

## MARK D. WELLMAN

SHAREHOLDER



### AREAS OF PRACTICE

Construction Injury Litigation  
Property Litigation  
Consumer Financial Services Litigation & Compliance  
Aviation & Complex Litigation  
Automobile Liability  
Product Liability  
General Liability

### CONTACT INFO

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88 Pine Street, 29th Floor  
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### ADMISSIONS

Connecticut  
2002

New York  
2002

U.S. District Court Eastern District  
of New York  
2003

U.S. District Court Southern  
District of New York  
2003

### EDUCATION

Pace University School of Law  
(J.D., 2001)

George Washington University  
(B.S., cum laude, 1998)

### ASSOCIATIONS & MEMBERSHIPS

Kings County Small Claims Court,  
Approved Arbitrator

New York State Bar Association

Claims and Litigation Management  
Alliance (CLM), Board Member,  
New York City Chapter

### OVERVIEW

For over 13 years, Mark has defended general contractors and property owners in New York City on a wide range of statutory liability claims brought pursuant to the New York Labor Law and the New York Industrial Code. He has also represented numerous subcontractors in high-exposure construction-related premises liability cases.

In addition, Mark has extensive experience defending manufactures and distributors covering a variety of consumer and industrial products. Mark has defended an aviation parts and engine manufacturer in a product liability action in New York. He has also defended a furniture distributor and a major manufacturer of semi-conductors in a toxic tort matter involving numerous claimants formerly employed at a New York manufacturing facility.

Mark also represents major automobile financing companies in disputes related to ownership, transfer, warranty reimbursement, incentives, as well as franchise concerns. His experience includes counseling automobile financing companies many types of matters, including dealer related concerns, retail installment contracts, lease agreements, branding concerns, and the development and enforcement of finance performance standards. These matters also include alleged violations of The Federal Fair Debt Collection Practices Act and New York Fair Debt Collection Statutes. Furthermore, Mark has represented auto financing companies in bankruptcy proceedings regarding creditor complaints and collection matters.

For almost 10 years, Mark has represented internationally recognized security contractors involved with providing security services at major sporting venues and large commercial centers in New York City and the surrounding suburbs. Mark has also counseled security companies on a variety of matters including the drafting and modifying of security service agreements and security protocol.

Mark has also represented major movie production companies and news organizations in a large number of premises liability and motor vehicle accident cases, as well as contractual disputes between production companies and subcontractors.

### CLASSES/SEMINARS TAUGHT

*Risk Transfer, Contractual Indemnification In Labor Law Section 240(1) Cases*, Gallagher Bassett Services, Irvine, CA, July 2013

## RESULTS

### Affirmance Achieved in Dismissal of All Claims in New York Labor Law Matter

#### **New York Construction & Labor Law August 21, 2024**

We successfully achieved affirmance of the trial court's decision to dismiss all claims against a property owner and designer in a New York labor law matter. The plaintiff was injured when he fell from a ladder stacked atop a bakers scaffold while performing renovation work on a four-story brownstone. The 16-foot ladder and the scaffold were provided by his employer—the general contractor—and set up at his employer's discretion.

### Summary judgment in New York Labor Law case

#### **New York Construction & Labor Law December 30, 2019**

We represented a plumbing subcontractor in a case venued in Supreme Court, Bronx County. The plaintiff alleged he sustained serious neck and back injuries as a result of falling pipes.

### Court Dismisses Plaintiff's Labor Law Section 200 Claim and Numerous 241(6) Industrial Code Violations.

#### **New York Construction & Labor Law December 31, 2018**

We were granted partial summary judgment in a Labor Law case venued in the New York Supreme Court, Bronx County. The plaintiff was installing new floors in a large residential building in Manhattan that was owned by our client. The project involved a large-scale renovation of a penthouse and several lower levels. During the renovation, the plaintiff fell through an opening in the floor and sustained injuries to his knee and back. The plaintiff moved for summary judgment under New York Labor Law Section 240(1). We cross-moved for summary judgment, seeking a dismissal of all claims.

### Finance Company Dismissed from Complex, Multi-Million Dollar Lawsuit

#### **Commercial Litigation February 16, 2015**

Secured a discontinuance for a multi-national auto financing company in a Chancery Division action in New Jersey arising out of claims by a potential franchisee against a dealership, the vehicle manufacturer, the financing company and a potential third-party buyer. The plaintiff's claims sought over \$30 million in damages stemming from alleged violations of the New Jersey Franchise Act, breach of contract claims, tortious interference allegations and a companion declaratory judgment action.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Working with a team, Mark helped to secure a discontinuance for an auto financing company. The plaintiffs sought over \$30 million in damages stemming from breach of contract claims, tortious interference allegations and a companion declaratory judgment action. The case involved the exchange of over half a million documents and extensive electronic discovery. The settlement with the plaintiff did not involve any contribution by the client.

Mark obtained summary judgment in favor of a general contractor in a Labor Law matter, by dismissing numerous Labor Law claims and shifting the risk from the general contractor to the plaintiff's employer. The decision ultimately placed the responsibility for the accident on the plaintiff's employer and the employer's insurance carrier.

Mark represented the general contractor in a trial involving Labor Law §240(1) and §241(6) in Supreme Court, Queens County, in a high exposure case that settled favorably for his client following the cross examination of the plaintiff's treating physician.

Mark successfully defended an airplane engine manufacturer in a products liability claim resulting in a favorable settlement following extensive discovery on the eve of jury selection.

In New York County Civil Court, Mark obtained a verdict in favor of an auto financing company against a defendant that abandoned a motor vehicle in Europe.

Mark obtained a favorable decision before the Second Department, Appellate Division for a property owner against plaintiff's employer on a "grave injury" related claim involving Labor Law §240(1) and Workers' Compensation Law §11 (affirmed by New York Court of Appeals).

Mark obtained a dismissal of a plaintiff's Fair Debt Collection claim against an auto financing company in the Eastern District of New York.