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Traub Lieberman Partner Lisa Rolle Wins Summary Judgment on Behalf of Contract Utility Company in Personal Injury Action

Related Attorneys: Lisa M. Rolle

Traub Lieberman Partner Lisa Rolle obtained summary judgment on behalf of a contract utility company (“Utility Company”) in a matter brought before the New York Supreme Court, Queens County. In the complaint, the Plaintiff alleged that she sustained injuries as a result of a trip and fall accident where the Plaintiff’s foot allegedly went into a hole in the grass strip abutting the sidewalk adjacent to a premises located in Queens, NY. The Plaintiff claimed that the defect in the sidewalk was caused by the removal of a utility pole at the curb strip that was not correctly backfilled.

The Defendant Utility Company is in the business of inspecting, treating, and repairing utility and telecommunication structures, including wooden utility poles. TLSS was successfully able to establish that, three years prior to the accident, the Utility Company was retained to conduct a visual inspection of the subject pole. However, the Utility Company does not and has not owned, installed, removed or replaced in-service utility poles in New York or at the location of the alleged accident. Further, TLSS established that the Utility Company did not service or remove the subject pole at the accident site or backfill the curb strip.

Based on the facts and the Plaintiff’s inability to prove negligence on the part of the Utility Company, the court found that the Utility Company did not owe the Plaintiff a duty of care. The summary judgment was granted and the complaint and any cross-claims against the Defendant were dismissed.