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Billy Joel responds to contractor's lawsuit

BY FRANK LOVECE
 Special to Newsday

Billy Joel has responded to a lawsuit filed by a Woodbury contractor who alleges wrongful termination from a home-renovation project, as well as architectural copyright infringement.

A spokeswoman for the Rock & Roll Hall of Famer said in a statement that the pop-music icon and his wife, **Alexis Roderick Joel**, who are among the defendants in separate suits filed in Nassau County and in federal court, “will not stand by in the midst of such unjustifiable accusations that obscure the real issue, which is the rightful termination” of Berry Hill Development Corp. and its owner, **Paul Laruccia**.

The company, the statement continues, “was terminated from the project because of significant structural defects that affect the safety of the residence,” adding that “Berry Hill’s attempt to now collect payment for deficient work is outrageous.”

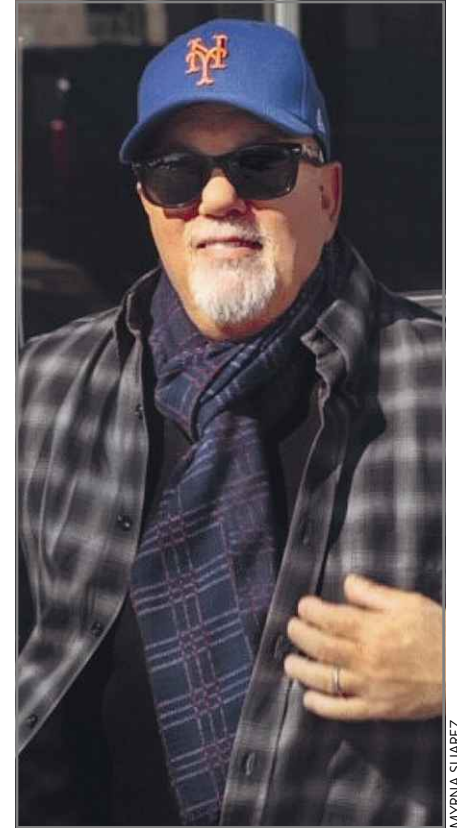
The first lawsuit, a “mechanic’s lien” over payment, which does not mention Joel by name, was filed in Nassau County Supreme Court on Feb. 18. The second, a copyright suit, was filed April 21 in Brooklyn’s Eastern District federal court. Together they state that the Joels’ company, F. Scott LLC, hired Berry Hill in September 2018 for a \$1.9 million renovation to the couple’s Centre Island property. Additional proposed work upped the cost to \$7.5 million.

The contractor alleges he was fired in November 2019 in relation to a structural engineer’s report commissioned by the Joels. That report claimed defects requiring remedies that the couple’s attorney, **Michael J. Vardaro**, told Newsday “could not be accomplished in” the five-day period the construction contract allowed.

Berry Hill attorney **Bradley S. Gross** responded, “I’m not sure that’s their decision to make,” and said his client was terminated before being given details of the alleged defects or an opportunity to cure them.

Additionally, the lawsuits state, the contract stipulates disputes be submitted to mediation, which did not occur. “If an issue arose, the work and the payments were supposed to have continued while mediation was sought and conducted,” Gross said. Calling it a matter of “contractual interpretation” regarding who should have initiated mediation, he noted that, “We’re not the ones that terminated the contract.”

Berry Hill says it was paid about \$2 million of its nearly \$2.6 million in work completed up to the firing. The contractor seeks to be paid the difference, as well as a percentage of the billable amount of uncompleted work, plus at least



MYRNA SUAREZ

Billy Joel and wife Alexis Roderick Joel were recently named in separate suits.

\$16.25 million in damages, interest costs and attorneys’ fees.

In terms of copyright, the federal suit says Berry Hill subcontracted to Miller Place architect **Alfred M. Sutton**, who signed over to the contractor rights to the architectural plans. The Joels in mid-October 2019 retained architect **Neal James C. Stufano** as a representative, and he subsequently took over the project. Berry Hill alleges Stufano’s plans for the main house “are nearly identical” to Sutton’s.

The Joels’ attorney, Vardaro, said Stufano filed “much more comprehensive” plans that include “drawings prepared by structural engineers. So it’s very hard to say things are copied because there’s so much more there. Number two, we’re talking about an existing house, so there’s certainly a lot of similarities, but the similarities aren’t copyrightable” and the Joels ultimately paid for all architectural work regardless. Gross said payment to Sutton was incomplete, and that also copied were separate, newly designed plans for an underground garage.

Nassau County Supreme Court is closed during the coronavirus pandemic, preventing Vardaro from filing a response so far to the February complaint. Gross said he has attempted unsuccessfully to settle the matter with the Joels’ attorney.