

October 24, 2022

Traub Lieberman Partner Obtains Summary Judgment in Favor of Defendants

Related Attorneys:

Traub Lieberman Partner Jonathan Harwood obtained summary judgment in favor of defendants, a religious learning center and a religious institution, in a case brought before the Supreme Court of the State of New York. In this case, the plaintiffs alleged injury resulting from a slip on water on an interior flight of stairs at the defendants' premises. In the course of discovery, it was established that the Director of the school had inspected the subject staircase on the day of the accident and did not observe any dangerous conditions. Defendants also produced a surveillance tape of the incident that showed numerous people walking up and down the stairs prior to plaintiff's fall without incident. The defendants argued that, in light of this evidence, the plaintiffs were unable to show that defendants were either aware of, or created, the alleged condition. Plaintiffs attempted to overcome the lack of notice with an expert affidavit purporting to conclude that the stairs were excessively slippery and improperly sloped. Mr. Harwood successfully argued that the expert affidavit, which did not rely on any code provisions or industry standards, failed to raise a question of fact about the existence of an inherently dangerous condition. The court determined that, in light of the foregoing, the defendants met their burden to establish they did not have actual or constructive notice of any condition and the plaintiffs were unable to raise issue of fact precluding summary judgment. The defendants' motion for summary judgment was therefore granted.