispute resolution (whether via settlement or proceedings such as arbitration or litigation), Dunnington's Construction Law Practice Group consults with and represents clients on all phases of private and public sector, commercial, residential, industrial and infrastructure projects. Matters include:

- Negotiations
- Bid Documents
- Contracts and Document Preparation and Review
- Lien Law Issues/Mechanic's Liens
- Surety & Insurance
- Environmental/Hazardous Substances Issues
- Sustainable/Green Building
- Active Project Issues:
  - Scope of Work Issues
  - Delay Claims
  - Defaults
  - Defects
  - Terminations
  - Change Orders and Extra Work Disputes
- Administrative and Agency Proceedings
- Dispute Resolution:
  - Arbitration
  - Mediation
  - Complex Litigation

Our team at Dunnington, Bartholow & Miller LLP provides vital know-how at every stage of the building process.



Donna Frosco  
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Donna Frosco, Partner, has decades of experience representing clients on construction related matters ranging from renovation of high-end residential real estate, to large scale, multi-million dollar commercial construction developments and public works and infrastructure. She represents general contractors, subcontractors, vendors, design professionals and owners in all phases of construction projects. She advises clients concerning negotiation and contract preparation, mechanic's liens, green building practices and general counsel matters.

Ms. Frosco is an award-winning litigator with a proven track record. She also hails from a construction industry family. She combines her real-world understanding of building and renovation projects and experience to identify critical pre-contract and post-contract issues in order to counsel clients regarding proactive steps for dispute avoidance. When a dispute does arise, Ms. Frosco represents clients in litigation and

alternative dispute resolution including mediation and arbitration, as well as appeals. Ms. Frosco's construction industry representations often involve work with professional and technical experts across trades.

Ms. Frosco has lectured to both lawyers and non-lawyers on Construction Law topics. She is a member of multiple local, state, U.S. national and international professional organizations, and has served in leadership roles in many of those.

Ms. Frosco earned both J.D. and LL.M degrees from Duke University School of Law. She earned a B.A. from Boston College.

She is admitted to practice in New York, California, New Jersey and Washington, D.C., as well as before multiple U.S. District Courts, U.S. Courts of Appeals and the United States Supreme Court.



Samuel Blaustein  
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Samuel Blaustein, Partner, represents construction industry professionals and property owners from contract negotiation through dispute resolution, including arbitration or trial and appeal. Mr. Blaustein's experience includes public works projects, AIA contracts, adjoining site access agreements, administrative agency proceedings and disputes between prime and sub-contractors as well as owners. Mr. Blaustein's notable achievements include:

- successfully asserting an exception to the Court of Claims Act to enable the client to serve late claim against New York Office of General Services concerning change order work on public works project;
- successfully voiding a Notice of Pendency for failure to seek extension;

- staying cross-claims pending arbitration granted under terms of AIA contract by Appellate Division in issue of first impression;
- obtaining order affirming arbitrator's imposition of personal liability where individual signed the relevant contract and affiliated entity was not registered to do business in New York; and
- prevailing in an Art. 78 proceeding brought by commercial property owner against New York City Environmental Control Board vacating default judgments for failure to comply with the New York City Code.

Mr. Blaustein is admitted to practice in New York State, the U.S. District Courts and Bankruptcy Courts for the Southern and Eastern Districts of New York and the U.S. Courts of Appeals for the Second and Federal Circuits.



William Dahill  
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William F. Dahill, Partner, concentrates his practice on complex commercial litigation and employment litigation and counseling. Areas of focus include securities industry litigation, employment litigation, payment processing disputes, asset purchases disputes, secured lending disputes, partnership disputes, shareholder disputes and construction litigation.

Mr. Dahill draws upon his degree in Architecture in representing Construction industry clients. He has successfully tried building project disputes involving multiparty, complex issues of delay, defects, cost overruns, termination and cost-to-complete issues. He appears regularly in Federal and State Courts in New York and Connecticut.

