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TLSS Partner Lisa Rolle Granted Directed Verdict

BY: Lisa M. Rolle

In a matter pending in Nassau Supreme Court entitled *Marybeth and Kevin Hare v. H&W Realty Corp. v. A Lot Maintenance Corp*., TLSS Partner Lisa M. Rolle was granted a directed verdict on behalf of Third Party Defendant A Lot Maintenance Corp. by Justice James P. McCormack once all parties rested.

Plaintiff Marybeth Hare claimed that she was seriously injured on February 28, 2015 when she slipped and fell on ice in the parking lot of her apartment complex, which was owned by Defendant/Third-Party Plaintiff H&W Realty Corp. H&W Realty Corp. retained A Lot Maintenance Corp. to plow snow and provide ice control services at the premises. Arguing that there was no evidence adduced during trial that displaced H&W Realty's nondelegable duty to maintain a reasonably safe premises or that A Lot Maintenance had performed its services in a negligent manner, Ms. Rolle moved for a directed verdict on behalf of A Lot Maintenance Corp. The Court agreed, holding that the a reasonable interpretation of the evidence leads to the conclusion that H&W Realty was at least partially negligent, thereby defeating the common law indemnification claim asserted by H&W Realty. The Court further held that there was no evidence that A Lot Maintenance Corp. had provided services at the property for 18 days prior to the accident. Thus, even if A Lot Maintenance was negligent in providing its services, H&W Realty has a nondelegable duty to correct any dangerous condition on its premises during the 18 days from that service until the date of the accident. Accordingly, the Court dismissed the Third Party Complaint against A Lot Maintenance Corp.

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