



Andrew J. Heck

Partner

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Madison, NJ – 973.735.6112

Andrew Heck has extensive experience defending general liability, transportation, dram shop, product liability, construction defect and workers' compensation claims in his diverse civil litigation practice. Andrew has defended clients in those fields in a wide variety of settings, including against claims of catastrophic injury and wrongful death.

Andrew provides his clients with the best possible representation by combining his understanding of their industry and operational concerns with his knowledge of the legal issues implicated in those fields in order to anticipate client needs, exceed expectations, and deliver clear and reasoned handling recommendations on a case-by-case basis ranging from early alternate dispute resolution to trial. Andrew's clients appreciate his ability to handle cases from inception to resolution, along with his strong attention to detail and organizational skills.

Prior to joining Wilson Elser, Andrew developed his broad-ranging practice at a prominent litigation firm, and as a clerk for the Honorable Katie A. Gummer, J.S.C., Law Division, Monmouth Vicinage.

Construction

Andrew regularly represents defendants in construction defect and construction site accident litigation. For example, he has successfully resolved many construction-related matters in New Jersey, including numerous fatal falls secondary to failure of fall protection, a traumatic brain injury secondary to unsecured mid-stage demolition work, and a fatal unsecured trenching collapse. He also has handled many cases involving lower extremity injuries from makeshift walkways/ramps (including comminuted femur fractures with multiple surgeries); motor vehicle accidents secondary to fencing placement obstructing views, temporary valet services being subpar, or simply involving project vehicles enroute to/from projects; and material delivery personnel injuries in the course of loading/unloading. Recently, Andrew spoke on construction-related topics for the Claims

Services

- Complex Tort & General Casualty
- Construction
- Specialty Professional Risks
- National Trial Team
- Product Liability, Prevention & Government Compliance
- Transportation
- Workers' Compensation

and Litigation Management Alliance's 2024 Construction Conference.

Education

- Rutgers School of Law (J.D., 2012)
- The College of New Jersey (B.A., 2009)

Bar Admissions

- New Jersey
- Pennsylvania

Court Admissions

- U.S. District Court, District of New Jersey

Professional Affiliations

- New Jersey State Bar Association
- Pennsylvania Bar Association

Awards & Honors

- Selected for inclusion in The Best Lawyers in America® Ones to Watch™, 2024-2025
- Selected for inclusion in *The Best Lawyers in America®*: Ones to Watch in the areas of Construction Law; Product Liability Litigation – Defendants, 2021-2023
- Selected for inclusion in Rising Stars New Jersey *Super Lawyers*, 2020-2022

Client Wins

Heck & Bakir Obtain Summary Judgment Based on “Lost” Evidence

Andrew J. Heck (Partner-Madison, NJ), assisted by Mellis Bakir (Associate-Madison, NJ), obtained summary judgment in the Superior Court of New Jersey, Cape May County, for Wilson Elser's client, a manufacturer and developer of durable tools and accessories. The plaintiff suffered water damage to his property when water condensate pumps manufactured by the client allegedly leaked. The co-defendant/third-party plaintiff that installed the allegedly defective pumps filed a Third-Party Complaint against the client, raising allegations of design and manufacturing failures. After engaging in preliminary discovery, it became evident that the third-party plaintiff had “lost” possession of the pumps, after it had conducted an inspection of same, despite the pumps being labeled “not trash.” Andrew and Mellis argued that the third-party plaintiff could not prove a case against the client without the at-issue pumps. Essentially, due to this spoliation, the client no longer had a chance to inspect the pumps and get their own experts to opine as to their condition. They further argued that no photographs or exemplars would suffice to remedy the prejudice, and even if they moved to bar the third-party plaintiff's experts from testifying at trial based on their inspection of the alleged pumps, it would necessarily lead to the same result that they were now seeking, which was dismissal of the claims against

the client. As a result, the court granted Wilson Elser's motion for summary judgment and dismissed all claims against the client with prejudice.

Del Gatto and New Jersey Team File Unassailable Motion in Wrongful Death Case

Brian Del Gatto (Partner-Phoenix, AZ) and a Madison, New Jersey, team comprising partner Andrew Heck, of counsel Elyse Tormey, and associate Mellis Bakir, defended a wrongful death case in which the bus driver closed the front door on the decedent's arm and drove away, causing the decedent to fall and be run over. He died several days later in the hospital, allegedly as a result of his injuries. The plaintiff sued our Canadian client, the largest municipal bus manufacturer in North America and the successor in interest to the legacy manufacturer of the bus, claiming product liability based on the allegation that the accident was a result of the door's defective design. After setting the tone early with extensive pre-answer motion practice, extensive discovery followed. Brian and the team moved for summary judgment after the discovery deadline lapsed, prior to the setting of any trial date, based on a number of grounds, including that expert testimony was necessary but lacking, and that expert opinion, even if it had been provided, would fatally lack sufficient factual support. The team strategically filed a summary judgment motion prior to its due date, so that it would be pending at the time another hearing would be conducted, at which they suspected efforts may be made to blow out discovery deadlines. When that suspicion proved accurate, the team leveraged the prejudice that would arise from extending discovery after we showed our hand in filing our motion into a prohibition on new discovery being admissible with respect to the client. Lacking the ability to use new discovery to right the ship and faced with an unassailable motion, all adversaries permitted that motion to proceed unopposed, and summary judgment was entered on the client's behalf. This aggressive strategy saved the client – which had a high self-insured exposure – significant defense costs for trial, as well as the always possible, albeit remote, adverse shock verdict.