

# NEW YORK CITY

## PLAINTIFF CONTRACTOR v. COMMERCIAL PROPERTY OWNER NEW YORK STATE SUPREME COURT, ORANGE COUNTY

**HAWORTH**  
BARBER & GERSTMAN, LLC

**R**ichard Barber obtained a voluntary dismissal of all claims and cross-claims against the firm's client, a commercial property owner. The plaintiff was a contractor working at a construction site when he fell from a scaffold. Although the plaintiff's initial complaint indicated that the accident occurred in a commercial building owned by HBG's client, HBG's investigation revealed that no such project was ongoing on the date of the accident. Upon providing this information to plaintiff's counsel, counsel conferred with his client and determined that the accident occurred at a different address. Thereafter, HBG served an Affidavit on behalf of its client establishing that the client had no relationship to the premises where plaintiff was injured. As such, the parties agreed to voluntarily discontinue the action against HBG's client prior to conducting significant written discovery or any depositions.



### **RICHARD BARBER**

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