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

August 23, 2022

Andria Simone Kelly, a partner in the firm's General Liability, Tort and Insurance Defense 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 slipped and fell on a transient condition inside the client's retail establishment. Pursuant to the Lease Agreement, the owner, who did not maintain a presence on the premises, was not responsible for the maintenance of the interior of the store.

The Plaintiff vehemently opposed the motion, arguing that the terms of the Lease created a business relationship with the tenant, that the Lease was not properly authenticated, and that the motion was premature. Ryan Spitz, an associate in the firm's General, Tort, and Insurance Litigation Department, thoroughly analyzed the Lease terms and researched the authenticity issues so as to effectively rebut the Plaintiff's arguments. The Court rejected the Plaintiff's line of reasoning and dismissed the Complaint as against the Defendant owner.

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
- Ryan Spitz