

# PREMISE LIABILITY

*Bernabe and Humberto v. Everett Property, LLC, et al.*

**Motion to Dismiss Granted**



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**Plaintiff Counsel: Keches Law Group (Jonathan D. Sweet and Patrick J. Nelligan)**

Boston Managing Partner Paul Michienzie, Esq., and Junior Partner Adam C. Brandon, Esq., successfully argued for dismissal of all claims against our client, Everett Property, LLC ("EPL") in the premises liability / personal injury matter styled *Bernabe and Humberto v. Everett Property, LLC, et al.* pending in Essex Superior Court, MA. Plaintiffs' Amended Complaint alleged that the plaintiffs were injured while moving heavy panes of glass into a warehouse leased by EPL. The thrust of our argument for dismissal was that as lessee of the warehouse, EPL did not owe a duty to the plaintiffs to prevent injury under the circumstances alleged because the instrumentality of the alleged harm was unrelated to any feature of the premises, i.e. property structure or grounds. Notably, the Court's 6 page order not only granted our motion to dismiss in its entirety, but denied the plaintiffs an opportunity to further amend their complaint to assert a basis for liability against Everett Property, LLC absent the discovery of factual support to do so. Plaintiffs' action continues against the remaining and separately represented general contractor and subcontractor at the warehouse site.

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