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Anthony D. Grande is a partner in the New York office where his litigation practice includes the handling of matters involving complex civil litigation, personal injury and construction law, professional liability, nursing care and assisted living facility (ALF) litigation, as well as product liability.

Mr. Grande joined the firm in 2009, after his tenure with the firm of Morgan Melhuish Abrutyn where he was a trial lawyer since 1998. His litigation skills and background uniquely qualify him to handle all types of civil litigation. Prior to his civil practice, he was a prosecutor for Bronx County, with the Appeals Bureau, where he divided his time between appellate practice in the First Department and some appellate practice in the Court of Appeals and Second Circuit. Mr. Grande was the Extraditions & Renditions Supervisor for the entire office and his duties while in Appeals also concerned post judgment motions and hearings and habeas corpus proceedings in federal court. Mr. Grande then served in the Grand Jury Bureau and later with the Investigations Bureau. There Mr. Grande was a supervisor for all prosecutions and investigations at Rikers Island, one of the largest penal institutions in the world. His duties and responsibilities concerned investigations relative to official corruption, excessive use of force and other complaints of abuse and misconduct against the New York City Department of Corrections. His next assignment in Investigations was as the Internal Affairs Liaison where he was a supervisor for investigations of complaints against public officials for bribery, excessive use of force and other misconduct in the New York City Police Department.

Mr. Grande is licensed to practice in the United State Supreme Court, all New York state courts, and the United States District Court for the Eastern and Southern districts of New York. He received his Bachelors degree from Fordham University *summa cum laude*, and his Juris Doctorate from Boston College Law School.

Mr. Grande makes guest appearances on Court TV.

Practice Areas

- ▣ Construction
- ▣ Insurance Services
- ▣ Product Liability

- Professional Liability
- Real Estate
- Catastrophic/Personal Injury
- Healthcare
- Dental Malpractice
- Governmental Entity Liability
- Premises Liability
- Elder Abuse/Rights
- International
- Asbestos
- Toxic Tort
- Lawyers
- Other Professionals
- Insurance Agents and Brokers

Education

- Fordham University, 1984 B.A.
summa cum laude
- Boston College Law School , 1988 J.D.

Court Admissions

- New York
- Supreme Court of the United States
- USDC: Eastern District of New York
- USDC: Southern District of New York

Representative Experience

Practice Area: Construction, Professional Liability, Real Estate

Key Issues: Property Damage; Architectural Malpractice

Venue: Pennsylvania

Client Type: Defendant Architect

In this case we represented an architect in New York prior to suit being commenced for architectural malpractice by a University in Pennsylvania. Several years after designing and building a new gymnasium for a University in Pennsylvania, the University discovered defects in the building that resulted in cracks, water damage and other remedial repairs which had to be made to mitigate further damages and danger to the property.

Result:

The case was settled with the necessary repairs to the building being funded by our client's carrier contributing a share of a global settlement with the University but with the carrier for the structural engineer paying the majority of the settlement.

Practice Area: Catastrophic/Personal Injury, Governmental Entity Liability, Premises Liability

Key Issues: Personal Injury

Venue: Staten Island

Client Type: Defendant Hospital

This was an elevator accident at a hospital in Staten Island, New York. Plaintiff, an employee of the hospital, claimed severe hand injury including carpal tunnel syndrome with future surgery due to alleged trauma from the elevator door crushing claimant's hand against a food cart. Plaintiff also alleged significant future economic loss due to her alleged inability to resume her customary or pre-accident employment.

Result:

Case was settled on the eve of trial for almost nuisance value or cost of defense with a pro rata contribution by the co-defendant elevator company.

Practice Area: Catastrophic/Personal Injury, Construction, Premises Liability

Key Issues: Personal Injuries

Venue: Bronx

Client Type: Defendant General Contractor

This was a New York Labor Law case venued in The Bronx with very grave and egregious personal injuries. The plaintiff, a 31 year-old ironworker, was severely injured during a wind faring project on the Triboro Bridge. The plaintiff while guiding a 2000 pound bridge faring, was struck by the bridge faring which fell while it was being hoisted by a crane and vacuum lifter that failed. The wind faring fell to the bridge, slid and then struck and hit the plaintiff. The plaintiff's many physical injuries included a fractured pelvis, damaged colon, colostomy, numerous fractured and surgically removed ribs. The plaintiff also fractured every vertebra in his lumbar spine.

