

Weber Gallagher fields a diverse team of litigators. It includes skilled, aggressive veterans who have tried numerous cases to verdict and attorneys whose experience in investigations and attention to detail regularly lead to summary judgments and favorable settlements. These seasoned litigators oversee the work of younger team members, whose involvement helps us contain client costs. We are particularly mindful of costs as we design a strategy tailored to a client's business needs. Trying a case to verdict can be expensive and is not always the most desirable path. A client who is unable to gain dismissal from a suit might consider a settlement. In some instances, alternative dispute resolution is an option. We guide clients as they decide on the appropriate path. Our attorneys appear in state and federal courts, including at appellate levels, and in administrative proceedings. Clients engage us for a range of complex matters, and we have extensive experience with expert witnesses.

## Experience

- 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.
- 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 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.
- Secured a licensing victory for a highly respected New York construction company following an improper refusal to renew by the New York City Department of Buildings (DOB).
- Secured a motion to dismiss on a case involving uninsured motorist coverage for a collision involving a horse and buggy.
- 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 warranted a full dismissal.
- Secured summary judgement for a shopping mall pursuant to New York's storm in progress doctrine.
- Obtained a verdict where plaintiff was involved in an altercation inside a hotel and sustained significant injuries including 3 separate leg and ankle fractures which required surgical intervention in the form of an ORIF of his leg and ankle. Following the surgery, plaintiff developed a hole in his leg due to his underlying diabetes. The last demand made before starting opening statements was \$1.2 million. The

case was tried to verdict and the jury found in favor of the plaintiff. However, our client, the hotel, was only found liable for 35% of the damage. The total verdict and our clients liability was more than \$1 million less than the initial demand.

- Secured nonsuits at trials in Philadelphia, Montgomery, Chester, Franklin, and Columbia counties.
- Secured a Rule 12(b)(6) dismissal for an American multinational financial technology company operating an online payments system, successfully defending them against negligence, gross negligence, and bad faith claims by arguing the plaintiff's claims were barred by *res judicata* and collateral estoppel.
- Represented a Homeowner's Association Board and Property Management Company against allegations of bad faith and breach of fiduciary duty claims and secured resolution through settlement whereby creative solutions that did not include monetary consideration were employed.
- Represented a building materials manufacturer in multi-party construction litigation involving eight-figure damages to a structure. The plaintiff alleged the products manufactured by our client were defective in their design and, because of that, the plaintiff's building had suffered serious structural damages. Our position was that there was no defect in the design of our client's product, which allowed for various forms of use within the industry, and the building's structural integrity had been compromised due to the failures of other materials utilized in the construction process and/or improper use and maintenance by the plaintiff. Our client paid a proportionately nominal amount to obtain a dismissal of all claims against it.
- Secured dismissal in assault and negligent security action on behalf of the owner and management company of a luxury uptown Manhattan apartment building. After a motion to reargue, a subsequent motion to renew, and three appellate motions, the First Department affirmed the motion court's decisions granting our client summary judgment motion and denying plaintiff's motion to renew her opposition. The First Department agreed with us and found that we established *prima facie* showing that the entrance to the apartment building was not negligently maintained, resulting in a complete dismissal the complaint.
- Successfully obtained an early dismissal of a Consumer Fraud claim on the pleadings for failure to state a claim. In that case, the plaintiff homeowners lost power when a tree fell during a storm and took down the power lines. As part of the work necessary to restore power, certain trees on the homeowners' property were trimmed by the defendant company. The plaintiff homeowners took issue with the manner in which they had been trimmed and filed a lawsuit, alleging among other things, that the defendant company was liable for consumer fraud. The court granted the defendant's motion, finding that there was no consumer transaction and therefore dismissed the consumer fraud claim.
- Won summary judgment for a martial arts school on a case involving personal injury to a minor based on the plaintiff's failure to meet the burden of proof required for the heightened recklessness standard of care allowed in New Jersey for participants in amateur sporting events.
- Won summary judgment for a commercial client on a case involving personal injury due to a transient condition on the floor based on lack of notice.
- 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.
- 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
- Obtained Summary Judgment in personal injury matter involving an alleged trip and fall over a folded over weather mat in the vestibule of a diner. In that case, the defense was able to establish through video evidence that the plaintiff failed to make a *prima facie* showing that the plaintiff's fall down accident was caused by any negligent act or omission by the defendant diner. To the contrary, the court was persuaded that the video evidence demonstrated that her accident was caused by her own misstep and not by any defective characteristics of the weather mat. The court was also persuaded that even assuming the weather mat was defective in some way, that the defendant diner did not have any notice of same. Summary judgment was affirmed on appeal.