Mr. Dahill is admitted to the bar in the States of New York and Connecticut, as well as the bars of the Southern District of New York,

Eastern District of New York, and the Courts of Appeals for the 2nd and 5th Circuits. In addition, he has appeared in jurisdictions throughout the country, including the Northern District of Ohio, Pennsylvania State Court, Eastern District of Pennsylvania, Eastern District of Tennessee, Texas State Court, New Jersey State Court and Illinois State Court. Mr. Dahill conducts jury and bench trials, as well as appellate arguments. In addition, Mr. Dahill has conducted numerous arbitrations through full hearings at FINRA, AAA, JAMS and ARIAS. Finally, Mr. Dahill has substantial experience with successful mediations both through the courts as well as private organizations.

Mr. Dahill received his J.D. from Fordham University School of Law, cum laude, in 1991, where he served as Managing Editor of the Moot Court Board. Mr. Dahill received his B.A. in Architecture from Columbia University in 1984.



Luke McGrath  
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Luke McGrath, Partner, is a former prosecutor (serving as an Assistant District Attorney in the offices of Robert M. Morgenthau, District Attorney of New York County). Mr. McGrath brings a unique perspective and an investigative tool set to construction disputes. After serving with Mr. Morgenthau, Mr. McGrath taught as an Adjunct Professor at Fordham Law School and then clerked for the Honorable Nicholas G. Garaufis (USDJ). Before joining Dunnington, Mr. McGrath worked as an associate with the law firms of Cadwalader, Wickersham & Taft LLP and White & Case LLP, and as a partner at Bickel & Brewer LLP on numerous construction matters representing developers and hospitality industry leaders.

Mr. McGrath's practice focuses on complex civil and criminal litigation, alternative dispute resolution and investigations in and

around all facets of the construction and development industry.

Mr. McGrath received his Bachelor of Arts with honors from Trinity College. Mr. McGrath received his Juris Doctorate from Fordham Law School, where the International Law Journal awarded him the MCI-Fordham International Law Fellowship.

He is admitted to practice in New York, the U.S. District Court for the Southern District of New York, the U.S. District Court for the Eastern District of New York, the U.S. District Court for the District of Colorado, the U.S. Court of Appeals for the Second Circuit and the U.S. Court of Appeals for the Ninth Circuit.



Eva Adaszko  
eadaszko@dunnington.com

Ms. Eva Adaszko, Of Counsel, represents clients in Construction related litigation matters. Her experience includes condominium matters, New York Labor Law Sec. 220 (Wage and Hour) issues, breach of contract claims, change order disputes, asbestos removal investigations and mechanic's lien foreclosures.

A native of Poland, Ms. Adaszko speaks Polish fluently.

Ms. Adaszko is admitted to practice law in New York State and the U.S. District Courts for the Southern and Eastern District of New York.

Ms. Adaszko received her Bachelor and Master of Music from Manhattan School of Music and her Juris Doctorate from Brooklyn Law School.



Hardin Rowley  
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Hardin P. Rowley, Associate, represents construction industry clients in litigation and alternative dispute resolution proceedings. Prior to joining Dunnington, Mr. Rowley was an attorney at Cahill, Gordon & Reindel, LLP. Mr. Rowley received his Juris Doctorate at Washington & Lee University School of Law where he served as Senior Articles Editor for the Journal of Energy, Climate, and the Environment. He was a Quarterfinalist in the Robert J. Grey, Jr. Negotiations Competition, a Summer Honors Intern in the Securities & Exchange Commission's Division of Enforcement in Washington, D.C. and a

Summer Law Clerk at the U.S. Attorney's Office, Eastern District of Virginia.

Mr. Rowley is admitted to practice in New York State, the U.S. District Courts for the Southern and Eastern Districts of New York and the U.S. Court of International Trade.

Mr. Rowley earned a Bachelor of Arts degree in Government and Legal Studies from Bowdoin College having spent his junior year at the London School of Economics & Political Science.



Akbar Khan  
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Akbar A. Khan, Associate, represents construction industry clients in transactional matters, including contract preparation and review.

Mr. Khan received his Juris Doctor from Fordham University School of Law with a concentration in Business and Financial Law. Mr. Khan was the Managing Editor of the Fordham International Law Journal and worked in Fordham's Entrepreneurship Clinic. Mr. Khan was also a legal clerk at the Chief Counsel's Office for the Federal Aviation Administration.

