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Associate Kaitlyn McGuire Secures Summary Judgment in Trip and Fall Liability Case

September 21, 2026

Kaitlyn McGuire successfully obtained summary judgment dismissing the plaintiff's complaint against the firm's restaurant client.

The plaintiff alleged that she was injured after falling in the parking lot of our restaurant client. Kaitlyn skillfully demonstrated that the Plaintiff was unable to identify the cause of her fall, and that any cracks near her incidental fall were considered cosmetic in nature, *de minimis*, and below the definition by the State of New York Department of Buildings (DOB) or Department of Transportation (DOT) guidelines to be considered a "tripping hazard."

The Court upheld that the record does not contain evidence that there was a defect in Defendants' parking lot that caused Plaintiff's accident. Therefore, the Plaintiff failed to raise a triable issue of fact sufficient to defeat Defendants' motion. As a result, the complaint was dismissed in its entirety, and summary judgment was granted in favor of our client.

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 LLP

Cullen and Dykman LLP is a full-service law firm that clients have trusted to deliver top-tier, cost-effective legal services since 1850. With nearly 200 attorneys in eight offices, the firm serves clients across the Eastern United States and is strategically positioned to meet their changing needs and demands.

Practices

- General Liability, Tort and Insurance Defense

Attorneys

- Kaitlyn McGuire