

# DAWN FOSTER

Dawn Foster concentrates her practice within the Insurance Defense group. She works on a vast array of tort matters ranging from construction site accidents, complex premises liability issues, nursing home litigation, clergy misconduct, and sexual abuse and negligent supervision of minors in residential care and treatment facilities.


Dawn received her Bachelor's Degree from the University of Delaware in 1998. She earned her J.D. from Pace University School of Law in 2001. She worked for Harrington, Ocko & Monk, LLP from 2002-2005 and returned in 2010. Prior to Ms. Foster's return to Harrington, Ocko & Monk, LLP, she worked for the Westchester County Attorney's Office in the Contracts and Real Estate Department and at Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, handling matters of premises liability, construction accidents, property damage, motor vehicle cases and general negligence matters.

## Representative Matters:

- Obtained summary dismissal against Shrine in Orange County where Plaintiff allegedly tripped and fell over a door saddle as she existed the Shrine after Sunday services. In granting summary judgment, the Court focused heavily on Plaintiff's deposition testimony and the findings of the parties' expert engineers who agreed that the door saddle measured 1/2 inch in height, and when the Court evaluated the characteristics of the door saddle, it found that the condition was open and obvious and not inherently dangerous. The Court further agreed that any alleged condition was trivial in nature and not actionable at law.
- Obtained summary dismissal against Catholic high school in Rockland County on the grounds of assumption of the risk theory. Plaintiff appealed the decision and Ms. Foster opposed and cross-moved against the third-party defendant, Licensee. Specifically, Ms. Foster appealed the portion of the Decision that denied, as moot, the school Defendants' argument that they were entitled to indemnification and attorneys' fees based upon a broad contractual indemnification provision found in the license agreement. The Second Department affirmed the lower court's Decision granting summary judgment to the Defendants on the grounds of assumption of the risk and reversed the lower court's Decision that denied the school Defendants' Motion for Summary Judgment against the Licensee. The Appellate Division found that the indemnification provision was triggered and the Defendant was entitled to indemnification and attorneys' fees.
- Obtained summary dismissal of lawsuit asserted against major university in Bronx County on the grounds of notice and trivial defect theories. Plaintiff appealed the decision granting summary judgment and on appeal, she briefed and argued the matter before the Appellate Division, First Department which affirmed the Supreme Court's grant of summary judgment.
- Appeared at construction site immediately following fatal injury of worker to perform investigation. Defended case under theories of Labor Law §§200, 240 and 241(6) and assisted in trial preparation.
- Obtained an Order directing the release of records from a universally recognized social networking service when plaintiff's social media accounts contradicted her testimony concerning the diminution of her work capabilities and overall enjoyment of life.
- Defended a religious order against claims of, among other things, priest misconduct. Sought and obtained a protective order limiting disclosure of only most relevant items of information and positioned case for excellent settlement result.
- Defended municipal agency and group foster home when resident injured an employee during a fight. Prepared dispositive motion on grounds of immunity, duty and common law negligence principals. This motion positioned our clients for an excellent settlement result.



## CONTACT

 914-686-4800

 914-686-4824

 [dfoster@homlegal.com](mailto:dfoster@homlegal.com)

 [LinkedIn Profile](#)

## PRACTICE AREAS

Construction/Labor Law

Premises Liability

Insurance Coverage

Appeals

Motor Vehicle

Risk Management

## EDUCATION

Pace University School of Law,  
White Plains, NY  
» J.D. - 2001, Dean's List

University of Delaware, Newark,  
Delaware  
» Bachelor's Degree, Sociology -  
1998, Dean's List

## BAR ADMISSIONS

New York, 2002

New Jersey, 2001

U.S. District Court Southern District  
of New York, 2008

U.S. District Court Eastern District of  
New York, 2013

#### HONORS AND AWARDS

Super Lawyers® selected, Metro  
New York – 2013-Present



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#### ASSOCIATIONS/MEMBERSHIPS

New York State Bar Association

Westchester Women's Bar  
Association

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