Mr. Khan received his Bachelor of Arts from University of California, Los Angeles with Departmental Honors in Political Science. Mr. Khan is admitted to practice in New York State and the U.S. District Court for the Southern District of New York.

# Dunnington Bartholow & Miller LLP

## FIRM OVERVIEW

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In 2021, Dunnington, Bartholow & Miller LLP will celebrate one hundred years of successfully serving its clients. A century ago, Dunnington was a small partnership of outstanding professionals whom prominent New York families relied on for their legal needs. Today, Dunnington is a fast paced, multifaceted international practice that maintains its core values of reliability, trustworthiness and commitment to excellence. With 26 attorneys, we continue the high standard of personal service and attentiveness to clients that the firm has provided since its founding.

Dunnington provides a full array of legal services to its clients. This includes Corporate, Litigation, Trust & Estates, Intellectual Property, International, Real Estate, Immigration, White Collar Defense and Investigations, Construction, and Not-for-Profit practice areas. Further industry specific practice areas include Art law, Fashion law and Advertising law.

Dunnington lawyers practice in a wide range of industries and practice areas and serve a global client base seeking reliable advice in the New York market. Dunnington's personalized approach gives each client an efficient, cost-effective team to tackle the problem at hand.

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## History of the Firm

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Walter G. Dunnington founded the firm in 1921. He attracted clients with his ability to give concise, practical solutions, cutting through extraneous details. As a leader of the Bar until his death in 1971, he earned the respect of multinational corporations, world figures, and, above all, his clients.

The firm's early years were focused on tax and trusts and estates work for individuals and securities work for corporations under the New Deal's regulatory acts. Many socially prominent families became clients – Mrs. Bryce of the Hartford A&P company fortune, Henry S. Phipps, a partner of Andrew Carnegie, Gertrude Vanderbilt Whitney, founder of the Whitney Museum, and Max Fleischmann of Standard Brands. The firm represented the Hershey Company, Texaco, Pinkertons and the advertising firms Dancer Fitzgerald and Cunningham & Walsh. Today it represents Saatchi & Saatchi, one of the world's leading agencies and Securitas, a leading security company.

In the century that followed, we developed complementary practice areas in Corporate, Litigation, Trusts and Estates, Intellectual Property, International, Real Estate, Immigration, White Collar Defense and Investigations and Not-for-Profit law. As our client base grew, so did Dunnington's breadth of services.

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## Dunnington Today

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Today, Dunnington lawyers handle matters ranging from complex transactions involving sophisticated technology platforms to corporate and intellectual property transactions, litigation and arbitration.

The firm is a member of the Cicero League of International Lawyers advising a range of international clients with ties to the U.S.

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# *Practices*

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Anti-Piracy and Anti-Counterfeiting

Charitable, Not-For-Profit, and Religious Institutions

Construction

Corporate

Estates, Trusts and Private Clients

Immigration

Intellectual Property

International

Litigation, Arbitration and Mediation

Real Estate

White Collar Defense and Investigations



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## Anti-Piracy and Anti-Counterfeiting

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Dunnington's Anti-Piracy and Anti-Counterfeiting team offers cost-effective, comprehensive takedown services for international content and trademark owners. Our Anti-Piracy and Anti-Counterfeiting team consists of a deep bench of experienced attorneys with national and international reputations. Specifically, our team is proud to include a licensed attorney admitted to practice in France.

We have experience in turning pirates into paying licensees and in negotiating license agreements that ensure payment, accountability and transparency. We have a success record in taking down hardcore pirates with both direct and indirect approaches that may involve domain registrar, payment processors and search engines. Our team won a recent victory by successfully applying the Federal Communications Act of 1934 (the "FCA") to internet protocol television ("IPTV") technology for the first time. Our winning strategy suggests that broadcasters and content owners should consider adopting nimble, cost-efficient antipiracy strategies to maximize revenues. We work quickly and we work smart to ensure efficient services to the content owner.

