

**PRE-ANSWER DISMISSAL:**  
**Construction Workers v. Commercial Property Owners**  
**(New York State Supreme Court, Nassau County)**



Richard Barber

Richard Barber obtained a pre-answer dismissal in a lawsuit arising out of an accident at a construction site that resulted in catastrophic injuries. Our client owned the subject premises, located in northern New Jersey. The accident occurred when allegedly unsecured structural steel beams collapsed, injuring several construction workers. Two of the workers who were residents of New York filed lawsuits in New York State despite the fact that the accident occurred in New Jersey and our client had no presence in New York. Upon being retained, we immediately removed the case to the United States District Court, Eastern District of New York and filed a pre-answer motion to dismiss. We argued, in part, that no Court in New York had jurisdiction over our client because they had no presence in New York, conducted no business in New York and the accident occurred in New Jersey. The case was remanded back to the New York State Supreme Court and we then re-filed our motion to dismiss. Over plaintiff's opposition, the Court agreed that New York State lacked jurisdiction over the matter and that the proper forum would be New Jersey. Given that the limitations period within which to file suit in New Jersey had expired, the case was brought to an effective conclusion before it really ever got started.