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Yankwitt LLP Wins Summary Judgment for the Golden Nugget Atlantic City

On November 18, 2014, Yankwitt LLP secured a significant victory for its client, Golden Nugget Atlantic City, LLC ("GNAC"), in a lawsuit seeking significant damages based on a plaintiff's alleged fall at the GNAC.

Plaintiff David C. Burns alleged he fell in the marina outside the GNAC on September 7, 2011. He claimed that, as a result, he suffered permanent injury to his lower back. In addition, plaintiff Susan Burns asserted a derivative loss of consortium claim based on her husband's injuries.

In the course of discovery, we determined that GNAC did not own, maintain or operate the area in which Mr. Burns alleged he fell. Without any ownership, control or responsibility as to that area, GNAC could owe no duty of care to Mr. Burns. Therefore, there could be no negligence claim against GNAC.

The Court agreed with Yankwitt LLP's arguments, and dismissed the Amended Complaint as to GNAC in its entirety. The Court held because GNAC did not control the area where Mr. Burns allegedly fell, GNAC owed him no duty of care. Accordingly, the Court granted summary judgment on all claims against GNAC, signaling a victory for Yankwitt LLP and the Golden Nugget Atlantic City.