Edelman, Krasin & Jaye Wins Decision in Premises Liability Case


LONG ISLAND, N.Y. (PRWEB) November 21, 2018 -- After five years of denials and litigation, trial attorney Allen J. Rosner of Edelman, Krasin and Jaye PLCC, secured a favorable verdict for a 55-year-old client before a Nassau County jury. The case (Index No. 607217/15) is Lyonnell Saintume vs. Elizabeth Lamattina, filed in the Supreme Court of the State of New York, Nassau County. The jurors found for the plaintiff after deliberating just 30 minutes, finding the defendant – Elizabeth Lamattina– 100% liable for an accident in her home’s unfinished attic that injured the plaintiff when he fell partially through the ceiling on a rotted beam. Negotiations for damage awards are currently ongoing.

Trial counsel Allen Rosner filed the suit on behalf of Lyonnell Saintume, a 55-year old Haitian-born man who was working as an exterminator on the defendant’s property on August 7, 2013. The plaintiff, who has two decades on professional experience as an exterminator, was instructed to inspect the defendant’s attic for bees when he fell through the ceiling while stepping on a damaged beam. The plaintiff claimed that a five-foot section of the beam appeared rotted and discolored, though there were no photos of this defect.

The defense argued that beside the plaintiff’s testimony, there was no proof that the attic beams were rotted or other evidence that would corroborate his claims. Defense counsel also contended there was no proof that a reasonable homeowner would have been aware of an unsafe condition. However, upon cross-examination, the defendant homeowner conceded that she did not know if a beam broke, nor did she know if there was rotted wood because she never went into the attic following the accident. Another non-party witness admitted during cross-examination that he could have repaired the ceiling without replacing a broken beam and was not sure if there was rotting wood in the attic.

In order to demonstrate liability in the case, Rosner was tasked with proving the damaged attic beams were obvious enough that the defendant should have discovered it, but not so obvious that the plaintiff could have been aware of the hazard. Trial counsel successfully argued that Mr. Saintume acted reasonably while performing his work duties and upon the belief that the homeowner kept her property safe.

After reviewing the testimony and evidence presented by both sides, the Nassau County jury concluded that the plaintiff was in no way responsible for the fall and found the defendant wholly at fault for the accident.

“We are incredibly grateful after so many years of legal delays that jurors found our client did nothing wrong. Our firm is proud to have helped Mr. Saintume achieve justice,” said Lawrence Krasin, Senior Partner of Edelman, Krasin and Jaye.

About Edelman, Krasin & Jaye

Edelman, Krasin and Jaye PLCC is an award-winning full-service personal injury law firm with offices in Long Island, Brooklyn and the Bronx. Founded in 1952, the firm provides exceptional legal representation to New York residents in a broad range of matters including medical malpractice, workplace injuries, defective products, construction site accidents, maritime law and criminal defense litigation.
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