



# John Cosgrove Successfully Obtained Decision Dismissing the Plaintiff's Complaint Against the Firm's Retail Client in a Premises Liability Case

November 9, 2021

John Cosgrove, an associate in the firm's General, Tort, and Insurance Litigation Department, successfully obtained a decision dismissing the plaintiff's complaint against the firm's retail client in a premises liability case stemming from a trip and fall accident in a parking lot adjacent to the premises. Relying on the express terms of lease agreement and affidavits from the corporation's lease administration and corporate services departments, Cullen and Dykman argued that as the tenant, the client corporation had no duty to maintain, repair or inspect the parking lot where the plaintiff's accident occurred and, as such, could not be held liable for the plaintiff's injuries. The plaintiff and co-defendant landlord opposed the motion arguing that the documentary evidence submitted did not refute the plaintiff's factual claims. The Court agreed with the firm's position, finding that the co-defendant landlord was expressly responsible for maintaining the "common areas" which included the parking lot where plaintiff fell. Furthermore, the Court found that the co-defendant landlord agreed to hold the client corporation, as tenant, harmless from any and all claims which arise from a defective, dangerous or unsafe condition on the part of the premises that was to be maintained by the landlord. Thus, the Court granted our motion and the plaintiff's complaint was dismissed against our client.

## About Cullen and Dykman's General, Tort and Insurance Litigation 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 MidAtlantic 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

- John G. Cosgrove