

FLEMING + VODZAK'S NONSUIT AT TRIAL

Pennsylvania - Fowler Hirtzel McNulty & Spaulding, LLC

Alison Fleming and Matthew Vodzak obtained a compulsory nonsuit at trial in a construction accident case. The plaintiff sued FHMS's clients after he sustained an ankle injury from a trip and fall in a stairwell of a construction site. Plaintiff's demand to settle was \$900,000. Fleming and Vodzak defended the owner, construction manager, and a subcontractor under an Owner Controlled Insurance Program.

Fleming and Vodzak successfully defeated a meritless motion in which Plaintiff sought to disqualify FHMS from representing its clients. Fleming and Vodzak then obtained summary judgment before trial for the construction manager, and the Plaintiff voluntarily dismissed the owner. At trial, Fleming and Vodzak obtained a nonsuit based on Plaintiff's failure to sue the subcontractor within the statute of limitations.

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