

January 31, 2020

Summary Judgment for Commercial Landowner Based on Ongoing Storm Doctrine

Related Attorneys: Gregory S. Pennington

On January 24, 2020, Gregory S. Pennington and Lyndsay M. Ganz secured summary judgment for their client, the owner of a multi-family commercial property. Plaintiff allegedly sustained an ankle fracture, with resulting surgery, after falling on the abutting public sidewalk due to snow and/or ice. Greg and Lyndsay successfully argued that their client owed no duty to Plaintiff at the time of her alleged fall due to the “ongoing storm” doctrine. The Court was strongly persuaded by the Certified Past Weather Report, based on published meteorological data, finding it dispositive on the issue that was snowing at the time of the accident, despite Plaintiff’s testimony to the contrary. Thus, the Court granted their motion for summary judgment and dismissed Plaintiff’s complaint with prejudice.