



## Stacey L. Seltzer

Of Counsel

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Stacey Seltzer practices in the area of general liability and casualty law, principally defending premises liability matters and personal injury claims. After determining likely exposure, Stacey identifies resolution options for outcomes that adhere to prescribed guidelines. While focusing on effectively managing the entire litigation process, Stacey understands that our clients prefer quick and cost-effective solutions to complex and potentially protracted liability cases.

Stacey also has a background in insurance defense involving professional liability and E&O matters, in addition to family law and personal service contracts. She interned at the Kings County District Attorney's Office.

### Education

- New York Law School (J.D., 2013)
- Syracuse University (B.S., 2005)

### Bar Admissions

- Michigan
- New Jersey
- New York

### Court Admissions

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

### Services

- Complex Tort & General Casualty
- National Trial Team

## Professional Affiliations

- American Bar Association

## Awards & Honors

- Selected for inclusion in The Best Lawyers in America® Ones to Watch™, 2024-2025
- Selected for inclusion in *The Best Lawyers in America*®: Ones to Watch in the area of Personal Injury Litigation - Defendants, 2022-2023
- Selected for inclusion in *New York Metro Super Lawyers*® *Rising Stars*™ in the Personal Injury General category, 2022-2023

## Client Wins

### **Lum and Seltzer Secure Unanimous Defense Verdict in Casino Slip-and-Fall Case**

Larry Lum (Partner-New York, NY) and Stacey Seltzer (Of Counsel-New York, NY) obtained a unanimous defense verdict after a three-day liability trial in Kings County Supreme Court involving a slip and fall in an outdoor parking lot at a New York City client casino. The incident was captured on surveillance that was submitted to the jury, along with photographs depicting the allegedly icy location with plaintiff's counsel arguing that the lot was undisturbed/ untreated and dangerous. On cross-examination of plaintiff's meteorological expert, Larry and Stacey showed that the temperature never fell below freezing in the hours before the accident and that for ice to have formed in the area it would have had to have been "new ice" that melted and refroze, which was essentially impossible due to the temperatures. While there was no record of the snow removal company having been on the premises within 17 hours of the accident, we highlighted to the jury the efforts that were undertaken when the snow removal company was present, including establishing that sufficient remedial measures were employed. The casino's director of operations testified as to the large amount of foot traffic the casino receives daily, the lack of any complaints in the area and the constant inspection protocols taken by security. Lastly, we stressed that plaintiff cut across a snowy embankment just prior to stepping down onto the parking lot surface where he fell, showing that if anything caused him to fall, it was his own actions. The plaintiff raised the demand from \$250,000 to \$500,000 just before trial commenced and we never offered more than \$2,500 throughout the duration of the litigation.

### **Lum and Seltzer Secure Unanimous Defense Verdict: Judge Refuses to Issue Spoliation Charge to Jury**

Larry Lum (Partner-New York, NY) and Stacey Seltzer (Of Counsel, New York, NY) obtained a unanimous defense verdict after a liability trial in Nassau County Supreme Court involving a slip and fall at a semi-enclosed parking garage at our client's casino. The plaintiff claimed she fractured her knee and the settlement demand was \$250,000. The fall was captured on surveillance at multiple angles and played for the jury several times, along with photographs submitted as evidence of the location at the time of the accident seemingly depicting wet areas throughout the garage. Our defense expert was able to show that he tested the area in several locations while wet and found each area to be

sufficiently slip-resistant. On cross examination of plaintiff's expert, Larry and Stacey were able to poke holes in their testing, including methods used to arrive at the findings. Prior to the charge conference, plaintiff's counsel requested a spoliation charge be given to the jury due to the fact that only 30 seconds of surveillance had been preserved prior to the accident, and the judge refused their request. Despite an uphill battle due to the fall being captured on surveillance, a clearly wet parking garage with what appeared to be obvious grime/grease, and a likable and sympathetic plaintiff, Larry and Stacey argued that any theories as to how the wet/grimy condition arrived in the garage were merely speculative on the plaintiff's end, and there simply was no dangerous condition that could be pinpointed.

### **Lum and Seltzer Obtain Defense Verdict in Unified Trial in New York County**

New York Partner Larry Lum and Of Counsel Stacey Seltzer obtained a defense verdict for our client after a unified trial in New York County Supreme Court for an accident involving a motor vehicle operated by our client's corporate executive in the course of his employment. The plaintiff claimed that our driver's SUV, also occupied by two other corporate executives, sideswiped her vehicle on the driver's side while veering into her lane as she was making a right-hand turn in Manhattan. We produced our driver and one of the corporate executives at trial and both testified that their vehicle maintained a straight path, and it was the plaintiff who caused the accident. We were able to highlight to the jury the credibility issues surrounding the plaintiff's testimony from a liability and damages standpoint. The plaintiff claimed two fractures to her right hand for which she ultimately underwent carpal tunnel surgery. We were able to produce missing visit notes, the fact that the plaintiff had profound arthritis predating the accident, and that the carpal tunnel could be seen bilaterally further proving that it was a preexisting condition. Moreover, our expert witnesses all disputed that plaintiff even suffered a second fracture to her hand, casting doubt on the plaintiff's expert's findings. The plaintiff's settlement demand before trial was \$600,000, and her counsel asked the jury to award plaintiff \$1.25 million in past and future pain and suffering.