



## Jessica A. Zemsky

Partner

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Jessica Zemsky is a civil litigator whose practice consists of complex and general liability defense work with a strong emphasis on sports, gaming and other entertainment-related matters, as well as commercial and fleet transportation-related risks. Jessica also defends commercial, retail, hospitality and residential property owners; Labor Law claims; automobile and transportation liability; and security-related matters. Her clients include national sports franchises, leading multinational corporations, biopharmaceutical companies, health care companies and international investment firms.

Jessica has gained extensive experience in state court through her participation on a dynamic trial team comprised of some of the firm's leading trial lawyers. Jessica's collaboration and other contributions help her team to consistently deliver stellar outcomes in the courtroom.

Jessica also works closely with clients to provide risk management services, identifying potential measures they can take to prevent litigation and defend against claims that arise by offering innovative strategies and resolutions to achieve desired results.

### Education

- University at Buffalo School of Law (J.D., 2006)
- Emory University (B.A., 2003)

### Bar Admissions

- New York

### Awards & Honors

### Services

- Construction
- Complex Tort & General Casualty
- Hospitality

- Selected for inclusion in *Rising Stars for New York Super Lawyers*, 2016, 2017

## Client Wins

### **Cash, Zemsky, and Hall Secure Unanimous Defense Verdict for New York City Casino**

Joshua Cash (Partner-New York, NY), Jessica Zemsky (Partner-White Plains, NY), and Kyle Hall (Associate-New York, NY) secured a unanimous defense verdict in the Supreme Court of New York, Queens County, for Wilson Elser's casino client. The elderly plaintiff in this case alleged that she slipped and fell on water in the casino's food court due to a purported ceiling leak. Plaintiff relied on a water-stained ceiling tile she observed after the fall while looking up, but admitted she never saw water leaking and could not establish how long the condition existed. Surveillance footage was central to the defense. We presented a video showing 44 patrons traversing the area without incident in the 12 minutes before the fall and demonstrated that a separate slip that occurred just minutes earlier in a different location effectively defeated notice. Expert testing further undermined plaintiff's claims: our expert confirmed the floor was slip-resistant even when wet, and on cross-examination, plaintiff's expert conceded his testing did not reveal a hazardous condition and that his leak theory was speculative. The court also denied the plaintiff's request for a missing document charge related to alleged post-incident photographs. We argued that there was no willful or contumacious conduct on our client's part, as the officer who allegedly took the photos was no longer employed, the plaintiff never sought his deposition or the photos, and no trial testimony established that the photos currently exist, an essential requirement under PJI 1:77. The Wilson Elser team ultimately argued that any theories as to how the water got on the floor were merely speculative, no dangerous condition could be pinpointed, and the plaintiff failed to prove notice. Despite the plaintiff's arthroscopic knee surgery and a \$300,000 demand (reduced to \$100,000 during trial), the jury deliberated briefly after rewatching the video and returned a unanimous verdict finding the area reasonably safe.