



MARKS & KLEIN, LLP

BIG VICTORY FOR SMALL BUSINESS IN HUDSON COUNTY

Jersey City, NJ - In a victory for a long-suffering New Jersey-based software developer, NAAV Business Solutions, LLC, Steven Keppler of Marks & Klein, LLP's litigation team secured a ~\$123,000 judgment against a New York-based insurance broker. The Court also awarded counsel fees and costs. The contract-based litigation was originally scheduled for trial in March 2020 but became one of the first scheduling casualties of the Covid-19 pandemic, as trial was adjourned multiple times as the pandemic continued. Ultimately the case was set for trial on January 31, 2022.

NAAV was hired to build and customize account management software for the defendant, UNO A Brokerage in the Spring of 2017, but encountered significant difficulty completing the project on schedule because, as the evidence showed, the defendant refused to meaningfully participate in the process and, critically, failed to pay NAAV for hundreds of hours of development time. As a result, not only was NAAV deprived of a valuable revenue stream, but it was also forced to borrow significant sums to cover payroll for its employees on the project.

The defendant had counterclaimed, alleging NAAV's software did not work, and it was forced to spend additional money on another software product. However, the defendant could not name the software it allegedly purchased or provide documentation establishing what it spent on it either.

Keppler, who served as trial counsel for NAAV, said, "This is the right result, and I am only sorry that our client was forced to wait two additional years to get here. Our client worked diligently, without pay, for almost a full year for the defendant, who took advantage of NAAV's good faith without good reason. Our client can now close this chapter and move forward, continuing to offer excellent products and services to businesses."

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