TRAUB LIEBERMAN

NEWS & EVENTS

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Traub Lieberman Attorneys Lisa M. Rolle and Nicole Verzillo Defeat Labor Law Claims

Related Attorneys: Lisa M. Rolle

Traub Lieberman attorneys Lisa M. Rolle and Nicole Verzillo obtained summary judgment on behalf of a utility contractor ("Utility Contractor") in a matter brought before the Supreme Court of the State of New York, New York County. In the complaint, the Plaintiff alleged that he sustained personal injuries when he fell into a manhole while working for a contractor of the Utility Contractor hired to inspect manholes. Plaintiff brought claims sound in Labor Law §240(1), §241(60, §200 and common law negligence. The Plaintiff's responsibilities included supporting the foremen, setting up the worksite, passing tools down to the foreman inside the manhole, and taking down the setup after the work was finished. On the day of the incident, the Plaintiff began to setup the worksite, including opening the manhole with a crowbar. After opening the manhole, the Plaintiff retrieved the barricade poles from the work truck and, when stepping away from the truck, fell into the manhole he had opened. The Court agreed with the argument of TLSS, finding that the activity in which Plaintiff was engaged was not a protected activity under the Labor Flaw. The Court also agreed that there was no negligence on behalf of the Utility Contractor, and dismissed the entire complaint.

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