

Motion to Dismiss – No Duty

SERVICES

Business Litigation

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Jonathan P. Killeen

Attorney Jonathan Killeen prevailed on a motion to dismiss a lawsuit filed by a New Hampshire law firm seeking alleged lost profits arising out of physical injuries sustained by one of the firm's key business partners. In doing so, the Rockingham County Superior Court (New Hampshire) determined that a claim for negligent interference with a business's contractual relationship with a key business partner is not a recognized cause of action. Put differently, ordinarily a plaintiff may not recover for economic loss resulting from negligent infliction of bodily harm to a third person. As a result, the defendant did not owe a duty of care to protect the plaintiff's business profits.