TRAUB LIEBERMAN

NEWS & EVENTS

July 26, 2023

Traub Lieberman Senior Trial Counsel Timothy McNamara Wins Affirmation of Summary Judgment Denial

Related Attorneys: Timothy G. McNamara

In this appeal brought before the State of New York Appellate Division, Second Judicial Department, the court ruled in favor of Traub Lieberman's client, a housing complex owner, affirming the denial of co-defendant landscaping company's summary judgment motion seeking dismissal of the cross-claims asserted by the complex owner against the co-defendant.

In the underlying case, the plaintiff was allegedly injured when she slipped and fell on ice on the exterior stairs of the housing complex where she lived. The complex owner had contracted with the co-defendant to provide snow removal services for the complex. The plaintiff commenced action against both the complex owner and the landscaping company to recover damages for personal injuries. The complex owner asserted cross-claims against the landscaping company for contribution, common-law indemnification, and contractual indemnification. The landscaping company sought summary judgment dismissing the complaint and all cross-claims asserted against it, but the branch of the motion seeking dismissal of the cross-claims was denied. In the appeal brought before the Appellate Division, the court ruled in favor of Traub Lieberman's client, the complex owner, affirming the denial of summary judgment for the cross-claims.

The decision was based in part on the Appellate Court's determination that the "saving clause" contained in the indemnity provision running in the complex owner's favor rendered it compliant with General Obligations Law §5-322.1.

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