



Partner Daniel S. Eichhorn Successfully Obtained Dismissal of a Commercial Plaintiff's Entire Complaint for Failure to Comply With its Contractual Obligation to Engage in Pre-Litigation Mediation and Obtained Dismissal With Prejudice of the Claims Against the Individual Defendant

April 24, 2023

Daniel S. Eichhorn, a partner in the firm's Commercial Litigation Department, successfully obtained dismissal of a commercial Plaintiff's entire complaint as a result of the Plaintiff's failure to engage in mediation prior to commencing suit as required under the parties' contract. The parties' contract provided that, should a dispute arise between the parties, that the parties were first to engage in mediation prior to commencement of litigation. In the subject case the Plaintiff commenced litigation without engaging in mediation. The Court agreeing with Cullen and Dykman's position dismissed the Plaintiff's entire Complaint as a result of their failure to comply with the contractual pre-litigation mediation requirement. The Court further granted the additional relief sought in Cullen and Dykman's motion and dismissed all the claims with prejudice asserted against the individual defendant also represented by the firm.

About Cullen and Dykman's Commercial Litigation Department

Cullen and Dykman is a leading commercial litigation firm serving clients throughout the Northeast and Mid-Atlantic regions and nationwide. Few firms of our size offer the same breadth and depth of experience in commercial litigation, and we have distinguished our practice by emphasizing client-first representation focused on achieving efficient, practical and cost-effective resolutions to complex commercial disputes.

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

- Commercial Litigation

Attorneys

- Daniel S. Eichhorn