Christopher J. Power

Of Counsel

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Chris is a member of the Casualty Department where he handles cases involving New York State Labor Law, construction accidents, premises liability, products liability, auto liability and general liability.

Prior to joining the firm, Chris worked for a medium size defense firm, handling auto claims throughout the New York Metropolitan area, successfully arguing summary judgment motions and obtaining a defendant's verdict in the Bronx.

Chris spent more than a decade working for a national insurance carrier after college and during law school in various positions including claims adjuster, claims supervisor as well as nationwide claims oversight with experience participating in both claim and law firm audits. After law school, Chris spent seven years as a trial attorney with the insurance carrier and later became their Litigation Director for 13 years. His first hand knowledge of the insurance industry and familiarity with their policies allows him to effectively and efficiently counsel clients on their litigation issues.

Chris graduated *cum laude* from The State University of New York at Utica Rome in 1978 with a Bachelor of Science degree in Criminal Justice. He received his *juris doct*or from Touro School of Law in Huntington, New York in 1996.

Practices

- Construction Injury Litigation
- New York Construction & Labor Law
- General Liability
- Automobile Liability
- Appellate Advocacy & Post-Trial Practice
- Product Liability

Education

- Touro University Jacob D. Fuchsberg Law Center (J.D., 1996)
- State University of New York Polytechnic Institute (B.S., *cum laude*, 1978)

Admissions

- New York, 1996

Associations & Memberships

- Suffolk County Bar Association

Significant Representative Matters

- Successfully defended a tow truck company in an "open and obvious" case in Nassau County, NY. The company had been called to tow a broken-down minibus from the plaintiff's workplace. While removing the bus, the plaintiff walked between the tow truck and the bus, tripped over the tow rope, and broke his hip. Chris relied on precedent from a similar Nassau County case where a judge ruled that a tow rope was an open and obvious condition, with no duty to warn. Although the trial judge denied his motion for a directed verdict, she allowed him to argue to the jury that the defendant had no duty to warn. Plaintiff's counsel did not object. In summation, Chris emphasized that the condition was open and obvious and urged dismissal. The jury deliberated for just 15 minutes before returning a verdict for the defendant.

Results

Defense Verdict Obtained in a Theft Case in New York Civil Court

We obtained a defendants' verdict in New York Civil Court where we represented an appliance company and their employee, who was accused of stealing a Rolex watch. The client's employee installed a light fixture in the plaintiff's residence. After the installer left the residence, the 85-year-old plaintiff could not locate his $31,000 Rolex watch. He filed a claim with his homeowner's carrier and received $500 because the watch was not scheduled. He also filed a police report. He then retained counsel and commenced suit against the defendants for conversion, breach of contract and negligent hiring. During dispositions of both the plaintiff and his wife, we elicited testimony that neither had any proof that the defendants stole his Rolex watch. He further elicited that no criminal charges were ever brought against the employee. We filed for summary judgment, denying the allegations, and included affidavits from the employee and the owner of the appliance company in which it was indicated that there were no prior complaints regarding the company and/or the installer. The motion was denied. At the trial conducted in June 2025, Chris again elicited testimony from the plaintiff that he had no proof that the installer stole his Rolex watch, nor did the plaintiff provide any proof that the installer's employer engaged in negligent hiring, as there were no prior complaints regarding this employee. At the close of the plaintiff's case, we again moved for a directed verdict, arguing that the plaintiff had not established his claim for damages or proven the allegations in the complaint. The motion was denied. Rather than hearing oral summations, the court directed the parties to submit written summations. In our written summation, we outlined dismissal of the case, arguing that any finding against the defendants for theft would be tantamount to accusing them of stealing when neither the police nor the district attorney found any probable cause to criminally charge them. The court dismissed the case in its entirety.