Our Anti-Piracy and Anti-Counterfeiting team handle, among other matters, the following:

- Piracy investigations;
- DMCA takedown notices;
- Trademark registrations;
- Injunctions, seizures and other interim relief measures;
- Filing and pursuing claims against infringers;
- IPTV and over-the-top ("OTT") technologies infringement cases;
- Blocking payments to infringers;
- Drafting strong enforceable license agreements;
- Copyright registration and protection;
- Domain name recaptures;
- Filing complaints with customs authorities and enforcement authorities; and
- Conducting enforcement actions.

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## Charitable, Not-For-Profit, and Religious

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The Charitable, Not-For-Profit, and Religious Institutions practice area represents these institutions by:

- Assisting individuals and corporations in fulfilling their charitable goals;
- Establishing public charities, private foundations and other not-for-profit organizations;
- Recommending charitable vehicles;
- Registering professional fund raisers;
- Preparing Federal and State annual returns and reports; and
- Representing charitable organizations and their boards or trustees.

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## Corporate

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Our Corporate partners provide legal advice to support every aspect of your business. Our partners' collective experience as both inside counsel and outside counsel for large, multinational companies and small and medium-sized enterprises (SMEs) enables us to execute effectively as an extension of our clients' legal departments. Our Corporate area handles, among other matters, the following:

- Corporate finance, corporate structuring and counseling to both public and private companies and startups;
- U.S. and international mergers and acquisitions;
- Loan workouts, debt restructuring and bankruptcy matters;
- Cross-border and international transactions;
- Executive compensation issues;
- Regulatory compliance and corporate governance issues; and
- Government relations.

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## Estates, Trusts and Private Clients

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Clients have used Dunnington for decades to transfer their wealth to younger generations. We build relationships with our clients to help them protect their wealth and the people they care about, manage complicated family issues and achieve financial goals. Clients receive sophisticated planning and tax advice.

We advise fiduciaries and assist in administering estates and trusts with skill and efficiency. Our experienced support staff helps us control costs in what can be lengthy administrative processes. We also assist foreign nationals investing in New York and New Yorkers owning property outside of the U.S. Our services include:

- Estate planning: wills, revocable trusts, powers of attorney, health care proxies and living wills;
- Probate proceedings;
- Estate and trust administration, tax guidance and estate and gift tax preparation;
- Domestic and international gift, estate and generation skipping transfer tax planning;
- LLC's and family limited partnerships;
- Business succession planning;
- Asset protection planning;
- Irrevocable trusts including spousal lifetime access trusts, grantor retained annuity trusts, charitable remainder and lead trusts, qualified personal residence trusts and sales to defective grantor trusts;
- Surrogate's Court litigation including contested wills and accountings; and
- Mediation, arbitration and settlement.

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# Immigration

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Our Immigration practice area concentrates on providing legal assistance to companies and individual clients in matters involving business immigration, family immigration, citizenship, removal defense, asylum, and federal court litigation. Our Immigration partners handle:

- Assistance with applications for permanent residency “Green Card” to the United States;
- Naturalization matters;
- Visas for investors and entrepreneurs;
- Visas for intracompany transferees;
- Visas for the temporary employment of foreign workers in specialty occupations in the United States;
- Visas for individuals who possess extraordinary ability in the sciences, arts, education, business, or athletics, or who have demonstrated a record of extraordinary achievement in the motion picture or television industry;
- Training, Internship, and Cultural and Educational exchange visas;
- Visas for health care professionals; and
- Visa assistance to international students and scholars.

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# Intellectual Property

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Our Intellectual Property, Advertising, Art and Fashion Law area represents companies, individuals, estates, artists, collectors and dealers in matters that include:

- Intellectual property protection counseling, including asset management planning, litigation, arbitration and mediation;
- Intellectual property contract drafting and negotiation;
- Transfers and sales of intellectual property;
- Trademark and copyright registration, negotiation and related counseling;
- Trademark and copyright licensing agreements, trademark protection and enforcement;
- Branding and brand protection;
- Domain name acquisition, transfer and disputes;
- Trade secret protection, corporate practices to preserve databases, client lists and preserve privacy;
- Product development, advertising and marketing counsel;
- Licenses, distribution agreements and franchises;
- Fine art: counsel on ownership, collecting, display, sales, consignments and structured donations of artworks;
- Rights of publicity, defamation, content creation and distribution;
- Advertising, architecture, art, broadcasting, film, internet, media, music, literature, photography, satellite transmissions, software, sculpture, design and video;
- Data and technology law;
- Native advertising and social media;
- Practice before U.S. Trademark Trial and Appeals Board, including contested trademark registration, opposition and cancellation proceedings; and
- Fashion law: counsel on distribution and sales rep agreements, showroom and store leases, license agreements, marketing and media agreements, e-commerce agreement, employment and consulting agreements, intellectual property clearance, registration and enforcement.

