

NEW YORK - WEST

DEFENSE VERDICT



Jim Nash of Nash Connors, P.C. recently obtained a defense verdict in a trial that took place in Buffalo, N.Y. Jim defended an apartment owner who was sued by its tenant. The tenant slipped and fell on snow and ice, and she claimed the lack of gutters on the roof caused the ice condition. As a result of the fall, plaintiff injured her lower back and ultimately underwent a fusion surgery. The plaintiff testified that a number of tenants – including herself – complained to the landlord about icicles that formed directly over the stairs where she fell. In turn, she argued that the icicles would melt, water would collect on the stairs and ice would then form after the temperature dropped below freezing. Jim argued that the thaw/refreeze theory was speculation, and he further questioned when the accident even happened in light of the fact that there were no witnesses. The jury deliberated for approximately twenty minutes before returning a verdict in the defendant's favor.



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