



John J. Gabriel, Jr. Successfully Obtained Summary Judgment Dismissing the Plaintiff's Complaint Against the Firm's Restaurant Client in a Premises Liability Case

April 7, 2022

John J. Gabriel, Jr., an associate in the firm's General, Tort, and Insurance Litigation Department, successfully obtained summary judgment dismissing the plaintiff's complaint and co-defendants' cross-claims against the firm's restaurant client in a premises liability case stemming from a trip and fall on a sidewalk. Cullen and Dykman, relying on the deposition testimony of all parties and the lease agreement between the landlord and tenants, argued that the alleged accident occurred on a sidewalk in front of an adjacent tenant's premises and thus, our client had no contractual duty to maintain that sidewalk. Therefore, our client owed no duty of care to the plaintiff. The Court agreed with the firm's position, finding that our client had no duty to the pedestrian plaintiff walking on the sidewalk and the lease did not require our client to make repairs to the sidewalk.

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) 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