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## **Yankwitt LLP Wins Motion to Dismiss Punitive Damages Claim in Westchester Supreme Tort Action**

Yankwitt LLP, acting as independent counsel to the defendant in a negligence action arising from an automobile accident, prevailed on a motion to dismiss the plaintiffs' punitive damages claim. The defendant, who was insured and represented by insurance counsel, retained Yankwitt LLP to serve as shadow/advisory counsel, a role we often play for our clients, in which we support and advise insurance counsel on optimal litigation strategy.

Upon a review of the plaintiffs' complaint, Yankwitt LLP determined that the plaintiffs had failed to adequately allege punitive damages under New York's strict standard for such claims, which are reserved for the most exceptional and egregious circumstances. Here, the plaintiffs alleged only that the defendant suffered from limited eyesight, a claim defense counsel refuted with documentary evidence. In granting the motion to dismiss, the court agreed with Yankwitt LLP that the evidence was insufficient and fatal to the plaintiffs' punitive damages claim.

The successful dismissal of a punitive damages claim can be highly significant to the resolution of the litigation. Not only does it bring peace of mind to the defendant-client that he no longer faces a potentially outsized damages award, but it also eliminates the threat of that award as leverage in future settlement discussions and narrows the scope of discovery going forward, all of which will result in material cost savings for the client.