

FAVORABLE COURT OF APPEALS DECISION ENDS INJURY LIABILITY LAWSUIT FOR MANUFACTURING FACILITY OWNERS

In a favorable decision obtained by Hodgson Russ attorney Julia M. Hilliker for defendant-appellees Warner and Shirley Martin, New York State's highest court, the Court of Appeals, affirmed earlier summary judgment decisions issued by the Supreme Court and Fourth Department dismissing the plaintiff-appellant's claim that Mr. and Ms. Martin, as owners of the manufacturing facility leased to plaintiff's employer, were liable for the plaintiff-appellant's injuries. The plaintiff-appellant alleged that the Martins (among others) were liable for injuries he sustained when the ladder he was working on while cleaning a wall module manufactured by his employer broke, causing him to fall to the ground. The plaintiff's claim was based on the argument that his activity of cleaning a structure was protected by Labor Law § 240 (1), which states in part: *All contractors and owners and their agents, except owners of one- and two-family dwellings, who contract for but do not direct or control the work in the erection, demolition, repairing, altering, painting, cleaning, or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes, and other devices which shall be so constructed, placed, and operated as to give proper protection to a person so employed.* The court disagreed with the plaintiff's argument, holding that the plaintiff was not engaged in an activity protected by the statute. The court opined that Labor Law § 240 (1) is chiefly concerned with the safety of workers in the construction industry, not workers cleaning products in the course of a manufacturing process. Adopting the argument advanced by the Martins, the court found that to uphold the plaintiff's argument "would lead to an expansion of section 240 (1) liability that our cases do not support and that we are convinced the Legislature never intended." The decision is a significant victory for manufacturers and the owners of manufacturing facilities across New York State. For more information, please consult the court's official opinion.

Attorneys

Julia Hilliker

Practices & Industries

Business Litigation

Manufacturing