



Attorneys Nicholas M. Cardascia and Erin Masterson Successfully Obtained Summary Judgment Dismissing the Plaintiff's Complaint Against the Firm's Clients in a Premises Liability Case

October 21, 2024

Attorneys Nicholas M. Cardascia and Erin Masterson successfully obtained summary judgment dismissing the plaintiff's complaint against the firm's real estate investment and retail clients in a premises liability case stemming from a trip and fall on a sidewalk. The motion was brought before the clients had to engage in expensive discovery. The Court granted summary judgment to the firm's real estate investment client because of a mistake in the identity of the client as the property owner. In addition, the court dismissed the lawsuit against the firm's ground floor retail client.

Cullen and Dykman, relying on a client affidavit and the lease agreement, argued that the firm's retail client had no contractual duty to maintain the public sidewalk where the alleged accident occurred. The court agreed with the firm's position, finding that our retail client had no duty to the pedestrian plaintiff walking on the sidewalk, and that the lease did not require our client to make repairs to the sidewalk.

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

- Nicholas M. Cardascia
- Erin Masterson