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Traub Lieberman Attorneys Lisa Rolle and Christopher Acosta Win Motion to Dismiss in Bronx County Trip and Fall

Related Attorneys: Lisa M. Rolle, Christopher D. Acosta

Traub Lieberman Partner Lisa Rolle and Associate Christopher Acosta won a motion to dismiss in a trip and fall accident complaint and cross-claim brought before the New York Supreme Court, Bronx County. The underlying accident allegedly occurred on the sidewalk abutting the subject premises, which is owned by the Property Owner and was leased to a Pest Control Company. The Property Owner brought a cross-claim against the Pest Control Company as a result of the initial complaint.

The Pest Control Company submitted into documentary evidence the lease for the property, which states that the Property Owner of the subject premises is responsible for maintaining and repairing the sidewalk. Photos from Google Earth confirm that the sidewalk defect that gave rise to the action was not caused or created by the Pest Control Company. Neither the Plaintiff nor the Property Owner produced sufficient evidence to demonstrate the existence of an issue of fact precluding dismissal. Accordingly, the Pest Control Company's motion to dismiss was granted and both the complaint and the Property Owner's cross-claim were dismissed.