



Danielle Tauber

Partner

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Danielle Tauber focuses her practice on the defense of all types of negligence-based lawsuits in New York state and federal courts. Danielle has extensive experience with complex, high-exposure construction accident and premises liability claims in matters involving personal injury and death.

A significant portion of Danielle's practice involves the representation of owners and contractors in construction-site litigation, from inception through appeal. Through her experience, she is familiar with the intricacies of New York State Labor Law and is adept at obtaining favorable results on behalf of her clients through successful motion practice and mediation. Danielle has handled Labor Law matters for a variety of the firm's major clients. Her extensive experience in handling these claims has enhanced her ability to develop practical, cost-effective ways of resolving matters on the best terms possible for clients.

Education

- Pace University School of Law (J.D., 2001)
 - cum laude
- Hofstra University (B.A., 1998)

Bar Admissions

- New York, 2002

Professional Affiliations

- New York State Bar Association

Services

- Construction
- Employment & Labor
- Complex Tort & General Casualty

Client Wins

Tauber and Brown Secure Summary Judgment in New York Labor Law Action

Danielle Tauber (Partner-White Plains, NY) and Christin Brown (Partner-White Plains, NY) secured a summary judgment on liability on behalf of a building tenant & grocery store in the New York State Supreme Court, New York County, before the Honorable James Cynes.

Plaintiff asserted a personal injury action sounding in New York Labor Law 200, 240(1) and 241(6); he alleged that he sustained injuries when his section ladder malfunctioned, and he fell approximately 25 feet to the ground. Plaintiff alleged to have sustained injuries to the right shoulder, cervical and lumbar spine. Plaintiff underwent a right shoulder surgery and alleged a need for a future cervical fusion. Plaintiffs demanded \$3 million dollars.

The team filed a motion for summary judgment, arguing that Plaintiff's work on the date of the accident was routine maintenance, not construction work. In support of their argument, they established that this routine maintenance – cleaning of a water tower – did not require specialized tools or equipment, and there was no ongoing construction project at the location. Therefore, Plaintiff's work is not a protected activity and does not constitute a repair under the statute. Further, the team argued that even if the statute applies, Plaintiff's actions were the sole proximate cause of the alleged accident because the plaintiff was warned of the unsafe condition of using a section ladder. Further, Plaintiff was offered the use of an A-frame ladder. Finally, the defendants had no supervisory control over the work Plaintiff was performing.

In opposition, Plaintiff argued that the work he was engaged in required specialized equipment (a power washer); the work involved an elevation of approximately 20-25 feet; and the cooling tower was defective because it had no built-in ladder hooks or other means to secure a ladder.

After oral argument, the court agreed with defendants' argument that Plaintiff was engaged in routine maintenance and, therefore, not entitled to the protections of New York Labor Law. The Court granted the defendants' motion in its entirety and denied plaintiff's partial motion for summary judgment under NY Labor Law 240(1). Further, the court found no evidence of any defective condition for the subject water cooler, which had never received any violations or citations from any state or local municipality.

This result eliminated our client from a high-exposure case with a special trial preference. This represents a significant victory considering NY Labor Law 240(1) presents strict liability exposure.