Defense Verdict Obtained in a Slip and Fall Case

We obtained a defense verdict in a slip and fall case in Suffolk County Supreme Court. The plaintiff was a physician's assistant who alleged he slipped and fell on a wet area inside his medical facility. He testified at his deposition that he saw mop swirls in the wet spot. He brought suit against the facility's cleaning company over one year later. Unrelated to this incident, the plaintiff had a pancreatic cancer relapse after his 2019 slip and fall and was out on workers' compensation for over one year. At trial, plaintiff's counsel produced a note from the plaintiff's wife stating that he would not be testifying due to his medical condition; therefore, his deposition testimony would be read to the jury, which the court allowed. We argued that plaintiff's counsel had the opportunity to secure statements from numerous witnesses and former employees whom counsel never subpoenaed for non-party depositions or trial. The cleaning company's owner, our client, testified that the plaintiff's employer had access to his janitorial equipment, including mops, which were always at their disposal. We argued that it would be speculation that a wet spot on a floor would have been caused by our client. The jury deliberated for 55 minutes and rendered a defendant's verdict.

Summary Judgment Secured in a Case Involving a High-Speed Chase with a Rental Car

We successfully obtained a motion for summary judgment, dismissing our client from a negligence case. We represented a car service which was acting as a rental agent for Avis Rent-A-Car. Our client had repeatedly rented vehicles to the defendant/third-party defendant (renter) in the case. At the time of each rental, the renter would produce a valid driver's license that was run through a system to confirm its validity. Several days after renting a vehicle to the renter, the renter was involved in a high-speed chase with the Nassau County Police Department. While being pursued by the police, the renter t-boned the plaintiff's vehicle at an intersection. The plaintiff underwent three surgical procedures involving bleeds to her liver and one procedure to her lung, as well as sustaining a traumatic brain injury, collapsed lung and fractured ribs. After the completion of depositions, we moved for summary judgment to dismiss our client from the litigation as our client was not the owner of the vehicle, nor was there any proof submitted that there was anything mechanically wrong with the vehicle rented to the third-party defendant. We further argued the plaintiffs failed to prove our client's actions in renting the vehicle could be deemed as a matter of law to be the proximate cause of the plaintiff's injuries.

Defense Verdict Obtained in New York Trucking and Transportation Case

We obtained a defense verdict for a tow truck company in an "open and obvious" case in Nassau County, NY. We represented a tow truck company that was called to a plaintiff's workplace to tow a broken-down minibus for scrapping. Our client attached a tow rope to the bus and began operating the winch but was asked to stop so the mirrors could be removed. The plaintiff removed the passenger-side mirror and, instead of walking around the bus, walked between the tow truck and the bus, tripping over the tow rope and breaking his hip. We prepared a motion for a directed verdict based on precedent from a

previous Nassau County case, involving a plaintiff who tripped over a tow rope, where the judge ruled the condition was open and obvious, with no duty to warn. However, the trial judge in this case denied the motion. We then requested a curative charge instructing the jury that the defendant had no duty to warn of an open and obvious condition. While the trial judge declined to charge the jury, she permitted us to make the argument ourselves during summation. During summation, we argued the condition was open and obvious and there was no duty to warn and asked the jury to dismiss the case. The jury deliberated for just 15 minutes before returning a verdict for the defendant.

Defense Verdict for Trucking Company

We successfully defended a tow truck company in an "open and obvious" case in Nassau County, NY. The company had been called to tow a broken-down minibus from the plaintiff's workplace. While removing the bus, the plaintiff walked between the tow truck and the bus, tripped over the tow rope, and broke his hip.

The defense relied on precedent from a similar Nassau County case where a judge ruled that a tow rope was an open and obvious condition, with no duty to warn. Although the trial judge denied his motion for a directed verdict, she allowed him to argue to the jury that the defendant had no duty to warn. Plaintiff's counsel did not object. In summation, we emphasized that the condition was open and obvious and urged dismissal. The jury deliberated for just 15 minutes before returning a verdict for the defendant.

