



## Anthony T. Ling

Partner

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Anthony Ling's practice is dedicated to the defense of claims related to general liability, which includes a variety of litigated matters such as premises and automobile liability. He places a premium on tailoring resolution strategies that meet his clients' individual needs. Anthony is a zealous advocate focused on achieving optimal and cost-effective results for his clients.

A large component of Anthony's practice includes representation of technology platforms in the gig economy, where he often finds himself in the center of litigation involving a rapidly developing area of law dealing with worker classification, coverage matters, and the enforceability of online arbitration agreements. He has garnered an impressive track record of positioning litigation for early dismissals at the outset of litigation and has achieved favorable rulings on novel issues of law that have led to successful outcomes on behalf of his client.

Over the course of his more than 20-year career, Anthony has represented a diverse range of clients, including national retail establishments and restaurants, convenience stores, movie theaters, general contractors, hospitals, technology companies, parking facilities, manufacturers, employers and liability insurance carriers

### Education

- Seton Hall University (J.D., 2003)
- Drew University (B.A., 2000)
  - magna cum laude

### Bar Admissions

### Services

- Complex Tort & General Casualty
- General Liability
- Insurance & Reinsurance Defense
- Transportation

- New Jersey
- New York

### **Court Admissions**

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

### **Professional Affiliations**

- Claims and Litigation Management Alliance (CLM)
- National Retail and Restaurant Defense Association

## **Representative Matters**

Obtained a defense verdict at trial in Superior Court, Middlesex County, New Jersey, involving a fall-down accident at a movie theater resulting in the evisceration of the plaintiff's eye when she took a misstep, claiming insufficient lighting and lack of warnings that the ramp was converted to a platform stair. At trial, the defense was able to establish that the lighting conditions were code-compliant and that the plaintiff's accident was caused by her own failure to make proper observations of her surroundings.

Obtained Summary Judgment in Superior Court, Morris County, New Jersey, on behalf of the defendant subcontractors who installed and stained flooring at the plaintiff's residence. Plaintiff alleged she sustained significant and permanent neurological injuries from exposure to elevated VOC levels resulting from the negligent installation and staining of the floors. After the defense succeeded in striking plaintiff's expert opinions as inadmissible net opinions, the court granted the defendant's Summary Judgment motion on the basis that plaintiff could not make a prima facie case that the subcontractor's floor installation deviated from any acceptable standard of care.

Obtained dismissal on the pleadings of a product liability count in Superior Court, Middlesex County, New Jersey, involving a lawsuit brought against a national department store retailer for alleged serious injuries sustained from a bench collapse. Plaintiff argued that the bench was placed in the stream of commerce, thereby giving rise to a product liability claim. The defense argued that the plaintiff could not sustain such a claim because the defendant retailer was not a product seller as contemplated under the Product Liability Act. The court agreed with the defense and dismissed the product liability count of the plaintiff's Complaint.

Obtained Summary Judgment in Superior Court, Bergen County, New Jersey, for a leading national restaurant chain in a slip-and-fall lawsuit. The plaintiff allegedly slipped and fell in a walk-in freezer while in the course of her employment and sustained a

significant leg fracture requiring surgical repair with the installation of hardware. The defense persuaded the court that the high threshold for an "intentional wrong" under the Workers' Compensation Act was not met because the circumstances of this accident were part of the industrial life and not beyond anything the Legislature could have contemplated that would have entitled the employee to recover beyond what is provided under the statute.

Obtained dismissal on the pleadings of an alleged Consumer Fraud action in Superior Court, Monmouth County, New Jersey, on behalf of a national department store retailer. The plaintiff alleged that a consumer fraud claim arose out of allegations that a store employee took belongings and cash from her shopping cart. The defense argued that the Consumer Fraud Act did not apply because there was no transaction or discernible unlawful conduct alleged by Plaintiff. The court agreed and dismissed the Complaint.

