BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

JEFFREY S. WERTMAN

Partner

954-712-5137
jwertman@bergersingerman.com

201 East Las Olas Blvd.
Suite 1500
Fort Lauderdale, FL 33301

Jeffrey Wertman is a Partner and part of Berger Singerman Dispute Resolution Team, based in its Fort Lauderdale office. He focuses his practice on virtually all aspects of construction litigation, commercial lease litigation, and commercial real estate litigation, and in the state, federal and appellate courts and in arbitration.

Jeff's construction litigation practice includes representing owners, developers, general contractors, trade contractors, suppliers, sureties, and condominium and homeowners associations. He provides clients with legal advice on many and varied issues, such as construction and design defects and contract claims, including compliance with Chapter 558, Florida Statutes, construction liens, terminations, payment disputes, change orders, delay damages, performance and payment bonds, and developer/association turnover.

For Jeff, his approach to client service is based on three main core principles. First, Jeff attempts to step into the shoes of his clients. He says that he puts his clients first, and that it is imperative to learn and appreciate the perspective of his clients by taking the time to both understand their business and also be responsive to their needs, burdens, and priorities. Then Jeff works to find a path in order to achieve his clients' goals. He understands the need to adapt when necessary, and the importance to think creatively in order to navigate them through complex legal and business environments. Finally, for Jeff, it is imperative to build enduring relationships with his clients.

Jeff's commercial lease litigation practice includes representing developers, commercial owners, and commercial tenants in matters involving commercial leases and ground (land) lease disputes, including: pre-possession disputes, such as delays in construction and construction defects related to tenant build-out;

performance disputes, such as non-payment of rent and common area maintenance ("CAM") payments, and interpretation of lease provisions; and termination disputes, such as exercise of option clauses in leases, damages to demised premises, demand and litigation against tenants and guarantors for default, non-residential eviction actions, landlord's liens for rent, and issues relating to reletting premises after tenant default.

Jeff also has a vigorous commercial real estate litigation practice representing individuals, banks, businesses, creditors, receivers, and commercial loan borrowers and guarantors, on many issues including non-performing loans that require sophisticated workouts. Jeff also prosecutes and defends complex contract disputes, partnership disputes, actions for breach of fiduciary duty, misrepresentation, fraud, unfair and deceptive trade practices, fraudulent transfers, receiverships, complex commercial mortgage foreclosures, and disputes between developers and condominium and homeowner's associations.

Education

J.D., American University Washington College of Law

- Member of the International Law Review

B.S., *magna cum laude*, State University of New York at Albany

Bar Admissions

Florida
New York
Washington, D.C.
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Southern District of Florida

Practice Teams

Dispute Resolution

Practice Areas

Appellate
Banking & Financial Services Litigation
Complex Commercial Litigation
Construction
Construction Litigation
Director/Officer Litigation & Partnership Disputes
Intellectual Property
Real Estate Litigation

Representative Matters

Representative Matters

Construction Litigation

Represented the owner of a $30 million upper penthouse in a Bal Harbor high-rise condominium against the developer for various construction defects, including water intrusion through glazing assemblies, concrete spalling, inadequate draining slopes on the rooftop terrace, glazed railing deflections, improper waterproofing, damages stucco and missing stucco assemblies, improper pipe support, and life safety issues.

Represented a construction management firm/general contractor defending against claims by Miami-Dade County for latent defects and prosecuting damage claims for nonpayment and delays. The matter settled on favorable terms for our client.

Defended an $18 million claim against a professional engineer and mold assessor by an owner alleging deficiencies in the design and implementation of a mold remediation protocol necessitated by water intrusion allegedly caused by poor roofing installation and repairs. The case settled on terms very favorable to our clients. Our clients' contribution to the settlement was nuisance value.

Defended a general contractor in a lawsuit by the Sheriff of Broward County claiming $13 million due to an alleged delay in constructing a jail. The trial court dismissed the action with prejudice. The appellate court affirmed the dismissal with prejudice.

Prosecuted claims for wrongful termination of a contract to build a jail and defense of a builder and surety of counterclaims for alleged defective work, work not done, and delay damages. After being heavily litigated, the case settled for our client for more than $2 million.

Prosecuted an owner's claims against an architect and architecture firm for negligence and breach of contract in connection with a certification that an apartment complex complied with federal, state and local building, zoning and housing codes, laws, ordinances and regulations, including those relating to the accessibility by persons with disabilities, including the Fair Housing Act, the portions of the Americans with Disabilities Act pertaining to accessibility, and the Florida Accessibility Code. We obtained a very favorable settlement for our client without having to proceed to trial.

Defended multiple subcontractor and material supplier lawsuits relating to a public works project. All cases were successfully resolved at discounted damage amounts.

Defended a general contractor and developer from multiple related lawsuits in various court asserting payment bond claims under the Miller Act and contract claims arising out of constructing a Veterans Administration Hospital. The claims ultimately settled on beneficial terms to our clients and enabled them to achieve their business goals regarding the project.

