
Travelers Indemnity Company, as subrogee of Sand Associates v. Giant Step and Kajima Construction, et al.
Supreme Court, New York County – Index No. 110665/2003
January 2, 2008

HRRV Successfully Secures Dismissal of Subrogation Action

Justice Debra James dismissed the plaintiff's subrogation action, arising from a commercial fire that occurred on December 31, 2000 at 400 Lafayette Street, New York, New York. In essence, the cedar flooring beneath a boiler ignited. The plaintiff sought property damages from Kajima Construction Services and Giant Step. In turn, those parties claimed that the boiler was turned on by an electrical sub-contractor, Al's Best Electrical, without checking whether water was present in the boiler. Al's Best Electrical sought indemnity from its sub-contractor, Triangle Electric, represented by Tara C. Fappiano and Shanna R. Torgerson of HRRV.

Justice James dismissed the plaintiff's complaint, and all third-party claims, based upon a cause and origin report which stated that the fire started as the result of the improper installation of the boiler on top of wooden flooring, and expressly states that there was no evidence of any mechanical or electrical malfunction. The court concluded that the plaintiff had not presented any evidence, specifically expert testimony, to contradict this report. Justice James concluded that the mere fact that some of the defendants performed renovation work in the area where the fire originated was insufficient to establish questions of fact as to their negligence.

Tara C. Fappiano and Shanna R. Torgerson represented Triangle Electric.