

NEW YORK CITY

AFFIRMANCE OF TRIAL COURT'S DISMISSAL



Scott Haworth, Tara C. Fappiano, and Griffin Sloan obtained an affirmance of the trial court's dismissal of plaintiff's product liability case based on plaintiff's ongoing failure to provide medical authorizations not limited as to time or body part. Plaintiff alleged that she sustained a wide range of injuries resulting from a fall when her office chair allegedly collapsed. Plaintiff disclosed nearly 30 medical providers. The medical authorizations were limited to records from the date of the alleged accident forward and were limited to the body parts as to which plaintiff claimed injuries. We successfully moved to compel authorizations with no limitations. When similarly limited authorizations were again provided, we moved to strike the complaint or for a self-executing preclusion Order if the authorizations were not provided. Plaintiff again provided limited authorizations and the trial court dismissed the case. Plaintiff appealed, claiming problems relating to the COVID-19 pandemic and that the Executive Order staying certain deadlines permitted plaintiff's ongoing failure to provide proper authorizations. The 4th Department rejected both arguments and affirmed the trial court's dismissal with prejudice.



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