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## International

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The International practice area consists of attorneys who support business and personal clients with respect to the legal needs of domestic clients outside the U.S. and of foreign clients in the U.S. The firm's wealth of experience as well as its membership in the [Cicero League of International Lawyers](#) and the various languages spoken within the firm facilitate its providing these services.

We advise U.S. clients expanding overseas on:

- Acquisition or sale of international businesses;
- International litigation, arbitration, and the enforcement of rights;
- Protecting, enforcing, and exploiting U.S.-registered intellectual property; and
- International investigations.

We advise international clients with respect to U.S. matters on:

- Establishing a presence in the U.S.;
- Acquisition or sale of business interests in the U.S.;
- Tax planning for both business and personal clients;
- Exploiting intellectual property in the U.S.;
- Terms and conditions of business;
- Compliance with U.S. law;
- Sale and acquisition of real property;
- Enforcement of foreign judgments in the U.S.;
- Oversight of litigation-related or regulatory investigations;
- Immigration;
- Estate and Gift Planning; and
- Ancillary Probate.

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## Litigation, Arbitration and Mediation

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The Litigation, Arbitration and Mediation practice area consists of the firm's lawyers who conduct and oversee litigation, arbitration and mediation in the federal and state courts in New York and throughout the world. The practice area focuses on:

- Corporate and commercial for large-cap public corporations and closely-held corporations;
- Probate;
- Intellectual property, including copyright, trademark and unfair competition;
- Real estate;
- Construction;
- Tax;
- White-collar defense;
- Investigations;
- Employment;
- Securities;
- Advertising;
- Trust and estates; and
- Business dissolutions.

Our litigators have successfully represented our domestic and international clients in state and federal trial and appellate courts throughout the United States, and, in addition to filing or defending cases and collecting judgments, we are often called upon for our local knowledge of New York courts.



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## Real Estate

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The Real Estate practice concentrates on service to real estate owners, investors, landlords, commercial tenants, managers, joint venture partners and related parties. Practice matters include:

- Commercial leasing;
- Financing;
- Fee acquisitions and development;
- International commercial and residential transactions;
- Formation and structuring of holding companies;
- Counseling and due diligence on varied and diverse real estate transactions;
- Like-kind exchanges;
- Representation of brokerage and management companies;
- Hotel management and leasing agreements; and
- Representation of cooperative and condominium boards.

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## White Collar Defense and Investigations

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The White Collar Defense and Investigations practice area handles a wide range of complex, high-stakes and multijurisdictional criminal, investigative, and enforcement matters. The firm's former regulators and prosecutors aid clients in navigating a clear path in a world of increasing regulatory scrutiny; changing compliance thresholds and intense enforcement activity. Matters include:

- Internal investigations into alleged civil and criminal corporate wrongdoing;
- Corporate compliance;
- Regulatory enforcement;
- Anti-money laundering and anti-corruption advice and defense;
- Litigation and criminal risk assessments;
- Compliance reviews, compliance programs, investigations; and
- Civil and criminal enforcement matters and associated civil claims.

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## Cicero League of International Lawyers

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Austria	Latvia
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Bulgaria	Mexico
Cape Verde	Netherlands
Croatia	Norway
Cyprus	Poland
Czech Republic	Portugal
Denmark	Romania
England	Russia
France	Scotland
Germany	Singapore
Greece	Slovakia
Hungary	South Africa
India	Spain
Ireland	Sudan
Isle of Man	Sweden
Israel	Switzerland
Italy	Turkey
Jersey Channel Islands	UAE
	United States

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