

Nicholas Cardascia Successfully Defeated Plaintiff's Appeal in a Premises Liability Case

August 9, 2021

Nicholas Cardascia, a partner in the firm's General, Tort, and Insurance Litigation Department, successfully defeated Plaintiff's appeal of her motion for summary judgment on liability against the firm's retail client in a premises liability case. Plaintiff tripped and fell on a hole in a sidewalk abutting the defendants' premises. Although New York City Administrative Code § 7-210 shifted tort liability for injuries arising from a defective sidewalk from the City of New York to the abutting property owner, the Plaintiff, however, failed to establish that the defendants' created the defect or had actual or constructive notice of the defect. Cullen and Dykman established that contrary to the plaintiff's contention, the affidavit of her expert, who never visited the accident site and relied on Google images of the accident scene, was insufficient to demonstrate that the defendants had constructive notice of the defect. Thus, the Appellate Division Second Department affirmed the trial court's decision denying the Plaintiff's motion for summary judgment.

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

Attorneys

- Nicholas M. Cardascia