



Melissa Manna Successfully Obtained Summary Judgment Dismissing the Plaintiff's Complaint Against the Firm's Retail Client in a Premises Liability Case

July 15, 2021

Melissa Manna, a partner in the firm's General, Tort, and Insurance Litigation Department, successfully obtained summary judgment dismissing the plaintiff's complaint against the firm's retail client in a premises liability case stemming from a slip and fall on an interior stairwell inside the premises. Cullen and Dykman, relying on the landlord's president's affidavit, argued that the corporation is an out-of-possession landlord, and had no duty to maintain, control, operate, inspect, repair or manage the subject stairwell, as it was the tenant's responsibility for all maintenance and repairs of the premises pursuant to the lease agreement. Plaintiff failed to oppose the motion for summary judgment and the motion was granted. Thereafter, plaintiff moved to vacate the order granting summary judgment and argued our motion should be denied. On the plaintiff's motion to vacate, the Court agreed with the firm's position, finding both that our motion for summary judgment was not granted on default in the first instance, and that even if the Court were to consider plaintiff's opposition, it would be denied plaintiff failed to raise an issue of fact to defeat our motion for summary judgment. The Court denied plaintiff's motion to vacate. Thus, the Complaint was dismissed against our clients.

Practices

- General Liability, Tort and Insurance Defense

Attorneys

- Melissa Manna