

NEW YORK CITY SUMMARY JUDGMENT

HAWORTH
BARBER & GERSTMAN, LLC

Partner Barry Gerstman of Haworth Barber & Gerstman, LLC (HBG) recently obtained summary judgment in favor of his design engineering client in a wrongful death construction accident case. The decedent allegedly sustained injury which resulted in his death while working on a sidewalk shed and pipe scaffold designed by HBG's client. His estate filed suit against the owner, general contractor, the design engineer represented by HBG and several other contractors involved in the project. We filed a pre-deposition motion for summary judgment arguing that our design engineering client had no liability because its work was limited to designing and obtaining permits for a sidewalk shed and pipe scaffold, it had no employees on site at the time of the accident and, based on the General Notes of the design plans, it was not responsible for the safety or means and methods of any contractors using the scaffold. Despite opposition from plaintiff and several co-defendants, who argued the motion was premature and that questions of fact exist as to our client's liability, the Court agreed in full with Mr. Gerstman's arguments and granted summary judgment dismissing plaintiff's complaint and all cross-claims with prejudice.



Barry Gerstman

212.952.1103

barry.gerstman@hbandglaw.com

