

APPELLATE DIVISION FINDS IN FAVOR OF TOYS “R” US IN CONSTRUCTION DEFECT LITIGATION

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Toys “R” Us v. Schimenti Construction Company, LLC, et.al., Docket No. A-4040-13T1
(App. Div. Unpub. December 4, 2015)

On December 4, 2015, the New Jersey Appellate Division upheld the trial court judgment of \$590,000 in favor of Toys “R” Us in a case over faulty construction work. The construction work was performed by subcontractor, Industrial Concrete Construction (ICC) of New Jersey. A trial judge found that ICC used inferior concrete and otherwise failed to provide topping sealant and expansion joints and ordered that ICC pay Toys “R” Us \$345,560 in damages as a result of ICC’s substandard work. The judge also awarded over \$244,000 in counsel fees. The judge found that no damage could be allocated to Toys “R” Us. The Appellate Division found that the trial court’s determination was in accordance with contract law and the Comparative Negligence Act.