

Steven M. Christman

Office Managing Attorney

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Steve concentrates his practice primarily in the defense of insureds and self-insureds involving casualty liability matters. His insurance coverage litigation experience includes the defense of reinsurers and excess insurers. Steve also focuses on a wide range of matters including construction litigation, professional liability, premises, product liability, toxic tort, automobile claims, and trucking and transportation litigation. He also serves as the Casualty Supervisor and Managing Attorney of the New York office, as well as a member of the firm's Board of Directors. In this capacity, he oversees the day-to-day operations for the entire office and team of attorneys ensuring that client matters are handled promptly, professionally and effectively.

Steve concentrates part of his practice in the area of retail liability. He has defended hundreds of matters involving premises liability, retail theft, product liability and wrongful termination suits. Steve has represented numerous national retail chains including supermarkets, clothing stores, pet store chains, as well as distributors and manufacturers.

Steve is admitted to practice law in New York State Court, as well as the United States District Courts for the Southern and Eastern Districts. Steve has also litigated negligent roadway design cases in the New York Court of Claims.

In 1994 Steve earned his B.A. degree in history from Providence College. He then attended the University of Dayton School of Law earning his *juris doctor* in 1997. During law school Steve was first introduced to the insurance defense industry working as a summer associate for the Law Office of Rumberger, Kirk and Caldwell in Tampa, Florida.

Education

- University of Dayton School of Law (J.D., 1997)
- Providence College (B.A., *with honors*, 1994)

Practices

- Construction Injury Litigation
- Trucking & Transportation Liability
- Premises & Retail Liability
- Insurance Services – Coverage & Bad Faith Litigation
- Miscellaneous Professional Liability
- Automobile Liability
- Product Liability
- Environmental & Toxic Tort Litigation
- Fraud/Special Investigation

Admissions

- New York, 1999
- U.S. District Court Eastern District of New York, 1999
- U.S. District Court Southern District of New York, 1999

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®

Associations & Memberships

- New York County Bar Association
- New York State Bar Association

Representative Cases & Matters

- Represented a carting company in which one of its garbage trucks backed into a main roadway striking the plaintiff's vehicle. This impact caused the plaintiff's vehicle to careen off the roadway and strike a concrete wall. The plaintiff clearly had the right of way and suffered catastrophic injuries requiring her to be airlifted from the scene. I was asked to investigate this case within days of the accident and assembled a team (investigator, accident reconstruction expert, etc...) The plaintiff's expert then completed his investigation but never inspected the seatbelt mechanism. Plaintiff's counsel then agreed to allow his client's vehicle to be destroyed. Our expert confirmed the seatbelt mechanism was not comprised allowing him to opine the plaintiff was not wearing it at the time of impact. As a result, a case with a value in excess of \$7 million, we were able to get resolved for more than an 80% reduction in value.
- Plaintiff claimed a traumatic brain injury (TBI), as well as a leg injury after a ceiling collapse in our client's building. Our client had received numerous pre-accident violations from the Department of Buildings for leaks in the plaintiff's apartment that were never addressed. Plaintiff's counsel was pressing the fact that our client had received these violations and did nothing to rectify the issue and as a result that they could win summary judgment on liability. However, we met with our client early on and found out that he had a video camera outside the plaintiff's apartment. We then secured these post-accident videos before they looped over. The videos established the plaintiff was going about his everyday life without issue, including no issues walking following this accident. We then resolved this extremely poor liability case with significant exposure for nuisance value.
- Represented a landlord in a mold exposure case and pro-actively served a motion by order to show cause to preclude the only arguable evidence that there was mold in our client's home at the time the plaintiff was a tenant. The basis for this motion was plaintiff's sloppy handling of an air vent with no chain of custody and that allegedly contained mold when ultimately tested 5 months later. We used the leverage of this emergency motion which would extremely limit the plaintiff's ability to prove their case to resolve this matter for a mere fraction of the case value should this evidence been accepted by the court.
- In a hotly contested insurance coverage litigation action arising from an underlying labor law case, Steve was able to obtain summary judgment in favor of the defendant insurance carrier, convincing the court that based upon the carrier's extremely specific additional insured endorsement, the carrier not only did not have a duty to indemnify

the insured seeking coverage, but also most importantly did not have any duty to defend this insured.

- Participated in trial involving Labor Law 240(1) and 241(6) in Supreme Court, Bronx County case settled favorably following cross examination of plaintiff.
- In a wrongful death action arising from alleged medical malpractice venued in Supreme Court, Bronx County, Steve's defense and investigation resulted in locating pertinent medical records regarding the decedent's treatment, which turned a case with significant exposure into forcing plaintiff to accept a nominal settlement.

Publications

- "Prejudgment Interest Accruing From Date of Accident: What Will This Mean for Residents, Courts?" *New York Law Journal*, April 13, 2023
- "Federal Court Notice Standard in Premises Cases," *The New York Law Journal*, March 2, 2015
- "Guidelines on Dealing With Suspected Shoplifters," *New York Law Journal*, May 19, 2014

Classes/ Seminars Taught

- *Successful Strategies for Effective Mediation*, Marshall Dennehey Client Seminar, July 20, 2022
- *Civil Litigation State of Affairs – The Impact of COVID-19 in New York and Connecticut* & What's Next, Marshall Dennehey Client Webinar, May, 2021
- *Jurisdictional Trends & The COVID-19 Impact on FL NY NJ & PA*, Marshall Dennehey Virtual Client Presentation, December, 2020

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.

Defense Melts Plaintiff's Snow and Ice Claim.

We obtained summary judgment in the Supreme Court of Rockland County, New York. The plaintiff slipped and fell while walking to her mailbox during a severe winter storm in January 2016. The plaintiff initiated a lawsuit against her homeowners association and its snow removal contractor. We moved for summary judgment on behalf of the defendants, asserting that the plaintiff's claim was barred by the storm-in-progress doctrine. In opposition to our motion, the plaintiff alleged the defendants failed to adequately salt the premises, that the defendants were aware of the icy conditions, and that the storm had

ended prior to the plaintiff's accident. In granting the defendants' motion for summary judgment, the court found the defendants established that there was a storm in progress at the time of the plaintiff's accident and that their efforts to prevent ice accumulation and remove snow did not create a hazardous condition. According to the court, the plaintiff's testimony was self-serving, contradictory and a feigned attempt to create a material issue of fact as to when the storm came to an end.

Thought Leadership

April 13, 2023

Prejudgment Interest Accruing from Date of Accident: What Will This Mean for Residents, Courts?