Result:

Before trial, the plaintiff obtained summary judgment on liability pursuant to New York's "scaffolding law" known as Labor Law 240(1) which generally provides for strict liability in a scenario such as this, where a construction worker is injured from a falling object while being hoisted at a height above the ground by the use of a crane. The trial that followed therefore was solely on damages. The ad damnum clause in the plaintiff's complaint initially sought damages in the amount 120M. Before a verdict was reached on damages, which featured numerous medical, economic and vocational and rehabilitation experts, the sole defendant TBTA, along with various insurance carriers including reinsurance, settled with the plaintiff for global settlement of \$15,000,000.

Practice Area: Construction, Premises Liability

Key Issues: Personal Injury

Venue: Staten Island

Client Type: Defendant Construction Company

Worker brought New York Labor Law action to recover damages for personal injuries sustained on an asbestos removal project at a generating plant of the defendant, an electric power provider of New York. The plant was adjacent to the water and bay in Staten Island, New York, when plywood planks were blown onto plaintiff by a strong gust of wind causing plaintiff to various injuries and to loose his spleen.

Result:

Jury verdict for the defense ostensibly on the grounds that plaintiff's injuries were not caused by any negligence but rather were caused by an Act of God. We also handled the appeal as respondent for the employer, in which the 2d Department after oral argument affirmed the decision of the trial court not to set aside the verdict as against the weight of the evidence.

Practice Area: Catastrophic/Personal Injury, Product Liability

Key Issues: Product Liability

Venue: Queens

Client Type: Defendant Jewelry Manufacturer

We represented an employer in a products liability case venued in Queens where a female employee suffered a severe hand/crush injury while operating jewelry assembly equipment.

Result:

The case was eventually settled before trial for a fraction of plaintiff's original demand after demonstrating there was no defective design and following extensive pre-trial discovery, surveillance and independent medical examination(s) to mitigate plaintiff's future damages.

Practice Area: Catastrophic/Personal Injury, Dental Malpractice, Healthcare, Professional Liability

Key Issues: Professional Liability; Dental Malpractice

Venue: Bronx

Client Type: Defendant Dentist

We successfully defended a dentist to verdict in a dental malpractice case venued in Bronx, New York.

Result:

Case was tried to a verdict and a judgment in which co-defendant dentist and co-defendant dental group received approximately 80% of liability to only 20% assessed against our client despite the fact that the vast majority if not the exclusive treatment of the patient was rendered by our client. In this case, the jury also assessed a minor amount of compensatory damages as compared to the amount sought in plaintiff's ad damnum which was fortunate since the client did not have malpractice insurance to cover a settlement, verdict or judgment in this particular case.

Practice Area: Catastrophic/Personal Injury, Construction

Key Issues: Personal Injury

Venue: Bronx

Client Type: Defendant Building Owner

This was a New York Labor Law case venued in Bronx, New York. The plaintiff, an undocumented worker, in his early 30's, allegedly fell from a ladder while plastering a ceiling in an apartment building in Manhattan owned and managed by our client. Summary judgment was granted on liability pursuant Labor Law 240(1) (the "scaffolding law") so trial was limited to damages.

Result:

The case was settled before Closing Arguments at trial. The trial lasted about five days and included extensive expert testimony from economists and medical experts, including three board certified independent medical examiners in orthopedics, neurology and radiology. The settlement demand during trial was a firm \$2,000,000. However, after several days of expert testimony, the case settled for well under the primary policy. The decision to settle was made after an extensive jury verdict search which revealed numerous sustainable verdicts in this same venue in excess of the insured's excess policy.

Practice Area: Catastrophic/Personal Injury, Construction, Premises Liability

Key Issues: Personal Injury

Venue: Queens

Client Type: Defendant Building Owner

This was a very serious New York Labor Law case venued in Queens, New York. The plaintiff, a 37 year-old carpenter, claimed that he fell from a ladder while hanging sheetrock and while employed by our client. The plaintiff sustained very serious injuries including a fractured calcaneus which allegedly would require future fusion surgery of the plaintiff's ankle.

Result:

Liability was directed against the plaintiff's employer for an unsafe work site under Labor Law 240(1) (called "the scaffolding law") since in New York owners and contractors are strictly liable under the Labor Law for accidents involving construction workers falling from a height or construction workers injured as a result of a falling object. Fortunately, on damages, the jury assessed only approximately \$65,000 for past and future pain and suffering which after the workers compensation lien ironically resulted in the plaintiff receiving less than his attorney from the award. To add insult to injury, the jury award including for the plaintiff's past and future economic loss was significantly less by a factor of about ten than the amount actually offered during trial to settle the case. The defense offered approximately \$600,000 to settle the case before verdict, however, plaintiff's demand was approximately \$800,000 to settle the case at trial. (A similar Labor Law case, with virtually the same injury in Bronx, New York resulted in a prior jury verdict of several million dollars.)

