

Cullen and Dykman Construction Litigation Team Secures a Complete Victory and Summary Judgment in Major Five Plaintiff Catastrophic Labor Law Case

January 27, 2021

The Cullen and Dykman Construction Litigation Team recently won summary judgment in a catastrophic construction accident case involving serious injury to five iron workers.

The case involved the process by which work vehicles for many of the contractors working on the Throgs Neck Bridge would enter and exit, as well as being secured during their time at work. The accident occurred when a tractor trailer, construction van and a construction bus collided during work. The plaintiffs brought suit against the bridge-owner Metropolitan Transportation Authority ("MTA") and Triborough Bridge and Tunnel Authority ("TBTA") alleging labor law violations. The owners, in turn, sued the employer-client, American Bridge. Relying on the often overlooked CPLR 1010 procedure that allows a third-party defendant to win the case against it by winning the direct case against the plaintiffs for the defendant and third-party plaintiffs, Cullen and Dykman moved on behalf of the MTA and TBTA.

In granting complete summary judgment on all claims, the Court agreed with our arguments that since there was no lane closure in place at the time of the accident, there was no need for flagmen or barricades and, as such, the alleged violation of Section 1.9 of the Industrial Code did not apply. The Court further agreed with our arguments that there was no direction or supervision over the plaintiffs' work such that there was no Labor Law 200 liability. Accordingly, the Court dismissed all the Complaints as against the third-party plaintiffs which, in turn, dismissed its third-party action against our client.

A copy of the decision can be accessed [here at this link](#).

Practices

- Construction Litigation
- Labor Law

Attorneys

- John Sparling
- Scott M. Shapiro