

General Liability



Our attorneys handle a wide range of general liability matters, including claims involving construction defects, premises liability, vehicular accidents, property damage, fire loss, liquor liability/dram shop actions, civil actions arising out of the criminal conduct of third persons, defamation/libel and mass tort actions. We represent a variety of self-insured entities as well as insurance carriers in defending such actions.

To provide the most cost-efficient service to our clients, we evaluate cases at the earliest possible stage to identify those matters that can and should be settled. Resources can then be efficiently allocated to those cases which are trial-directed.

Our General Liability Practice Group's lawyers have enjoyed great success litigating and trying every type of personal injury and property damage case in the state and federal courts of Pennsylvania, New Jersey, New York, and Delaware, including a long string of defense verdicts in what are considered some of the country's most challenging venues. Thanks to our experience and efficiency, we are able to litigate matters to conclusion, whether through trial, motion practice or settlement with highly competitive and cost-effective fee structures.

We pride ourselves on the extensive trial skills of the leading attorneys in this practice group, all of whom have handled high-exposure cases in front of juries. Regardless of the complexity of the matter, our continuing goal is to ensure that our clients are fully informed of the status of all litigation so that the most effective strategic decisions can be made at every stage.

Experience

- Won summary judgment on behalf of a national surface company dismissing a high-exposure premises liability case in Suffolk County, NY. We established that the defendant owed no duty and therefore the matter was not actionable against the company.
- Secured summary judgment on behalf of a large east coast convenience store chain, on the issue of lack of notice of black ice in a parking lot. The plaintiff claimed she fell on black ice in a parking lot and sustained severe spinal injuries, requiring surgery. The Court agreed with the defendant that there was no evidence that it had notice of the black ice and granted summary judgment and dismissed the case.
- Successfully negotiated voluntary dismissal of a Plaintiff's lawsuit against a large commercial property owner client, early on in litigation, without the need for costly motion practice, saving the client on the potential exposure of the Plaintiff's case as well as on hefty litigation defense costs.
- Secured favorable *forum non conveniens* motion on behalf of a leading transportation company before the Lackawanna County court in a case involving a vehicle collision where we successfully petitioned to transfer the case to a much more favorable venue for the client.
- Won a defense verdict on behalf of a commercial client in a complex liability case before a Middlesex County jury where the sympathetic plaintiff sustained a severe and challenging injury while on our client's premises. The plaintiff alleged inadequate lighting and lack warnings of recent renovations that caused her to misstep on a platform stair that was previously a ramp. The defense, through multiple experts, proved that in fact, the lighting and warnings exceeded the building code requirements and that the accident was instead the result of the plaintiff's failure to make proper observations of her surroundings. After 2.5 weeks of trial, the jury found our client was not negligent resulting in an award of no cause of action in favor of our client. The plaintiff demanded 5 times the amount of the settlement offer on the table but instead was awarded zero dollars for past, present, and future pain and suffering.
- Secured summary judgment for a leading American restaurant chain in a slip and fall lawsuit before the Superior Court of New Jersey, Bergen County. The plaintiff allegedly slipped and fell in a walk-in freezer while in the course of her employment and sustained a significant leg fracture requiring surgical repair

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with the installation of hardware. We persuaded the Court that the high threshold for an “intentional wrong” under the Worker’s Compensation Act was not met and that the circumstances of this accident were part of industrial life and not beyond anything the Legislature could have contemplated that would have entitled the employee to recover beyond what is provided under the Worker’s Compensation Act, resulting in a significant win for the client.