Obtained Summary Judgment in Superior Court, Middlesex County, New Jersey, for a national department store retailer in a lawsuit involving a significant foot injury requiring surgical intervention when the plaintiff was shopping and dropped a glass object that shattered on her foot. She alleged that because the glass object was unsafe, it broke in her hand as she grabbed it off the shelf. Summary Judgment was filed on the basis that the plaintiff could not make a prima facie case that her injuries were the result of any negligent act or omission by the defendant retail establishment. The court agreed that there was no showing of negligence and granted Summary Judgment.

Obtained an early dismissal of a Consumer Fraud claim on the pleadings for failure to state a claim in Superior Court, Camden County, New Jersey. In that case, the plaintiff homeowners lost power when a tree fell during a storm and took down the power lines. As part of the work necessary to restore power, certain trees on the homeowners' property were trimmed by the defendant company. The plaintiff homeowners took issue with the manner in which the trees had been trimmed and filed a lawsuit, alleging, among other things, that the defendant company was liable for consumer fraud. The court granted the defendant's motion, finding that there was no consumer transaction and therefore dismissed the consumer fraud claim.

Obtained dismissal of serious injury/disability case on early Summary Judgment motion in Superior Court, Essex County, New Jersey, in a case involving an issue of legal "first impression." The movant's employee fell off a building under construction and received workers' compensation benefits. The worker sued the general contractor for negligence and OSHA violations, but did not bring an employer liability claim against the client/subcontractor. However, the general contractor brought a third-party complaint against the client/subcontractor. The court granted Summary Judgment, finding that the Workers' Compensation Act also applies to indirect claims for intentional claims, such as those alleged by the general contractor. The ruling was affirmed on appeal.

Obtained Summary Judgment in Superior Court, Monmouth County, New Jersey, involving an alleged trip and fall over a folded-over weather mat in the vestibule of a diner. In that case, the defense was able to establish through video evidence that the plaintiff failed to make a prima facie showing that the plaintiff's fall-down accident was caused by any negligent act or omission by the defendant diner. To the contrary, the court was

persuaded that the video evidence demonstrated that her accident was caused by her own misstep and not by any defective characteristics of the weather mat. The court was also persuaded that, even assuming the weather mat was defective in some way, the defendant diner did not have any notice of the same. Summary Judgment was affirmed on appeal.

Obtained Summary Judgment in favor of the manufacturer in a toxic tort matter in the Superior Court, Camden County, New Jersey. The manufacturer was one of many defendants named in a lawsuit based on allegations that it sold benzene-containing products to the military that were used by the plaintiff during his enlistment with the Marines. Allegedly, as a result of his exposure to these products, the plaintiff contracted a blood cancer and ultimately died. The court was persuaded by the defense argument that the plaintiff could not have been exposed to this manufacturer's product because it was not sold to the military during the time period of his enlistment.

Obtained dismissal on the pleadings of a consumer fraud claim alleged in a medical malpractice action on the basis that the statute is inapplicable to learned professionals.

Obtained Summary Judgment in Superior Court, Essex County, New Jersey, Chancery Division on behalf of a client settlement agent/title company in an alleged mortgage fraud scheme in connection with the plaintiff's efforts to save her home from foreclosure. The plaintiff alleged that the defendants led her to believe that she was refinancing her home when, in fact, she was selling her home to a third party. The court dismissed all counts because the plaintiff did not enjoy third-party beneficiary status stemming from the mortgage documents between the lender and the third-party purchaser and because the settlement agent did not make any actionable misrepresentations to her concerning the nature of the transaction sufficient to satisfy the Consumer Fraud Statute or common law fraud elements.

Obtained Summary Judgment in Superior Court, Hudson County, New Jersey, for a property damage case involving alleged catastrophic engine damage to the plaintiff's vehicle after it was valet-parked at the defendant's parking facility on the basis that the plaintiff failed to prove causation.

## Publications

May 27, 2024

**CLM Features Bashor and Ling on AAPI Heritage Month**