TRAUB LIEBERMAN

NEWS & EVENTS

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Traub Lieberman Attorneys Lisa M. Rolle and Justyn Verzillo Win Motion for Summary Judgment

Related Attorneys: Lisa M. Rolle, Justyn Verzillo

In this subrogation action brought in the Supreme Court of the State of New York, Dutchess County, Traub Lieberman attorneys Lisa M. Rolle and Justyn Verzillo successfully obtained dismissal of a third-party complaint against their client, a fire-system protection company. In the underlying case, a fire sprinkler system within a commercial building leaked water into multiple tenant spaces, causing damage. The tenants' insurers alleged that they each paid several hundred thousand dollars to cover their insureds' claims. The insurers then filed complaints against the company which originally installed the sprinkler (the "Installer"), asserting that the company breached its duty of care. The Installer commenced a third-party action against the property owner and two fire-system protection companies—including Traub Lieberman's client—who had separately conducted annual inspections of the sprinkler system over the years. The property owner and the two fire-system protection companies each asserted cross-claims against each other.

Traub Lieberman's fire-system protection company client ("Company A") sought summary judgment to dismiss the third-party action against it, as well as to dismiss the cross-claims by the property owner and other fire-system protection company ("Company B"). The Traub Lieberman team argued that its client Company A did not owe a duty of care to the Installer to inspect the sprinkler system or warn of defects as there was not a contract to do so. The only contract was between Company A and the property owner, which was limited in scope to annual inspections in 2016 and 2017. Company A further asserts that its service of the system was negated by the intervening acts and omissions of its co-defendants—in particular, the inspection conducted by Company B in late 2017 and the property owner's failure to undertake an inspection in 2018, as yearly inspections of fire sprinkler systems are required under the National Fire Protection Act.

The Court agreed with the Traub Lieberman team, dismissing all claims and cross claims asserted against its client.

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