TRAUB LIEBERMAN

NEWS & EVENTS

April 10, 2024

Traub Lieberman Partner Lisa M. Rolle Wins Summary Judgment in Favor of Third-Party Defendant

Related Attorneys: Lisa M. Rolle

Traub Lieberman Partner Lisa M. Rolle won summary judgment in favor of Third-Party Defendant, a general contracting company (the “Contracting Company”), in a personal injury action brought in Suffolk County. In the underlying matter, the Plaintiff—an employee of the Contracting Company—alleged that they sustained injuries from an incident which occurred when they were struck by a skid-steer loader owned by the Co-Defendant masonry company (the “Masonry Company”) and operated by the president and owner of the Co-Defendant/Third-Party Plaintiff construction company (the “Construction Company”). The Plaintiff brought claims against the Defendant companies for common law negligence and violations of Labor Law *§ §* 200, 240, and 241, as well as Industrial code (12 NYCRR) subpart 23-2.

The Construction Company allegedly hired the Contracting Company to perform certain work at the subject premises, and brought a third-party action against the Contracting Company alleging causes of action for contribution, contractual indemnification, and breach of contract for failure to procure insurance. The Traub Lieberman team moved for summary judgment dismissing the third-party complaint and the cross-claims against their client, arguing that the Third-Party Plaintiffs are not entitled to common-law indemnification or contribution from it, as the underlying Plaintiff did not sustain a grave injury, within the meaning of Workers' Compensation Law *§ 11. The Traub Lieberman team also argued that the Construction Company cannot seek contractual indemnification based on its own negligence. In consideration of the facts of the matter, the court found in favor of Traub Lieberman’s client and granted the motion for summary judgment.*

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