

Partner Nicholas Cardascia Successfully Defeated Plaintiff's Appeal Against the Firm's Retail Client in a Premises Liability Case Based on the Storm-in-Progress Rule

May 19, 2022

Nicholas Cardascia, a partner in the firm's General Liability, Tort and Insurance Defense Department, successfully defeated plaintiff's appeal from the order that granted summary judgment and dismissed the complaint against the firm's retail client in a premises liability case based on the storm-in-progress rule.

Plaintiff slipped and fell on snow on a sidewalk in front of our client's retail store. Relying on plaintiff's deposition testimony and weather records, Cullen and Dykman established that a storm was in progress at the time of the accident and that any efforts to remove snow and ice from the sidewalk by our client's employees did not create a hazardous condition or exacerbate the natural hazard created by the storm. Based on the foregoing, the Appellate Division, Second Department affirmed that trial court's decision that granted our client summary judgment and dismissed plaintiff's complaint.

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

- Nicholas M. Cardascia