



# Court Grants Summary Judgment Dismissing Plaintiff's Complaint Against Firm's Retail Client in Premises Liability Case

September 22, 2022

Andria Simone Kelly, a Partner in the firm's General Liability, Tort and Insurance Defense Department, successfully obtained summary judgment dismissing Plaintiff's Complaint against the firm's retail client in a case involving a slip and fall on a transient condition within the store. The Defendant established that it did not create the alleged condition or have actual or constructive notice of same. John Gabriel, an Associate in the firm's General Liability, Tort and Insurance Defense Department, dissected the admissible evidence, including maintenance records, and obtained an Affidavit from an ex-employee porter who inspected the area shortly before the accident to support the Defendant's arguments. The Court found that the plaintiff's opposition was insufficient to raise a triable issue of fact as to whether the Defendant had notice of the alleged condition on the floor.

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## 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](http://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