

SUCCESSFUL SUMMARY JUDGMENT DISMISSING ALLEGATIONS OF WORKPLACE LIABILITY

Hodgson Russ attorney Patrick J. Hines obtained summary judgment dismissing all claims against a construction management client, municipality, and school district. The plaintiff carpenter alleged he was walking on loose rebar laying across two concrete footers, creating a “bridge” between them, when the rebar rolled and he fell off. He brought Labor Law §§ 240(1) and 241(6) claims against the clients, alleging career-ending low back injuries. Hodgson Russ successfully established that the clients were not responsible for supervising the work of plaintiff or his employer, and that the Labor Law statutes and Industrial Code provisions on which plaintiff based his claims were inapplicable. Specifically, Labor Law § 240(1) was inapplicable because the accident did not result from the type of elevation-related risk contemplated by the statute. The Appellate Division, Fourth Department unanimously affirmed the decision on appeal.

Attorneys

Patrick Hines

Practices & Industries

Product Liability & Complex Tort