



John J. Gabriel, Jr. Successfully Obtained a Dismissal of the Plaintiff's Complaint Against the Firm's Retail Client in a Premises Liability Case

June 10, 2022

John J. Gabriel, Jr., an associate in the firm's General Liability, Tort, and Insurance Defense department, successfully obtained a dismissal of the plaintiff's complaint against the firm's retail client in a premises liability case. The plaintiff's accident arose from a slip and fall inside of a retail premises. During the litigation, plaintiff passed away, and plaintiff's counsel failed to substitute an administrator for the plaintiff's estate. Through thorough investigation, we were able to obtain an affidavit of a close friend of the deceased plaintiff, which was used in support of our motion to dismiss the case, based on the fact that there was no family of interest in plaintiff's estate. We also argued that the Complaint should be dismissed as plaintiff's counsel's delay in substituting an administrator of the estate was unreasonable and improper. In its decision on the motion, the Court agreed with our position, and lifted the stay and dismissed the action entirely.

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 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