

Keith M. Andresen

Co-Chair, New York Construction & Labor Law

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Keith is a shareholder in the Casualty Department and Co-Chair of the New York Construction & Labor Law practice. As an insurance defense litigator, he devotes his practice to premises liability, automobile liability and New York State Labor Law matters. He also has experience defending property damage and construction defect claims.

Keith also has experience assisting small businesses with proactive claim solutions.

He graduated from Long Island University in 2003 with honors and earned his juris doctor from CUNY Law School in 2006 where he was a member of law review.

Outside of the office he enjoys spending his time with his wife and two children, watching the Mets and running.

Education

- City University of New York School of Law (J.D., 2006)
- Long Island University (B.A., *cum laude*, 2002)

Admissions

- New York, 2007
- U.S. District Court Eastern District of New York
- U.S. District Court Southern District of New York

Honors & Awards

- New York Metro Super Lawyer Rising Star, 2015-2017

Associations & Memberships

- New York State Bar Association

Practices

- New York Construction & Labor Law
- Automobile Liability
- Premises & Retail Liability
- General Liability
- Fraud/Special Investigation

Representative Cases & Matters

- Secured a favorable decision from the Appellate Division, Second Department, in a premises liability action involving claims that two alleged trip-and-fall incidents exacerbated the plaintiff's preexisting injuries. During discovery, the defense uncovered three undisclosed motor vehicle accidents that were potentially relevant to the plaintiff's claimed injuries. After the trial court denied defendants' motion to compel related records, Keith and Allison successfully appealed. The Appellate Division reversed and directed the plaintiff to provide authorizations for records relating to the undisclosed accidents for in camera review. The decision reinforces a defendant's right to obtain discovery concerning prior and subsequent accidents when a plaintiff places the nature, extent, aggravation, or exacerbation of injuries at issue.
- Successfully opposed the plaintiff's motion to restore the action, resulting in the dismissal of all claims against our insured. This motor vehicle accident on July 1, 2017. The plaintiff never properly effectuated service within the timeframe of CPLR 306-b, and the defendant moved to dismiss. The plaintiff then filed an order to show cause to vacate the dismissal. The defendant opposed this, and we substituted in for the defendant Vivek Soni. The court denied plaintiff's order to show cause as the plaintiff did not show any reasonable excuse for failing to interpose opposition timely to the underlying motion. The prior order was not vacated, and the case was dismissed against our insured.
- Successfully obtained dismissal of a premises liability action arising from an alleged sidewalk trip-and-fall after establishing that the plaintiff's claims were barred by the statute of limitations. In this premises liability case, the plaintiff tripped and fell on the insured's sidewalk on July 18, 2021. However, the plaintiff missed the statute of limitations, and we filed a pre-answer motion to dismiss under CPLR 3211. After oral argument, our motion was granted, and the case was dismissed.
- Successfully won a dismissal of a New York Labor Law case before the Supreme Court, New York County. Plaintiff's counsel withdrew from this case after potential fraud issues were raised by the defense. The plaintiff proceeded pro se and then did not appear at further court conferences. The judge later dismissed the case entirely.

Classes / Seminars Taught

- *New York State Labor Law Primer*, Marshall Dennehey Client Presentation, July 29, 2025

Results

New York Labor Law Case Dismissed

We obtained summary judgment in New York County in a case where the plaintiff, a construction laborer, was struck by a rolling dumpster and sustained severe crush injuries to his left foot and leg. The plaintiff, the dumpster company and the subcontractors alleged our general contractor client was responsible for overall site safety. After obtaining billing and work records for the project, the client confirmed that it did not have any involvement in the project, and we moved for summary judgment. After oral argument, the court granted our motion in its entirety and dismissed the case and all

cross-claims.

Thought Leadership

July 20, 2026

Labor Law § 241(6) Claim Fails as Court Finds Excavator-Safety Provision Not Sufficiently Specific

April 1, 2026

Court of Appeals Narrows “Arising Out of Performance of Work” Standard

January 1, 2026

New York’s AVOID Act Imposes Strict Deadlines on Third-Party Actions Starting April 2026

October 1, 2025

First Department Rejects De Minimis Defense, Grants Summary Judgment for Worker’s Fall Under Labor Law 240(1)

July 1, 2025

Court Affirms Labor Law § 240(1) Liability Despite Lack of Witnesses and Plaintiff’s Potential Comparative Negligence

June 1, 2025

All Bark and All Bite

April 1, 2025

First Department Clarifies ‘Readily Available’ Safety Devices Under Labor Law § 240(1)

March 1, 2025

Did the Cat Move the Ladder?

January 1, 2025

New York Appellate Division Finds that Defendant Raised Triable Issues of Fact to Defeat Summary Judgment Motion and Reversed Lower Court’s Ruling