Practice Area: Catastrophic/Personal Injury, Elder Abuse/Rights, Governmental Entity Liability

Key Issues: Personal Injury

Venue: Manhattan

Client Type: Plaintiff Elderly Private Party

This was a negligence case against the City of New York (CNY) and local law enforcement agency venued in Manhattan. The elderly and frail female plaintiff, an octogenarian, tripped and fell as a result of a police barricade erected along and on an already busy and very narrow sidewalk. The police barricades were placed on the sidewalk in anticipation of a parade and a permitted counter demonstration or protest in Manhattan near plaintiff's home.

Result:

The trial was bifurcated and tried before a jury. On liability, the first phase of the trial, the jury found in favor of the plaintiff, to wit, that the defendants were negligent. However, the jury nonetheless returned a verdict for defendants concluding defendants negligence was not a substantial factor in causing plaintiff's injuries. Based on the jury charge that in this case at least the jury could not consider contributory or comparative negligence by the plaintiff, the Court concluded there may be grounds to set aside the verdict as an inconsistent verdict or as against the weight of the evidence. After the verdict, the Court persuaded the defendants to reconsider their no-pay position while our motion to set aside the verdict was pending before the Court. Ultimately, the defendants capitulated and the case was settled with plaintiff receiving a monetary settlement, which included a partial waiver of a \$30,000 lien which we negotiated with Medicaid.

Practice Area: Professional Liability

Key Issues: Wrongful Death

Venue: Kings County, New York Supreme Court

Client Type: Defendant Nursing Home

This is a wrongful death matter in which a resident of a nursing home died one winter after a hospital in NYC and

their transportation service allowed the claimant to get off the ambulance returning him to his designated stop at the nursing home but before his stop. The plaintiff an elderly man with Alzheimers was found approximately ninety (90) days later deceased from exposure and was found at the morgue as a John Doe.

Result:

The case is stayed due to an intervening bankruptcy.

Practice Area: Catastrophic/Personal Injury, Professional Liability, Real Estate

Key Issues: Professional Liability; Legal Malpractice

Venue: County of Bronx, New York Supreme Court

Client Type: Defendant Real Estate Attorney

We are currently representing a real estate attorney as a third-party defendant in a legal malpractice action venued in Brooklyn, New York. The primary action is a foreclosure matter by a mortgage company against the buyers of a private two-family home who have now impleaded their attorney claiming substandard representation at the closing. The action arises from a private real estate transaction in which third-party plaintiffs seek to prevent the foreclosure or rescind the sale and allege that their attorney along with co-third party defendants, the seller, the bank, the mortgage broker and the appraisal company were engaged in predatory lending.

Result:

Case is still in litigation.

Practice Area: Catastrophic/Personal Injury, Healthcare, Professional Liability

Key Issues: Medical Malpractice

Venue: Manhattan

Client Type: Defendants Medical Laboratory/ Doctor

This was a medical malpractice case venued in Manhattan. An elderly female patient alleged medical malpractice by several physicians for failing to timely diagnose and treat her breast cancer. The plaintiff was already being followed by an oncologist for prior breast cancer. Later her doctors obtained a biopsy of her other breast and sent it to our clients, a medical laboratory in New York, where it was examined by one of the doctors in our laboratory for further tests, screening and analysis for cancer. The issue presented was not whether the patient had breast cancer but rather was limited to whether her doctor and oncologist notified the patient as soon as they learned the results of the biopsy (positive) from our laboratory and whether the delay in notifying the patient promptly effected the plaintiff's treatment, therapy, prognosis and other damages which included a mastectomy.

Result:

The case was eventually resolved before trial after extensive pre-trial discovery, including protracted paper discovery and depositions of the various doctors involved in plaintiff's care and treatment, as well as the doctor from our laboratory involved with the plaintiff's biopsy. The case was settled without any contribution sought from the doctor in our laboratory and with the majority of the settlement being paid by the plaintiff's treating doctor and oncologist, with only a marginal contribution by the medical laboratory which was less than the cost of defense.

