

SKY v. Catholic Charities of Buffalo et.al
E159897/2016

This case involves a claim for personal injuries arising out of a slip and fall accident that occurred on January 8, 2015 at approximately 2:00pm on the concrete steps leading up to the entrance of the Monsignor Carr Institute Children's Clinic located in Niagara Falls, New York. The Plaintiff, Jennifer Sky, was leaving the building after taking her son to his appointment and was walking down the stairway outside the entrance when she fell allegedly due to frozen snow/icy conditions on the steps. Ms. Sky has alleged that she suffered multiple bodily injuries including to her neck and back.

There are several motions today brought by both parties:

- 1. The Defendant has brought a Motion to Compel the Plaintiff to execute unrestricted speaking authorizations with the Plaintiff's treating physician which allows them the right to discuss with the Plaintiff's doctor the injuries she has alleged to have suffered from her fall. The Defendant is also seeking a copy of a statement made by a former employee of Defendant to the Plaintiff's attorney.**

The Defendant has also moved for summary judgment to dismiss a portion of the Plaintiff's damages (injuries) that they assert are not related to the incident.

- 2. The Plaintiff has brought a summary judgment motion requesting that the Court, as a matter of law, find that the Defendant was negligent in maintaining their property and that such negligence was a proximate cause of the accident as well as then ordering a bifurcated trial.**

Allied World National Assurance Company

v.

Peerless Insurance Company

E158295/2016

This case involves a dispute over insurance coverage stemming from an accident during work on a furnace. Globe Speciality insured by Allied World entered into agreement with Morgan Mechanical who was insured by Peerless. Morgan Mechanical was to name Globe as an additional insured under the Peerless Policy. Subsequently, an employee of Morgan Mechanical was injured while working at Globe's Niagara Falls plant and commenced a separate lawsuit. It has been determined by this Court which such decision was affirmed by the Appellate Division, Fourth Department that there is a question of fact as to whether Globe qualifies as an additional insured under the Peerless Policy.

- 1. The Defendant, Peerless, has brought a Motion to Compel to produce documents that are responsive to their discovery demands. Peerless is also requesting that the a privilege log be created as the Plaintiff, Allied, has made unilateral redactions in some of the documents produced claiming attorney/client and/or attorney work product privilege. Such determination is for the Court to make after in-camera review of the documents.**