

New York – Summary Judgment – Construction Defect

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Walter J. Klimczak, III

July 26, 2024

Walter Klimczak obtained summary judgment on behalf of a construction contractor for third party claims asserted against it. The third party plaintiff claimed that the third party defendant owed it common law and contractual indemnification for injuries suffered by the plaintiff after a fall on the sidewalk where construction had been performed. Attorney Klimczak successfully argued that the client owed no duty of care because the defect the plaintiff claimed to have fallen over pre-dated the work performed by the third party defendant and because the third party defendant was never instructed to perform restoration work over the pre-existing defect.