Prosecuted an owner's contract and construction defect claims against a contractor and defense of contractor's lien claims. We obtained a very favorable monetary settlement for our client.

Defended a developer faced with significant potential liability for alleged construction defects in a high-rise condominium. The claims were settled on terms very favorable to our client.

Prosecuted a material supplier's claims against an owner and defense of an owner's contract, quasi-contract and implied warranty counterclaims. The case ultimately settled on terms very favorable to the client and exceeding the client's original objectives.

Represented a South Florida developer in the defense of a multi-million lawsuit brought by a homeowner's association, which alleged construction defect claims, including claims relating to roofs, stucco and common area infrastructure. Case resolved on very favorable terms.

Represented the developer of a luxury, high-rise condominium in Fort Lauderdale against the general contractor alleging claims for construction delays, contractual warranty claims, construction defect claims and breach of contract claims.

Represented a Florida developer in the defense of a claim by a Miami condominium alleging a defective fire sprinkler system caused major flooding, roof failures and mold.

Represented the owners of a luxury home and property in Palm Beach County against the builder for water intrusion, mold and significant structural issues.

Represented the owner of an award-winning home in Southwest Florida against a general contractor, roofer and HVAC contractor for improper installation of the roofing components and HVAC units.

Represented an interior designer in a construction dispute with the owner of a luxury hotel on Fort Lauderdale Beach who alleged defects to the hotel's pool deck.

Represented a general contractor in litigation against a subcontractor for breach of a construction contract involving defects to impact doors and windows in a Bal Harbour condominium unit.

Commercial Lease Litigation

Represented a tenant of a 94 year lease in litigation involving a dispute relating to a 99 year lease, a 94 year (sub) Lease, and a sub-sub lease, encumbering valuable, real property in Miami-Dade County, Florida. This case involved unique issues of law not addressed in Florida, to wit: whether a judgment of possession obtained by a master lessor against its lessee (which is not the tenant in possession) in a proceeding in which the other lessees are not named as parties) terminated the master leases and the subleases. We obtained a summary judgment on a declaratory judgment claim for our client and against the master lessor that the judgment of possession did not terminate the master lease and the subleases.

Represented a landlord, the owner of land upon which sat a 10-unit condominium building, against a condominium association subject to a 99 year land lease. The landlord filed a complaint for breach of the lease, seeking possession and damages because the unit owners failed to pay increased rent pursuant to a rent escalation clause. During the litigation, the unit owners failed to pay the disputed rent pursuant to Section 83.232, Florida Statutes, and the landlord obtained a final default judgment of possession. The trial court's ruling was upheld in a well-known and often cited Florida appellate opinion, Blandin v. Bay Porte Condominium Association, Inc., 988 So. 2d 666 (Fla. 4th DCA 2008).

Represented a landlord of property on Lincoln Road, Miami Beach, in litigation against a tenant of a 99 year lease for non-payment of rent based upon a lease provision for redetermination (revaluation) of the value of the property as vacant land. On the eve of a major hearing in state court, the tenant filed for bankruptcy. The landlord obtained a very favorable outcome in bankruptcy court.

Commercial Real Estate Litigation

Represented the first-priority lender in a highly contentious commercial mortgage foreclosure case against a borrower involving Miami's famous, King of Diamonds gentleman's club. The Lender sued to foreclose the mortgages, breach of the promissory notes, foreclose the security interests, damages for breach of the mortgages and the assignments of leases and rents agreements, and to appoint a receiver. A receiver was appointed, the club was shut down, on the eve of a summary judgment hearing the borrower filed for bankruptcy. Weeks before a trial in bankruptcy court, the case settled very favorable for the Lender subject to bankruptcy court approval.

Represented a Florida company in a false advertising claim in federal court asserting claims against a competitor and defending against a counterclaim accusing the client of falsely representing the composition and performance of its flagship fuel improvement product. The counterclaim was the primary focus. After a 3-week jury trial in Fort Lauderdale, the jury found our client did not engage in false advertising. No damages or injunctive relief was awarded.

Obtained a $45 million judgment in a highly complex commercial mortgage foreclosure case in Florida state court on behalf of a leading Florida banking institution against a borrower and his development entities after a multi-day, trial, and successfully defeated $100 million in counterclaims against the bank, its parent company and the senior executives alleging breach of construction loan agreements, breach of fiduciary duty, fraud, negligent misrepresentation and violation of the anti-tying provisions of the Bank Holding Company Act.

Represented a mid-sized bank foreclosing a commercial mortgage, seeking to recover millions of dollars in damages for breach of promissory notes, and enforcing personal guaranties, and defending counterclaims alleging that the bank violated the Equal Credit Opportunity Act. We obtained a final judgment for our client of all affirmative counts, a judgment of no liability on the counterclaim, and a $13 million deficiency judgment. We also successfully won the appeal. After obtaining the deficiency judgment, we utilized creative and aggressive creditor's rights and remedies, including attachment and garnishment, and initiated proceedings supplementary, which resulted in a significant recovery for our client on the deficiency judgment.

