



Construction Litigation Group Secures Dismissal In New York Labor Law Lawsuit

December 20, 2019

The Construction Litigation Group recently secured a pre-answer dismissal for its client in a New York Labor Law suit, where the Plaintiff allegedly sustained a “crushed” left hand while carrying a device holding certain tools with a co-worker. Plaintiff underwent left hand surgery and claimed additional injuries to the head, neck, and back. By way of this lawsuit, Plaintiff sought compensation for permanent injuries which he claimed would prevent him from ever returning to work.

The Pre-Answer Motion to Dismiss, which was based on work records, daily construction reports and a sworn affidavit, successfully demonstrated that the client was not responsible for and had no connection with plaintiff's employer or the ongoing work. In fact, the facts adduced pre-Discovery demonstrated that the client was in another location separate and apart from the work at issue. As a result of this rarely granted early dismissal, the client was able to avoid unnecessary defense and Discovery costs

Credit is due to associate Wayne M. Cox who worked on and argued the motion, along with partner Scott M. Shapiro and Construction Litigation Group head Partner John E. Sparling.

Cullen and Dykman's Construction Litigation Group has now expanded to 30+ full-time attorneys, each of whom are independently trained in construction and safety practices. They each possess a complete working knowledge of the fundamentals of construction law and litigation. Our firm and the Construction Litigation Group strive to remain current with respect to new developments in the law, such as cases impacting the liability of architects and construction managers. For more information on the Construction Litigation Group, please click [here](#).

Industries

- Construction

Attorneys

- John Sparling
- Scott M. Shapiro