

WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

Daniel J. Kluska

Shareholder

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Practices

Business & Commercial Litigation

Professional Liability &
Responsibility Litigation

Construction Law

Appellate Practice

Education

J.D., Washington and Lee
University School of Law, 2007

B.A., Rutgers University, 2004, Phi
Beta Kappa

Clerkships

Honorable Neil H. Shuster,
Superior Court of New Jersey,
Chancery Division, General Equity,
2007-2008

Honorable Maria M. Sypek,
Superior Court of New Jersey,
Chancery Division, General Equity,
2008

Admissions

New Jersey, 2007

U.S. District Court for the District of
New Jersey, 2008

U.S. Court of Appeals for the Third
Circuit, 2012

Memberships

New Jersey Builders Association,

Daniel J. Kluska is a shareholder on the Business and Commercial Litigation team at Wilentz, Goldman & Spitzer, P.A.

In his construction litigation practice, Mr. Kluska regularly represents owners, builders, developers, and general contractors in transition litigation matters and other lawsuits arising out of the construction of numerous types of projects, including condominium developments, residential communities, and single-family homes, involving claims of alleged construction and design defects, subsurface deficiencies, project-related misrepresentations, building code violations and breaches of the Planned Real Estate Development Full Disclosure Act (PREDFDA), New Home Warranty and Builders' Registration Act and other express warranties. Mr. Kluska has been appointed to serve as Construction Counsel to the New Jersey Builders Association, the leading trade association for the construction industry in New Jersey.

Mr. Kluska's business litigation practice includes the defense of law firms of all sizes in actions involving claims of legal malpractice, fraud, civil conspiracy and other related claims. He represents other businesses and individuals in a wide variety of other complex cases involving contract disputes, professional negligence, Consumer Fraud Act claims, motor vehicle dealership and other franchise disputes, trust and estate litigation, real estate disputes, unfair competition, shareholder and partner disputes, restrictive covenant and trade secrets litigation, class action defense and other multifaceted business matters.

In addition to his litigation practice, Mr. Kluska was appointed by the New Jersey Supreme Court as a member of the District Ethics Committee for Middlesex County. He also serves as a mediator for the Middlesex County Bar Association Chancery Practice Committee Early Settlement Program.

Mr. Kluska was selected for inclusion in the 2024 and 2025 edition of *Best Lawyers in America* for Construction Law. He was previously named to the "New Leaders of the Bar" list by the New Jersey Law

Construction Counsel
New Jersey State Bar Association,
Construction Law Section
Middlesex County Bar Association
American Bar Association
Association of the Federal Bar of
New Jersey

Journal in 2021 and to the "Rising Stars" list of New Jersey *Super Lawyers*.

Mr. Kluska is a Rutgers football and men's basketball season ticket holder, avid traveler and enjoys golfing, running and reading.

The New Jersey Law Journal "New Leaders of the Bar" list (<https://www.law.com/njlawjournal/2021/09/20/new-leaders-of-the-bar-2021/?slreturn=20250305161745>), formerly known as "40 Under 40," is published by ALM Media Properties, LLC.

Super Lawyers® (http://www.superlawyers.com/about/selection_process_detail.html) is published by Thomson Reuters.

Best Lawyers in America® (<https://www.bestlawyers.com/methodology>) is published by Best Lawyers.

A description of the selection processes may be accessed via the above links. The aforementioned organizations are private peer review organizations, not court-specific, public certification vehicles. No aspect of this advertisement has been submitted to or approved by the Supreme Court of New Jersey.

Selected Matters

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

- Representation of national real estate developer in lawsuits filed by condominium and homeowners' associations after control of the association board transitioned from developer to unit owners.
- Settled multi-million construction defect matter for a developer that did not require the developer to make any payment, perform any repair work, or otherwise owe any obligation to the association or any other party to the case.
- Won summary judgment for international law firm in legal malpractice and fraud action relating to alleged misrepresentations made in connection with judgment assignment and collection efforts; decision affirmed by Appellate Division.
- Obtained pre-answer dismissal of a legal malpractice action against a law firm filed by the municipality ordered in underlying action to construct hundreds of affordable housing units on grounds that the municipality could not establish proximate causation of any alleged damages after disregarding the law firm's advice.
- Secured dismissal of all claims in the middle of jury trial defending the owner of a car wash sued for unlawfully interfering with the contract between prior owners of the car wash.
- Settled franchise dispute for motor vehicle dealer against automaker involving claims that automaker failed to adequately compensate dealer with its fair market value after discontinuing production of particular vehicles and terminating its franchise.

- Won summary judgment in federal court for an international law firm in legal malpractice action alleging fraud and aiding and abetting the client to breach fiduciary obligations to the plaintiff; decision affirmed by Third Circuit Court of Appeals.
- Obtained injunction in federal court for a non-profit alliance of food retailers prohibiting the State of New Jersey from collecting unused gift card funds under newly-enacted legislation in violation of Supreme Court precedent; decision affirmed by Third Circuit Court of Appeals.
- Obtained summary judgment for a regional law firm in legal malpractice action alleging improper advice to plaintiff based on finding that plaintiff's expert's opinion was an inadmissible net opinion.