

Andria S. Kelly and Erin Masterson Successfully Dismissed Plaintiff's Complaint Against the Firm's Transportation Client in an Automobile Liability Case

October 8, 2024

Andria S. Kelly and Erin Masterson, attorneys in the firm's General, Tort, and Insurance Litigation Department, successfully dismissed the Plaintiff's Complaint against the Firm's transportation client in a personal injury action. The Plaintiff alleged that the Defendant driver had operated his vehicle in such a manner as to cause said motor vehicle to collide with the Decedent. Cullen and Dykman filed a Pre-Answer Motion to Dismiss the Plaintiff's Complaint on the ground that the Plaintiff, as a proposed Administrator of the Estate, lacked capacity to commence the action. The Court granted the Motion to Dismiss for lack of capacity to sue in its entirety, denying Plaintiff any opportunity to obtain additional time to seek Letters of Administration pursuant to the savings statute, CPLR Section 205(a).

About Cullen and Dykman's General Liability, Tort and Insurance Defense Department

Our litigation attorneys represent individuals and corporations in general liability, tort and insurance defense matters ranging from personal injury and insurance coverage disputes to large-scale commercial litigation. Clients frequently engage our litigators to act as trial counsel in high-exposure cases, and we have extensive experience in appellate litigation involving liability and insurance matters.

About Cullen and Dykman

Cullen and Dykman (www.cullenllp.com) has been providing legal services to institutional clients since 1850. The firm represents a wide range of clients, including banks and other financial institutions, energy, telecommunications and water companies, construction companies, insurers, educational institutions, religious organizations, and not-for-profits. With over 190 attorneys in seven offices located throughout the Northeast and Mid Atlantic regions, Cullen and Dykman is strategically positioned to meet the changing needs and demands of our clients.

Practices

- General Liability, Tort and Insurance Defense

Attorneys

- Andria S. Kelly
- Erin Masterson