

NEW YORK CITY

PLAINTIFF CONTRACTOR v. FIRE SAFETY SYSTEM INSPECTOR NEW YORK STATE SUPREME COURT, NEW YORK COUNTY

HAWORTH
BARBER & GERSTMAN, LLC

Richard Barber and David Kong obtained a voluntary dismissal of all claims and cross-claims asserted against the firm's client, a company that inspects the adequacy of fire safety systems in commercial buildings. The plaintiff, an employee of a subcontractor at an active construction site, claimed to have slipped and fallen on construction debris. Plaintiff sustained multiple injuries requiring invasive surgery and sued upwards of fifteen defendants. After initial written discovery was exchanged

and plaintiff was deposed, HBG aggressively pursued a voluntary dismissal of all claims and cross-claims against its client on the bases that its client did not create the debris upon which the plaintiff slipped, and the client was not present at the site on the date of the accident prior to its occurrence. Rather than oppose a motion which would seek sanctions against the plaintiff and co-defendants due to the frivolous nature of the claims against HBG's client, all parties agreed to voluntarily discontinue the claims against HBG's client.



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