Practice Area: Catastrophic/Personal Injury, Construction, Premises Liability

Key Issues: Personal Injury

Venue: Bronx

Client Type: Defendants Building Owner / Construction Manager

This was a serious construction accident venued in The Bronx commenced pursuant to New York's "scaffolding law" which is particularly onerous since it provides for strict liability against owners and contractors under Labor Law 240(1), and furthermore bars comparative negligence by plaintiff as an affirmative defense or to mitigate damages. The plaintiff, a young laborer for union masons, allegedly fell dismounting a scaffold or other work platform at a construction site in Manhattan resulting in various injuries including chief among them four separate back surgeries, significant past and future loss wages as a union laborer plus a \$450,000 workers compensation lien.

Result:

Our motion for summary judgment against the employer for defense and indemnity was granted and the employer was directed to defend and indemnify our clients, which included reimbursing our client's carrier in excess of \$100,000 in defense costs, pursuant to the contractual claims. The trial of the case in which the employer then assumed the defense and indemnity of our clients under their insurance was bifurcated. The plaintiff's initial demand was for approximately \$15,000,000 which was the amount of primary and excess coverage available to the employer. At trial, the plaintiff obtained a verdict on liability and the case then proceeded to a separate trial on damages. However, before any testimony or a verdict on damages was rendered, the employer and their insurers, including two excess carriers, settled the case with the plaintiff for a total of \$5,000,000.

Practice Area: Catastrophic/Personal Injury, Construction, Insurance Services, Product Liability

Key Issues: Construction, Insurance, Catastrophic/Personal Injury

Venue: Brooklyn

Client Type: Shopping Center

This was a catastrophic premises liability and New York Labor Law case venued in Brooklyn, New York arising from a fall by a worker while working at the insured's shopping center and mall. The action by a very prominent and well-known plaintiff's attorney involved a young man approximately 30 years old who was rendered a quadriplegic when he fell about 30 feet from a "hi-low" machine used by the worker to elevate a work platform to make a repair in the ceiling of shopping center. The action was commenced pursuant to New York's Labor Law, also known as the "scaffolding law," which provides strict liability for owners, general contractors and their agents for any injuries involving a fall from a height or injury from a falling object during construction.

Result:

During non-binding mediation, the case was settled well within the primary policy.

Practice Area: Catastrophic/Personal Injury, Professional Liability

Key Issues: Professional Liability

Venue: Manhattan

Client Type: Defendant Attorney

We successfully defended an attorney in a legal malpractice case venued in New York. On the eve of trial, and during jury selection, we obtained and exchanged video surveillance of the claimant which undermined or mitigated plaintiff's claim for loss of use or limitation, future pain and suffering and other claimed sequelae allegedly arising from the underlying action.

Result:

After substantive pre-trial discovery, including depositions and IMEs, the case was settled for a fraction of the amount claimed by plaintiff.

Practice Area: Catastrophic/Personal Injury, Construction, Insurance Services, Professional Liability

Key Issues: Building Collapse, Construction Defect, Professional Liability, Insurance Malpractice, Builders Risk Policy

Venue: Supreme Court State of New York, New York County

Client Type: Retail Insurance Broker

This was an insurance broker malpractice, lost profits and business interruption and property damage action venued in Manhattan against, among many others, our client, a retail insurance broker, with 30 + years' experience, arising from a partial building collapse of a 5-story building in Manhattan on March 27, 2007. The client's insurance broker was sued by the owner/developer of the project after the developer's insurance coverage under a Builders Risk Policy obtained by the broker(s) was rescinded post-loss by the insurance carrier. The carrier alleged material misrepresentation(s) in the application by the insurance brokers and the owner. The damages originally sought by plaintiff were over \$2,000,000, not including statutory pre-judgment interest, which could have substantially increased the plaintiff's damages in this case which settled over four (4) years after the loss. **Result:**

Case resolved and settled just before trial, following court-supervised mediation, for a total of \$845,000 with our broker paying about 17% of the global settlement, which included contributions from numerous co-defendants, including the wholesale broker, structural architect/engineer, steel erector subcontractor and the General Contractor. While the wholesale broker, architect/engineer and the steel subcontractor also contributed to the settlement, the vast majority of the settlement contribution was paid by the General Contractor (\$650,000), including a \$237,000 payment by the GC to also resolve a separate action (counter-claim) by a demolition company against plaintiff/developer for breach of contract. The developer failed to pay the demolition company which they hired to completely demolish and remove the entire building after the collapse, pursuant to an "Emergency Order" from the NYC Department of Buildings to tear the entire building down.