

Summary Judgment – Construction / Blasting

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Laura D. Devine

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Attorney Laura Devine prevailed on a motion for summary judgment on behalf of a blasting contractor on the basis of the Plaintiffs failing to file their lawsuit before the end of the statute of limitations. The Plaintiffs alleged significant property damage to their home as the result of blasting at a nearby residential construction site and claimed damages in excess of \$160K.

The Plaintiffs attempted to argue that the lawsuit was timely filed under the continuing tort theory. The Norfolk Superior Court (Massachusetts) found that even in the light most favorable to the Plaintiffs the alleged damages related to drilling which took place outside of the statute of limitations and dismissed the action against the defense.