



Partners Erin Frost, Nicholas Cardascia, and Christopher E. Buckey Successfully Dismissed a Potential Multi-million Dollar Lawsuit Against One of the Firm's Food Service Clients

June 7, 2022

The combined efforts of Cullen and Dykman LLP partners, Erin Frost, Nicholas Cardascia, and Christopher E. Buckey, resulted in a tremendous appellate victory that dismissed a potential multi-million dollar lawsuit against one of the firm's food service clients. Erin Frost defended the lawsuit from inception and conducted all discovery to set up this dismissal. Nicholas Cardascia drafted the motion for summary judgment and the appellate briefs. Christopher E. Buckey's oral argument in the Third Department sealed the deal.

In this personal injury lawsuit, the plaintiff alleged to have sustained life-changing damages, including brain injuries, incurred as the result of a fall down a staircase at plaintiff's place of employment. Plaintiff sued the property owner for negligent maintenance of the staircase. The property owner sued plaintiff's employer and asserted causes of action based on contractual indemnity, common-law indemnity, and contribution. Representing the employer, Cullen and Dykman LLP successfully argued that the contractual indemnity provision could never be triggered because the clause required a finding that the employer be solely at fault; that the property owner could never prevail on its claim for common-law indemnity because the plaintiff's claims against the property owner were not based on vicarious liability; and that the property owner could never prevail on its claim for contribution because the employer was not negligent. Plaintiff's lawsuit against the property owner will now proceed to trial with a \$4 million demand and with our self-insured client in position to recoup the statutory amount of its large workers' compensation lien.

[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

- Erin R. Frost
- Nicholas M. Cardascia
- Christopher E. Buckey