

# Erin R. Frost Successfully Obtained Summary Judgement Dismissing the Plaintiff's Complaint Against the Firm's Retail Client

November 1, 2023

Erin R. Frost, a partner in the firm's General Liability, Tort and Insurance Defense Department, successfully obtained summary judgment dismissing the Plaintiff's Complaint against the firm's client, a retail establishment.

The Plaintiff-customer claimed a defectively designed and installed soda display caused him injury. The Defendant-client established that the soda display was not defective, and even if it was, the client neither created nor had notice of the alleged defect.

In opposition, the Plaintiff-customer relied on expert testimony to show the soda display was dangerously high and the Defendant-client should have known of this hazard. The Court agreed with the Defendant-client; Plaintiff's expert affidavit was insufficient considering the expert was not qualified to render the opinion. Specifically, Plaintiff's expert lacked the necessary training and expertise in the supermarket industry, never inspected the subject display, and failed to cite an industry standard to support the claimed hazard.

## 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