

Mark I. Zelko

Partner

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Mark Zelko focuses his practice on litigation, dispute resolution, construction and development, and real estate transactions and management. Mark serves as East Coast Chair of the Construction Practice Group.

For over 25 years, Mark has practiced in the areas of complex commercial and shareholder litigation, construction law, real estate, and commercial transactions. He has counseled and represented clients in a broad range of industries ranging from multinational Fortune 500 and publicly-traded companies to start-up ventures and small businesses. Given his extensive litigation & transactional experience, Mark often serves as outside general counsel to his clients.

Mark works closely with his clients as soon as potential litigation emerges to resolve claims within the client's fiscal constraints and business objectives. His experience in complex litigation provides him with a unique perspective and invaluable insight in negotiating construction, real estate, and commercial transactions for his clients so that they may avoid transactional pitfalls and reduce the risk of adverse litigation in these ventures.

Mark has successfully represented clients in state and federal courts, appellate courts, and in arbitration proceedings and mediation. In his litigation practice, he focuses on complex commercial and shareholder litigation matters, including construction litigation, shareholder derivative actions in closely held corporations, "business divorce" and partnership disputes, breach of contract claims, and commercial lease actions.

In his construction practice, Mark routinely represents developers, property owners, general contractors and subcontractors, and utilizes this wide experience to counsel his clients so that they may confidently navigate the challenges and risks of each project. He advises clients in all aspects of construction during the course of their projects, including change order issues, delays, non-payment claims and liens, defective construction, project close-out issues, and termination. Mark also counsels project owners and adjacent owners regarding access

to neighboring properties for construction projects and negotiates license agreements for access and protection under the RPAPL §881 framework. In the arena of construction litigation, Mark has litigated a myriad of construction matters, including defective construction, delay damages, lien and payment disputes, trust fund diversion claims, improper underpinning of adjacent buildings and RPAPL §881 actions for access to and protection of adjacent properties during construction.

Mark speaks fluent Italian and holds dual citizenship between the United States and Italy. He has spent considerable time in Italy and his understanding of the culture and business environment provides him with a unique perspective in representing both Italian clients doing business in the United States and American clients doing business in Italy and the European Union.

Capabilities

Construction (East Coast Co-Chair)
Litigation
Real Estate
Construction Litigation (Co-Leader)
Entertainment & Sports

Admissions

New York
U.S. District Court, Southern District of New York
U.S. District Court, Eastern District of New York

Academics

J.D., Boston University School of Law
B.A., *magna cum laude*, Boston University

Languages

Italian