

ATTORNEY SCOTT HAWORTH OBTAINS PRE-DISCOVERY SUMMARY JUDGEMENT



**CLIENT IS SPARED SIGNIFICANT EXPENSE and
PROLONGED, MULTI-PARTY DISCOVERY**

Pedestrian v. Retail Store (New York State Supreme Court, New York County) – **Early Summary Judgment Granted.** On April 25, 2019, **Scott Haworth** obtained summary judgment dismissing plaintiff’s complaint in this fall down matter involving an accident in front of the client’s retail store on the Upper West Side of Manhattan, New York. Significantly, **Mr. Haworth filed the motion before any depositions had been taken and after only minimal paper discovery had been completed, in a successful effort to save his client from the expense of prolonged discovery in this multi-party matter.** In support of the motion, Mr. Haworth relied upon his client’s lease, which addressed responsibility for all aspects of the sidewalk adjacent to the store as well as other critical responsibilities. An Affidavit from his client’s representative established that the law regarding “special use” was inapplicable as the sidewalk was not used for that purpose. In granting the motion, Judge Freed of the New York County Supreme Court noted that, the defense owed no duty to the plaintiff, did not violate any of the codes or regulations asserted by the plaintiff, and as urged by the defense, had not made special use of the sidewalk or created the alleged dangerous condition. The Court flatly rejected the opposition of multiple parties arguing that the motion was premature due to a lack of discovery.