

NEW JERSEY SUMMARY JUDGMENT

NEW JERSEY APPELLATE DIVISION UPHOLDS VICTORY

Schenck Price

— SCHENCK PRICE SMITH & KING, LLP —

The New Jersey Appellate Division recently upheld Schenck Price attorneys Eric Inglis and Tom Gamarello's summary judgment victory in favor of their commercial landlord client and dismissed the plaintiff's personal injury lawsuit. This result eliminated the client's potential risk from trying a case with substantial exposure for the plaintiff's extensive injuries. In addition, Schenck Price achieved this result early in the case, sparing its client significant legal fees.

Unbeknownst to the landlord-client, the tenant invited a contractor onto the property to perform an impromptu site inspection on the roof of its building. After spending several minutes on the roof, the contractor stepped onto a plastic skylight and fell approximately 20 feet onto the concrete floor of the warehouse, fracturing several bones in his face and suffering an alleged traumatic brain injury. The ingredients of a potential "nuclear" verdict in a pro-plaintiff venue were in place.

On a motion for summary judgment, the trial court agreed with Inglis and Gamarello's argument that their client could not be held liable for the plaintiff's injuries because ownership alone of the building does not equate to liability for the plaintiff's fall. The trial court agreed that their client had no relationship with the plaintiff, had no notice of the plaintiff's spontaneous roof inspection, and had no opportunity to warn the plaintiff of the dangers of stepping on the skylight. Therefore, the trial court further agreed with Inglis and Gamarello's conclusion that their client owed no duty to the plaintiff and could not be found legally responsible for his injuries.

The Appellate Division affirmed the trial court's decision, which erased a potential seven-figure exposure for their client, not to mention the significant time and expense of trial.



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