

DAWN FOSTER

Dawn Foster concentrates her practice within the Insurance Defense group. She works on a vast array of tort matters ranging from the defense of various institutions and municipalities under the New York Child Victims Act and other child sex abuse claims, negligent supervision of minors in residential care and treatment facilities, negligent hiring, retention and supervision claims, construction site accidents, nursing home litigation, as well as complex construction, labor law and premises liability claims.

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 on behalf of university where Plaintiff allegedly slipped and fell on wet leaves. In granting summary judgment, the Court found that the university established that it lacked notice of a dangerous condition when the area was well-lit; documents and testimony confirmed that the area was addressed daily; and the meteorologist's findings confirmed that there was inclement weather throughout the day.
- Obtained summary dismissal against Shrine in Orange County where Plaintiff allegedly tripped and fell over a door saddle as she exited 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 ½ 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).
- 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

PRACTICE AREAS

Construction/ Labor Law

Premises Liability

Appeals

Child Victims Act

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

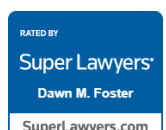
New Jersey, 2001

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

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

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New York State Bar Association

Westchester Women's Bar
Association