



NEW AND NOTEWORTHY FOR Insurance Defense

Replacing a Ballast in a Florescent Light Fixture is Maintenance Unrelated to Construction Excavation or Demolition.

Plaintiff's employer was hired by defendant school to provide maintenance and cleaning service. Plaintiff was a building mechanic. He alleged he was injured when he fell from a ladder while attempting to replace a ballast in a malfunctioning, florescent light fixture. While attempting to remove the reflector plate, the ladder went out from him. He claimed that after he fell, he observed the ladder laying on its side and that one of the hinges was bowing out. The court held that the task of replacing a ballast in a florescent light fixture falls under the category of routine maintenance. The plaintiff's work involved a replacement of a worn out component in a non-construction and non-renovation context. Moreover, it did not constitute erection, demolition, repairing, altering, painting, cleaning or pointing of a building within the meaning of Labor Law §240(1). Thus, the court held that the Supreme Court erred in denying the motion for summary judgment dismissing plaintiff's Labor Law §240(1) cause of action.

Konaz v. Saint John's Preparatory School, Supreme Court of New York, Appellate Division, 2nd Dept. (April 17, 2013).

If you wish to discuss the content of this legal update further, or have a matter that requires legal counsel, please contact Wendy A. Scott, at (716) 853-3801, or WAScott@kslnlaw.com.