



Elyse S. Tormey

Partner

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Elyse Tormey has a decade of experience in litigation, defending a wide array of cases including personal injury, construction defect, professional malpractice and breach of contract. Currently, Elyse's practice is focused on personal injury defense in the context of transportation, with many high-exposure and catastrophic loss cases. Elyse was one of 20 nominated finalists who successfully completed Wilson Elser's rigorous Mock Trial Invitational through which our most successful trial lawyers impart their knowledge to those destined to join their ranks.

Prior to joining Wilson Elser, Elyse spent several years focusing her practice on aviation law, working intimately with the in-house legal teams of several major airlines in a highly regulated industry. Elyse also has experience investigating insurance fraud and litigating complex commercial health insurance cases.

After graduating law school, Elyse spent three years as a federal law clerk to the Honorable Tonianne J. Bongiovanni, U.S.M.J. and the Honorable James B. Clark, III, U.S.M.J. During that time, Elyse became intimately familiar with the federal court system, working in two different vicinages alongside a number of district judges.

Education

- Seton Hall University School of Law (J.D., 2012)
- University of Maryland, College Park (B.A., 2009)

Bar Admissions

- New Jersey
- New York

Services

- Transportation
- Complex Tort & General Casualty
- Product Liability, Prevention & Government Compliance

Court Admissions

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

Awards & Honors

- Selected for inclusion in Rising Stars for New Jersey *Super Lawyers*, 2023

Representative Matters

Obtained summary judgment in favor of foundation/ excavation contractor in construction defect case involving a trip and fall on a New York City sidewalk.

Successfully filed a motion to dismiss general contractor on statute of limitations grounds in a slip and fall in a construction zone.

Obtained summary judgment for the Port Authority of New York and New Jersey in a case involving a slip and fall on ice by an airline employee at Newark Airport.

Obtained a defense verdict at trial for a school bus company serving as second chair trial counsel in a case where the plaintiff alleged a traumatic brain injury after being pushed by a classmate while on the bus home from school.

Client Wins

Del Gatto and New Jersey Team File Unassailable Motion in Wrongful Death Case

Brian Del Gatto (Partner-Phoenix, AZ) and a Madison, New Jersey, team comprising partner Andrew Heck, of counsel Elyse Tormey, and associate Mellis Bakir, defended a wrongful death case in which the bus driver closed the front door on the decedent's arm and drove away, causing the decedent to fall and be run over. He died several days later in the hospital, allegedly as a result of his injuries. The plaintiff sued our Canadian client, the largest municipal bus manufacturer in North America and the successor in interest to the legacy manufacturer of the bus, claiming product liability based on the allegation that the accident was a result of the door's defective design. After setting the tone early with extensive pre-answer motion practice, extensive discovery followed. Brian and the team moved for summary judgment after the discovery deadline lapsed, prior to the setting of any trial date, based on a number of grounds, including that expert testimony was necessary but lacking, and that expert opinion, even if it had been provided, would fatally lack sufficient factual support. The team strategically filed a summary judgment motion prior to its due date, so that it would be pending at the time another hearing would be conducted, at which they suspected efforts may be made to blow out discovery deadlines. When that suspicion proved accurate, the team leveraged the prejudice that would arise from extending discovery after we showed our hand in filing our motion into a prohibition

on new discovery being admissible with respect to the client. Lacking the ability to use new discovery to right the ship and faced with an unassailable motion, all adversaries permitted that motion to proceed unopposed, and summary judgment was entered on the client's behalf. This aggressive strategy saved the client – which had a high self-insured exposure – significant defense costs for trial, as well as the always possible, albeit remote, adverse shock verdict.