TRAUB LIEBERMAN

NEWS & EVENTS

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Traub Lieberman Attorneys Sean E. Kelly and Lisa L. Shrewsberry Obtain Appellate Reversal and Complete Dismissal for Law Firm Client in Professional Liability Matter

Related Attorneys: Lisa L. Shrewsberry, Sean E. Kelly

In an action brought before the Appellate Division, Second Department, Traub Lieberman attorneys Sean E. Kelly and Lisa L. Shrewsberry successfully secured the dismissal of a plaintiff's amended complaint against a law firm and its principal, reversing the lower court's decision in a professional liability matter.

The case arose after the plaintiff allegedly sustained personal injuries while working on a project for a municipality and retained a law firm to represent them in workers' compensation proceedings ("W.C. Law Firm"). A letter of engagement signed by the plaintiff stated that W.C. Law Firm did not handle personal injury claims and did not represent the plaintiff in that capacity. The W.C. Law Firm referred the plaintiff to a personal injury attorney ("P.I. Law Firm"), represented by Traub Lieberman, who advised the plaintiff that, in their opinion, there was not a viable case beyond the workers' compensation claim.

The plaintiff subsequently commenced an action against both firms to recover damages for legal malpractice, based on their alleged failure to serve a timely notice of a claim against the municipality. The Supreme Court granted the motion to dismiss in favor of the W.C. Law Firm defendants, but denied the P.I. Law Firm defendants' motion to dismiss. The plaintiff appealed this decision and the P.I. Law Firm cross-appealed.

Upon review of the matter, the Appellate Court determined that the Supreme Court properly granted the W.C. Law Firm's motion to dismiss. The Appellate Court further agreed with Traub Lieberman's attorneys that the lower court erred in not granting the P.I. Law Firm's motion to dismiss, finding that the plaintiff failed to plead specific facts showing proximate cause. Therefore, the Appellate Court reversed the lower court's decision regarding the P.I. Law Firm, dismissing the amended complaint in its entirety.

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