- Obtained summary judgment for an American national department store retailer in a lawsuit involving a significant foot injury requiring surgical intervention when the plaintiff was shopping at a retail establishment and dropped a glass object that shattered on her foot, alleging that the glass object was unsafe and that it broke in her hand as she grabbed it off the shelf. We filed for Summary Judgment on the basis that the plaintiff could not make a prima facie case that her injuries were the result of any negligent act or omission by the defendant retail establishment. The Court agreed that there was no showing of negligence and granted our Summary Judgment motion.
- Won a defense verdict in a case involving an accident between a bus and a minivan in Kings County, NY. Despite claims that the plaintiff suffered multiple traumatic herniated discs in the cervical and lumbar spine, requiring a cervical corpectomy and fusion, the jury determined that the plaintiff did not sustain the requisite “serious injury” to bring suit, thereby warranting a full dismissal.
- Secured summary judgment for a shopping mall pursuant to New York’s storm in progress doctrine.
- Negotiated reimbursement of thousands of dollars in legal defense costs after securing full defense and indemnification pursuant to contract for a commercial client faced with a significant personal injury lawsuit, and completely eliminated any exposure and defense costs moving forward for the client.
- Obtained defense verdict in favor of our commercial client in a personal injury lawsuit involving an alleged trip and fall with a significant permanent injury alleged, where the jury found no negligence on the part of our client.
- Obtained dismissal for a commercial client in a significant personal injury lawsuit involving an alleged slip and fall due to a wet floor condition where the court found no negligence on part of our client.
- Negotiated reimbursement of thousands of dollars in legal defense costs after securing full defense and indemnification pursuant to contract for a commercial client faced with a significant personal injury lawsuit capping potential exposure at \$0 and putting money back in the client’s pocket.
- Won a directed verdict on behalf of a commercial property owner in a premises liability matter by establishing that the incident location and alleged defective condition were on the neighboring property not owned by our client.
- Defended a premises liability case after a five-day jury trial where the plaintiff alleged that she slipped and fell in unidentified liquid on a tile floor. The cause of the fall was initially identified as the plaintiff tripping on the carpeted area for an unknown reason as there were no defects in the area. The plaintiff sustained a closed head injury and a displaced, comminuted distal humerus fracture for which she underwent open reduction with internal fixation. The medical records confirmed that the plaintiff reported tripping on the carpet. Despite the witness accounts that the plaintiff tripped over her own feet, she continued to prosecute the case claiming she fell on liquid. After the trial, where the defense focused on the inconsistent stories of what caused the plaintiff to fall, the jury found that there was no water on the floor where the plaintiff alleged she fell, and that the client was not negligent in causing the plaintiff’s fall (6-0). The plaintiff’s initial settlement demand was \$500,000.
- Successfully defended a premises liability case through appeal and assisted during trial on a case where the plaintiff alleged that she slipped and fell in unidentified liquid on a tile floor. The cause of the fall was initially identified as the plaintiff tripping on the carpeted area for an unknown reason as there were no defects in the area. The plaintiff sustained a closed head injury and a displaced, comminuted distal humerus fracture for which she underwent open reduction with internal fixation. The medical

records confirmed that the plaintiff reported tripping on the carpet. Despite the witness accounts that the plaintiff tripped over her own feet, she continued to prosecute the case claiming she fell on liquid. Although motion practice was successful, the plaintiff was able to secure a favorable decision on appeal and the case proceeded to trial. At trial, the defense led by trial attorney [Kenneth Sharperson, Esq.](#), focused on the inconsistent stories of what caused the plaintiff to fall. The jury found that there was no water on the floor where the plaintiff alleged she fell and that the client was not negligent in causing the plaintiff's fall (6-0). The plaintiff's initial settlement demand was \$500,000.

- Obtained dismissal of a large home builder in a hybrid commercial liability/wrongful death lawsuit, using affidavits to highlight weaknesses in the plaintiffs' theory of liability and undermine their expert's opinions.
- Obtained summary judgment on behalf of a contractor client who was alleged to have destroyed a utility pole on his job site.
- Obtained dismissal on behalf of a municipal client in a premises liability matter where the plaintiff suffered a spinal compression fracture and concussion.
- Received the Grant of a Motion for Summary Judgment for a client in an exterior trip and fall claim. The reviewing Court adopted the lack of duty argument.
- Awarded summary judgment on behalf of supermarket chain accused of negligence in a trip and fall by establishing the store was not on notice of the alleged condition.
- Won summary judgment on behalf of an international retailer accused of negligence in a slip and fall in New York City.
- Successfully defended premises clients, such as casinos, stadiums, bars, shopping centers, restaurants, hotels and lodging establishments and other members of the hospitality industry in countless cases involving alleged personal injuries
- Obtained orders successfully precluding the presentation of punitive damages in numerous premises liability matters, including security cases and dram shop litigation
- Negotiated the voluntary withdrawal of numerous premises liability matters upon good faith consultation with opposing counsel and the presentation of defense evidence
- Investigated and obtained conviction against claimant bringing a fraudulent lawsuit against a premises client