

MGC Obtains Summary Judgment in Premises Liability Case

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Attorneys Todd Harris and Aaron VanNostrand of MGC obtained summary judgment on behalf of our client, a national tool and equipment retailer, in an action pending in the Supreme Court of the State of New York, Richmond County. The Plaintiff, a sanitation worker for a private waste removal company, contended that while in the process of attempting to access a dumpster on our client's property in order to empty it, their feet became entangled in a plastic packaging strap on the ground, causing him to fall. They claimed severe bodily injuries as a result, including a cervical fusion, arthroscopic shoulder surgery and various other bodily injuries. The Plaintiff sought in excess of \$1,000,000 in light of the injuries sustained, and there were no meaningful settlement discussions.

At the close of discovery, MGC moved for summary judgment, arguing—among other things—that the condition that caused the accident constituted a hazard inherent in the nature of the Plaintiff's work, for which the Plaintiff could not recover. In opposition, the Plaintiff argued that their duties were limited to emptying the garbage dumpster at our client's property—not cleaning the surrounding area—and, accordingly, there was at least a question of fact as to whether the condition was a hazard inherent in the nature of the Plaintiff's work. Following oral argument, the Court issued a detailed seven-page decision adopting MGC's argument and granting summary judgment in favor of MGC's client, resulting in the dismissal of the Plaintiff's case in its entirety.

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