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NEWS & EVENTS

June 2, 2023

Appellate Division Confirms Summary Judgment in Favor of Property Owners in Action Alleging Labor Law Violations

Related Attorneys: Lisa M. Rolle

In this action brought before the State of New York, Appellate Division, Traub Lieberman Partner Lisa Rolle represented Defendant Property Owners in an appeal asserting Labor Law violations. In the underlying case, Plaintiff allegedly was injured while working on a construction project at a property owned by the Defendants, alleging violations of Labor Law §§240(1) and 241(6). The Defendants moved for summary judgment dismissing the causes of action alleging violations of Labor Law §§ 240(1) and 241(6), arguing that they could not be held liable for such violations due to the exemption set forth in those statutes for owners of one- and two-family dwellings. The Supreme Court of the State of New York granted the motion for summary judgment, and the Plaintiffs appealed.

In the Appellate Division review of the matter, it was determined that the homeowner exemption is applicable “when an owner of a one- or two-family dwelling contracts for work that directly relates to the residential use of the home, even if the work also serves a commercial purpose”. The Defendants’ submissions in support of their motion for summary judgment were sufficient to establish that their use of the subject property was entirely for residential purposes. The Appellate Division therefore concluded that the Supreme Court properly granted the Defendant’s motion for Summary Judgment and confirmed the ruling.

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