Cullen | Dykman

Daniel Winter Successfully Obtained Summary Judgment Dismissing Plaintiff's Complaint Against the Firm's Retail Client

January 31, 2025

Attorney Daniel Winter, in the firm's General Liability, Tort and Insurance Defense department, successfully obtained summary judgment dismissing the plaintiff's complaint against the firm's retail client. Cullen and Dykman argued that there was no liability on the part of the firm's retail client for the happening of the accident as the plaintiff's trip and fall over the employee, who was stocking products in the normal course, was an incidental contact and there was no negligence on the part of the store. The plaintiff argued that an employee kneeling on the floor with an outstretched leg while stocking product was a dangerous condition and caused the plaintiff to trip and fall, causing permanent injuries. The Court found the unequivocal evidence showed the employee was properly doing his job and that a kneeling employee was not a dangerous condition, but rather an open and obvious condition. Therefore, there was no duty to warn and the condition (employee) could be observed by reasonable use of the plaintiff's faculties. Accordingly, the Court granted the motion and the complaint was dismissed.

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

- Daniel I. Winter