

Partner Melissa Manna and Associate Kaitlyn McGuire Win Motion to Dismiss for Major Retailer in Energy Drink Lawsuit

October 30, 2025

Partner Melissa Manna and Associate Kaitlyn McGuire have successfully obtained pre-answer dismissal in a case involving a major retail client and the sale of a popular energy drink. The plaintiff alleged injuries stemming from regular consumption of the energy drink, which he claimed was sold and advertised by our retail client. The plaintiff argued that he would have avoided injuries, including tooth decay, if the client had warned about the potential health concerns before he purchased the product.

The judge agreed with our argument, that the plaintiff had not pled a cognizable cause of action against our client and that the retail client did not have any responsibility for the alleged injuries, and granted the motion to dismiss.

About Cullen and Dykman's General Liability, Tort and Insurance Defense 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 Mid Atlantic 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

- Melissa Manna
- Kaitlyn McGuire