

Daniel J. Kluska

Shareholder

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Practices

Business and Commercial
Litigation

Professional Liability &
Responsibility Litigation

Construction Law

Education

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

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

Clerkships

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

Honorable Maria M. Sypek,
Superior Court of New Jersey,
Chancery Division, 2007-2008

Admissions

New Jersey, 2007

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

U.S. Court of Appeals for the Third
Circuit

Memberships

New Jersey State Bar Association,
Construction Law Section

Middlesex County Bar Association

American Bar 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) and other express warranties.

Mr. Kluska also counsels and represents motor vehicle dealers, a non-profit advocacy organization serving franchised dealers and automotive industry marketing agencies on legal issues and matters including requirements under the Franchise Practices Act, violations of the Consumer Fraud Act (CFA), the Truth-in-Consumer Contract, Warranty and Notice Act (TCCWNA) and other consumer protection statutes, and motor vehicle advertising practices.

His business litigation practice extends to the representation of law firms of all sizes in actions involving allegations of legal malpractice, breach of fiduciary duty, civil conspiracy and fraud. In addition, he represents other businesses and individuals in complex cases litigated in trial and appellate courts, and in arbitration, involving legal issues such as contract disputes, professional negligence, CFA claims, unfair competition, restrictive covenant and trade secrets litigation, shareholder and partner disputes, class action defense and other multifaceted business matters.

Mr. Kluska is a dedicated member of Wilentz. He serves on multiple firm committees, including the Business Development Committee, which is focused on expanding the value of the firm's service to existing and prospective clients. Previously, he served as the Chair of the Associates Committee, where he led discussions and professional development

Association of the Federal Bar of
New Jersey
National Association of Dealer
Counsel

initiatives and networking opportunities, and served as the liaison between the firm's associates and management.

Prior to joining Wilentz in 2008, Mr. Kluska served as a judicial law clerk for the Honorable Neil H. Shuster, Presiding Judge, Chancery Division and the Honorable Maria M. Sypek, Presiding Judge, Chancery Division of the Superior Court of New Jersey. This clerkship provided Mr. Kluska with an invaluable inside perspective concerning the court's management and disposition of cases and active involvement in settlement negotiations, an experience which continues to inform his representation of clients today.

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

Selected Matters

- Representation of national real estate developer in lawsuits filed by condominium and homeowners' associations after control of association board transitioned from developer to unit owners
- Secured dismissal of all claims in middle of jury trial defending owner of car wash sued for unlawfully interfering with contract between prior owners of car wash
- Won summary judgment in federal court for international law firm in legal malpractice action alleging fraud and aiding and abetting the client to breach fiduciary obligations to plaintiff; decision affirmed by Third Circuit Court of Appeals
- Obtained injunction in federal court for non-profit alliance of food retailers prohibiting 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 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