



Jonathan E. Hansen Obtains Dismissal of Premises Liability Action on Behalf of Retailer

Plaintiff brought an action in Oswego County Supreme Court against a local convenient store for personal injuries he allegedly sustained when ice fell off of the roof of the store and struck him in the head and neck. Attorney [Jonathan Hansen](#) represented the defendant store in the action.

The plaintiff's lawsuit alleged that the store was negligent in allowing a dangerous accumulation of ice to develop on the roof, and that due to the store's negligence, the plaintiff suffered a neck injury requiring surgery.

Mr. Hansen made a motion for summary judgment arguing that there was no evidence that his client had notice of a dangerous condition on the roof. He presented evidence from an engineer who had inspected the roof and found that the roof was of a safe design. Specifically, the engineer found that the roof was surrounded by a 15 inch high wall which shielded the ground from snow and ice runoff. The engineer also found that any accumulation on the roof would melt in temperatures of 20 degrees or higher due to the fact that the building was heated and the sun reflected off of the roof during the day, and the melted snow and ice would then be filtered down a drain pipe to the ground. Based on weather reports from the time of the accident, the engineer concluded that there was no dangerous condition of accumulated ice on the roof on that date.

The Court ruled that the store had successfully established that it maintained its premises in a reasonably safe condition through the evidence submitted from the defendant's engineer regarding the roof's design. The Court further ruled that, because the plaintiff could not come forward with evidence that the alleged ice condition existed for a sufficient amount of time such that the store could be charged with notice of its existence, the opinion of the defendant's engineer was undisputed. Thus, Mr. Hansen's motion was granted and the plaintiff's case against his client was dismissed.

[Jonathan E. Hansen](#) is an associate attorney at Carter Conboy in Albany. He practices civil litigation, concentrating on professional liability, premises liability, personal injury, and environmental law. Mr. Hansen has been involved in numerous complex litigation cases and is experienced at both the trial and appellate levels of state and federal courts of

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