

Trip and Fall

SERVICES

Premises Liability

RELATED ATTORNEYS

Scott M. Carroll

September 18, 2018

Shareholders Scott Carroll and John Tilley recently obtained summary judgment in Plymouth Superior Court from a claim involving significant damages caused by an alleged trip and fall at a Boston business park. The landlord of the premises sought for our client, a tenant of the business park, to defend and indemnify it from the plaintiff's claims pursuant to an indemnity provision in a lease agreement.

During the pendency of the case, Attorneys Carroll and Tilley identified and raised the affirmative defense that the indemnity provision was void pursuant to a state statute that prohibits a tenant from indemnifying a landlord for the landlord's own negligence. Thereafter, on summary judgment, Attorneys Carroll and Tilley successfully argued that the indemnity provision within the lease was void pursuant to this statute and obtained a separate and final judgment in favor of their client.