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Partner Colleen E. Hastie Obtains Summary Judgment Dismissing Complaint in New York Labor Law Action

Related Attorneys: Colleen E. Hastie

Traub Lieberman New York partner Colleen E. Hastie recently obtained summary judgment dismissing a third-party action on behalf of its client, a drywall installer subcontractor, in New York Supreme Court, Kings County. Plaintiff alleges he was injured during the course of his employment when a piece of metal struck him in his back while he was operating a core drill in a trench at the construction site. Traub Lieberman successfully argued that it is liable under Labor §§240(1) and 241(6) because it is not an owner, general contractor, or agent of the owner or general contractor, as its work as a subcontractor was limited to installation of drywall to the interior of the building, and did not involve plaintiff's work or the installation of any metal. Traub Lieberman further obtained summary judgment dismissing plaintiff's Labor Law §200 and common law negligence claims by establishing that the drywall contractor did not supervise and/or control plaintiff's work and did not create the condition that allegedly caused plaintiff's injuries.