

COURT OF APPEALS OF NEW YORK

Dahar v. Holland Ladder & Manufacturing Co.

18 N.Y.3d 521, 964 N.E.2d 402, 941 N.Y.S.2d 31 (N.Y. 2012) · No. No. 23 · Decided February 21, 2012

SUMMARY

The New York Court of Appeals held that a factory employee injured while cleaning a manufactured steel wall module was not engaged in an activity protected by Labor Law § 240 (1). The court declined to extend the statute's protections to cleaning a product during a manufacturing process and affirmed dismissal of the plaintiff's claim.

CASE DETAILS

COURT	Court of Appeals of New York
WRITING FOR THE COURT	Smith, J.; Chief Judge Lippman; Judge Ciparick; Judge Graffeo; Judge Read; Judge Pigott; Judge Jones; Judge Smith
JURISDICTION	New York
DECIDED	February 21, 2012
DOCKET	No. 23
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed as of right to the New York Court of Appeals under CPLR 5601(a) after Supreme Court granted summary judgment dismissing his Labor Law § 240(1) claim and the Appellate Division, Fourth Department, affirmed.
STANDARD OF REVIEW	Review of the grant of summary judgment and interpretation and application of Labor Law § 240(1).
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Michael Dahar v. Holland Ladder & Manufacturing Company, Bechtel National, Inc., Warner G. Martin, Shirley Martin

TOPICS

statutory interpretation construction law construction defects legislative intent plain meaning rule

PRACTICE AREAS

construction law statutory interpretation commercial litigation

QUESTIONS PRESENTED

1. Whether cleaning a manufactured steel wall module during a manufacturing process constitutes protected activity under Labor Law § 240(1).
2. Whether the defendants could be liable as contractors or owners under Labor Law § 240(1) based on the accident.

HOLDINGS

1. A factory employee cleaning a manufactured product in the course of a manufacturing process is not engaged in an activity protected by Labor Law § 240(1).
2. The court did not reach whether Bechtel and the Martins were contractors or owners because Dahar's activity was outside the statute's protected scope.

KEY QUOTATIONS

"All contractors and owners and their agents, except owners of one and two-family dwellings who contract for but do not direct or control the work, in the erection, demolition, repairing, altering, painting, cleaning or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes, and other devices which shall be so constructed, placed and operated as to give proper protection to a person so employed." (18 N.Y.3d at 524)

"We decline to extend the statute so far beyond the purposes it was designed to serve." (18 N.Y.3d at 526)

FACTUAL BACKGROUND

Michael Dahar, an employee of West Metal Works, was cleaning a steel wall module manufactured at West's factory in Cheektowaga, New York. The module was at least seven feet high and had been purchased by Bechtel National, Inc. for installation in a nuclear waste treatment plant in Washington. While standing on a ladder supplied by West, Dahar claimed that the ladder broke and he fell. He asserted that the cleaning activity was protected by Labor Law § 240(1).

PROCEDURAL HISTORY

Dahar sued several defendants after falling from a ladder while cleaning a manufactured steel wall module. Supreme Court granted summary judgment dismissing his Labor Law § 240(1) claim against Bechtel National, Inc. and the Martins. The Appellate Division affirmed, with two Justices dissenting, and the Court of Appeals affirmed the order.

DISPOSITION

affirmed

CASES CITED

- Dahar v. Holland Ladder & Mfg. Co., 79 A.D.3d 1631 (4th Dep't 2010)

- Blake v. Neighborhood Hous. Servs. of N.Y. City, 1 N.Y.3d 280 (2003)
- Haimes v. New York Tel. Co., 46 N.Y.2d 132 (1978)
- Bland v. Manocherian, 66 N.Y.2d 452 (1985)
- Joblon v. Solow, 91 N.Y.2d 457 (1998)
- Munoz v. DJZ Realty, LLC, 5 N.Y.3d 747 (2005)
- Caddy v. Interborough R.T. Co., 195 N.Y. 415 (1909)
- Lewis-Moors v. Contel of N.Y., 78 N.Y.2d 942 (1991)
- Broggy v. Rockefeller Group, Inc., 8 N.Y.3d 675 (2007)
- Ferluckaj v. Goldman Sachs & Co., 12 N.Y.3d 316 (2009)
- Swiderska v. New York Univ., 10 N.Y.3d 792 (2008)
- Bauer v. Female Academy of Sacred Heart, 97 N.Y.2d 445 (2002)
- Brown v. Christopher St. Owners Corp., 87 N.Y.2d 938 (1996)
- Connors v. Boorstein, 4 N.Y.2d 172 (1958)
- Koenig v. Patrick Constr. Corp., 298 N.Y. 313 (1948)
- Gordon v. Eastern Ry. Supply, 82 N.Y.2d 555 (1993)

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