Cullen | Dykman

Nicholas Cardascia Obtained Summary Judgment Regarding Premises Liability Case

October 9, 2020

Nicholas Cardascia, 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. Cullen and Dykman argued that the alleged defect was too trivial to be actionable. Plaintiff opposed the motion with an affidavit from an expert. In reply, the firm was able to show that the expert did not examine the location until more than two years post-accident, that the building codes he claimed were violated were not applicable, and that his conclusions were speculative. Agreeing with the firm's position, the Court found that the alleged defect was open and obvious and de minimis.

Practices

- Premises Liability

Attorneys

- Nicholas M. Cardascia