Cullen | Dykman

# Michael Winter Successfully Obtained Summary Judgment Dismissing the Plaintiff's Complaint Against the Firm's Construction Client in a Labor Law Case

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Michael Winter, an associate in the Construction Litigation practice group, successfully obtained summary judgment dismissing the Plaintiff's complaint against the firm's construction client in a labor law case. The alleged injury happened when the Plaintiff was applying and removing the forms as part of building/pouring the cement foundation. Plaintiff carried a metal form from a truck to the foundation site where he set the form on the ground for placement as part of the process of building/pouring the cement foundation. Plaintiff urged he was entitled to summary judgment on Labor Law Section 240(1) since the form was a falling object that should have been secured. Cullen and Dykman proved this case does not fall within the protection of Labor Law 240(1) because the object was not being hoisted and did not fall under the risks envisioned by Labor Law Section 240(1) or any of the other Labor Law and negligence claims. The Court dismissed the case in its entirety.

## About Cullen and Dykman's Construction Litigation Department

The attorneys in our Construction Litigation department have a long history of representing clients in all phases of construction projects, from contract negotiations and financing transactions to management claims, arbitration, and litigation. In fact, the Brooklyn Bridge owes its famous profile to one of the firm's founding partners who chaired the group that selected John Roebling's world-renowned design. The Construction Litigation department at Cullen and Dykman is a "full-service" construction group under any interpretation of the phrase "full-service". We handle all aspects of large-scale construction projects with ease, from front-end contract drafting and planning to litigation involving construction delay and defect claims, personal injury and professional liability matters, breach of contract, and bankruptcies and reorganizations. We staff all construction and coverage disputes with a streamlined team based on case need with oversight from our experienced team of partners, each of whom has well over 30 years of experience in high-stakes construction planning and litigation. We are efficient problem solvers first and foremost. No matter what the issue may be, there is a focused, mindful solution waiting for each of our clients.

## 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 Mid Atlantic regions, Cullen and Dykman is strategically positioned to meet the changing needs and demands of our clients.

## Practices

- Construction Litigation

## Attorneys

- Michael J. Winter