

Partners Melissa Manna and Nicholas Cardascia Successfully Dismissed a Plaintiff's Case Against the Firm's Retail Client in a Premises Liability Case

November 3, 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 denied plaintiff's motion to vacate her default and granted summary judgment to the firm's retail client in a premises liability case.

After discovery was concluded, Melissa Manna, a partner in the firm's General Liability, Tort, and Insurance Defense Department, moved for summary judgment on behalf of the firm's client. The motion was granted without opposition. Plaintiff moved to vacate the default arguing law office failure. The trial court denied plaintiff's motion to vacate the order and plaintiff appealed. On appeal, the Appellate Division, Second Department affirmed the trial court's decision, finding that plaintiff failed to offer a reasonable excuse for the default and also failed to provide any excuse for the nine-month delay in moving to vacate the default.

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 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
- Melissa Manna