



Andria Simone Kelly Successfully Obtained Summary Judgment Dismissing Plaintiff's Complaint Against Firm's Client in Premises Liability Case

August 11, 2021

Andria Simone Kelly, a partner in the firm's General, Tort, and Insurance Litigation Department, successfully obtained summary judgment dismissing the plaintiff's complaint against the firm's client, an out-of-possession owner who had no duty to maintain, control, operate, inspect, repair or manage the premises. Plaintiff, an employee of the tenant retail establishment, tripped and fell over a piece of equipment inside the premises in the course of his employment. Pursuant to the lease agreement, the tenant was responsible for the maintenance and repair of the premises, including the equipment therein. In opposition, the plaintiff failed to present a meritorious argument to defeat the motion. The Court granted the owner's motion finding that the plaintiff failed to raise an issue of fact as to whether the out-of-possession owner had a duty to maintain the premises in a reasonably safe condition pursuant to a statute or regulation, or the terms of the lease, or through its own course of conduct.

About Cullen and Dykman's General, Tort and Insurance Litigation 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 MidAtlantic 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