Represented a Florida bank prosecuting a multi-million commercial foreclosure case, and defending the bank from counterclaims alleging usury and civil remedies for criminal activities. After trial, we obtained a judgment of foreclosure, a multi-million deficiency judgment against the guarantor, and a judgment of no liability on the counterclaims.

Defended a Florida financial advisory and wealth management firm in an arbitration brought by a customer claiming unsuitability of investments, negligence, breach of fiduciary duty and breach of contract. Case settled favorably for our client.

Represented a prominent Florida bank in a Florida state court suing to recover loan proceeds arising from a written loan participation agreement with another bank. The case settled favorably at mediation.

Defended a Florida developer in a lawsuit brought by a condominium association claiming the developer owed the association hundreds of thousands of dollars in unpaid assessments on raw, undeveloped land, the future sites for condominium units that had not yet come into existence. After a summary judgment motion was filed by the developer and a hearing was held, the case settled favorably for the developer at mediation.

Awards & Honors

- *Martindale-Hubbell*, AV® Preeminent™ rated

Community Activities / Associations

- Editorial Board, Law 360, Banking
- *Pro bono* representation of Jack & Jill Children's Center, Inc. in dispute over design/build and certification for playground.
- Member of numerous construction related legal associations, including The Florida Bar, Section on Real Property and Trust Law, Construction Law Committee; the Construction Law Committee and the Trial Practice Sections of the Broward County Bar Association; and the American Bar Association (ABA) Committee on Construction Litigation of the Section of Litigation
- Graduate and member of the Greater Fort Lauderdale Chamber of Commerce's Leadership Fort Lauderdale, Class XIII

In the News

Law.com, "The Lawsuit Nobody Has Filed Yet: Where Liability Lands When AI Reviews Your Permit" September 22, 2026

Berger Singerman Launches Construction Practice with Jeffrey Wertman and Stephanie Chaissan as Leads February 10, 2020

Berger Singerman Hosts Hurricane Preparedness Week Series to Ready Florida Businesses for Storm Season May 11, 2016

Berger Singerman Secures a Verdict in Favor of Client Involving an Intellectual Property Dispute
March 1, 2016

Publications

Law.com, “The Lawsuit Nobody Has Filed Yet: Where Liability Lands When AI Reviews Your Permit”
September 22, 2026

Construction Executive, "Managing Once-in-a-Generation Construction Problems – Part II"
March 28, 2023

Law360, "Efforts To Repair Fla. Construction Defect Law Are Limited"
March 9, 2020

Construction Executive, "Zero-Energy Commercial Buildings Increase as Contractors Focus on Sustainability"
December 6, 2019

Law360, "Protecting Your Construction Site During Hurricane Season"
May 30, 2018

Daily Business Review, "As New Condos Rise, Will There Be a Surge in Construction Defects Suits?"
October 3, 2016

Construction Today, "Responding to Default Notices"
September 19, 2016

Events & Speaking Engagements

Jeffrey Wertman, Presenter, "The Three C's of Construction: Claims, Coverage & Cash", Construction & Insurance Law Webinar Series
March 24, 2021

Jeff Wertman, Presenter, "Dispute Resolution Tools Amid COVID-19," The Knowledge Group
November 17, 2020

Doing Business in Florida Blog

Does it Pay to Use Joint Checks in Construction?
June 15, 2022

5 Things You Should Know About the Proposed Revisions to Florida's Construction Defect Statute
January 20, 2022

Does the Florida Legislature Finally Have a Fix to Construction Defect Law?
March 17, 2021

Significant Changes Coming to the Florida Building Code
November 9, 2020

What You Need To Know About Construction Weather Delay Claims

Legislation to Significantly Refurbish Florida’s Construction Defect Law Moving Through the Legislature
March 19, 2019

Turning Off the Spigot of Damages in Construction Cases: The Doctrine of “Avoidable Consequences"
February 14, 2018

It's Time to Batten Down the Construction Site in Anticipation of Severe Weather
June 4, 2017

Legislation to Reform Florida's Construction Defect Law Die in Florida Legislature
May 7, 2017

Legislation to Overhaul Florida's Construction: Defect Law Moving Through the Legislature
April 16, 2017

Florida's Construction Defect Statute: Renovation Begins Again
February 28, 2017

"Frustration" in the Florida Appellate Court: A Commercial Landlord's Battle to Defeat a Tenant's Excuse for Non-Performance
February 19, 2017

Forever Barred? Does Sending a Pre-Suit Notice of Construction Defects Prevent Dismissal of a Lawsuit Based on the Statute of Repose
February 12, 2017

Is Your Competitor Making False Comparative Advertising Claims?
November 30, 2016

Is a Property Owner Required to Accept Its Contractor's Offer to Repair Construction Defects
November 7, 2016

Does Your Construction Contract Provide for a "Project Neutral" to Resolve Disputes?"
June 30, 2016

Has the 90-Day Deadline to Record a Florida Construction Lien Started Ticking?
May 9, 2016