



# Erin Frost and John Cosgrove Obtained Summary Judgment Dismissing Plaintiff's Complaint Against the Firm's Retail Client

January 30, 2024

Partner Erin Frost and associate John Cosgrove in the firm's General Liability, Tort and Insurance Defense department, successfully obtained summary judgment dismissing the plaintiff's complaint and awarding the firm's retail client contractual indemnification against co-defendant landlord in a premises liability case.

The plaintiff testified that he tripped and fell over a pothole in the parking lot while carrying two cases of water. Relying on the express terms of the lease agreement and deposition testimony, Cullen and Dykman argued that the firm's retail client had no duty to maintain, repair or inspect the parking lot where the plaintiff's accident occurred and sought indemnification from co-defendant landlord. The Court agreed with Cullen and Dykman's argument and granted summary judgement dismissing the plaintiff's complaint and awarding the firm's retail client contractual indemnification including the reimbursement of attorney's fees.

## 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

- Erin R. Frost
- John G. Cosgrove