Defense Verdict Secured in Highly-Contentious Slip and Fall Case

We obtained a defense verdict in a slip and fall case which allegedly occurred in a New York supermarket. The plaintiff, a supermarket employee, claimed that he slipped and fell on water from a floor washing machine being used to clean the floors. During investigation of the claim, we discovered that the plaintiff slipped and fell on water from frozen food that he was unpacking. At trial, we successfully argued to preclude the plaintiff's expert from testifying that the floor washing machine was leaking water in that this expert never inspected the floor washing machine. As the plaintiff never produced witnesses of the accident or photographs of the accident location, the jury rendered a defense verdict in 26 minutes.

Airport Fall Not Fault of Terminal's Cleaning Service

We were successful in having a case dismissed on summary judgment in Brooklyn, New York. The plaintiff was a ticket agent for an international airline at LaGuardia airport. Our client was the cleaning service for the airport terminal. The plaintiff claimed she tripped and fell over a "worn/torn defective" floor mat behind the ticket counter. Depositions of the defendant indicated that they did not own, control, maintain or supervise the mats behind the airlines' ticket counter. Summary judgment was filed in 2020. After two lengthy oral arguments in February 2022, the court granted the defendant's motion for summary judgment, dismissing the action.

Defense Smokes Pipefitter's Claims

The plaintiff, a pipefitter employed on a construction site, claimed he tripped and fell over a 2’ x 4’ metal stud, causing him to sustain a shoulder injury and subsequent surgery. The plaintiff sued the owner and general contractor under the New York State Labor Law. At his deposition in 2018, the plaintiff produced a photograph showing a loose metal stud lying on the floor of the construction site. When questioned as to who took the photograph, he stated his friend a co-worker, took the photo but that he was not there when it was taken. Four days later, the defense visited the friend and showed him the photograph produced. The friend denied ever taking the photograph and showed the defense the one photograph that he did take of the plaintiff merely sitting on a bench after the incident.

During trial, the plaintiff again produced the photograph (which was entered into evidence) and testified that it was taken by his friend and co-worker, Brian. The plaintiff also testified that he was not wearing sunglasses at the time of his fall, despite an email from a co-worker to his employer who witnessed the incident stating that he was. The email also stated that the plaintiff tripped and fell while trying to squeeze between two vertical metal studs while wearing a work backpack and carrying two energy drinks.

When the plaintiff rested his case, we called the eyewitness to the stand, who testified that the plaintiff tripped and fell trying to fit through two vertical studs while wearing a backpack and sunglasses. He further testified that the plaintiff tripped over a fixed plate on the floor, not a loose stud. The defense then called the plaintiff's friend and co-worker to the stand, who testified that he did not take the photograph produced by the plaintiff, nor did he give the photograph to the plaintiff. The jury rendered a defense verdict.

New York Labor Law Case Dismissed on Summary Judgment

Our client owned a parcel of land upon which a building was being erected. The plaintiff, an employee of a subcontractor, was at the premises cleaning up the worksite on a Saturday morning. He was standing on top of a company-owned work van in the parking lot, securing ladders to the roof of the van, when he slipped and fell off the van to the ground, sustaining serious leg and knee injuries. He underwent two knee surgeries and was also told he needed back surgery. The plaintiff sued our client, as the owner of the property, and the general contractor under Labor Law sections 200, 240 and 241(6). Labor Law section 240, also known as the “scaffold law,” imposes absolute liability to the landowner for height-related injuries that occur at construction sites when someone falls off a building or building under construction. Section 241(6) involves violations of the Industrial Code. At the close of depositions, we filed a summary judgment motion to dismiss all allegations of the Labor Law in that our client was not directing or controlling the plaintiff when he was injured. We further argued that the plaintiff fell off a motor vehicle, not from a building or anything construction-related, as the vehicle was in the parking lot adjacent to the construction and, therefore, the scaffold law did not apply. The court granted our motion in its entirety.