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Yankwitt LLP Obtains Summary Judgement of Defendant in Snow and Ice Fall Case

Yankwitt LLP successfully moved for summary judgment on behalf of its client, 373 Park, LLC, in connection with a personal injury lawsuit filed by its former employee, who claimed to have fallen on snow and ice on a ramp that ran from the dining room of 373 Park's New York City restaurant to the sidewalk outside. Plaintiff sued the property owner of the building, and the property owner asserted third-party claims against 373 Park. Yankwitt LLP moved for summary judgment dismissing both Plaintiff's complaint against the property owner and the property owner's third-party complaint against 373 Park. In a decision issued on January 9, 2019, Justice Paul Alpert of the Bronx County Supreme Court granted both motions, flatly rejecting Plaintiff's and the property owner's arguments in opposition. The Court first held that Plaintiff's complaint failed to state a claim because the property owner was out-of-possession of the ramp and so could not be held liable to Plaintiff. The Court then dismissed all of the property owner's indemnification and contribution claims against 373 Park with the exception of a de minimus claim for certain out-of-pocket expenses. The case is *Dembele v. 373-381 PAS Associates, LLC v. 373 Park, LLC*, Index Nos. 26964/2015E and 43065/16E.