

Attorney Matthew Bown Obtains Summary Judgment in Connecticut Superior Court

RELATED ATTORNEYS

Matthew E. Bown

June 3, 2020

Hermes Netburn attorney Matthew E. Bown successfully obtained summary judgment in favor of the firm's client, a global paint and coatings manufacturer, in a lawsuit filed against it in the Connecticut Superior Court.

The plaintiffs were the former owners of a commercial property on which the defendant-lessee operated a retail paint store over a period of years. The plaintiffs' complaint alleged that the defendant's operation of a paint store at this location caused the property to become categorized as an "establishment" under the Connecticut Transfer Act, which required that certain environmental assessments be completed before the property could be sold. The plaintiffs sought to recover a substantial sum of costs and expenses that they claimed to have incurred in connection with the environmental assessments required under the Transfer Act.

Attorney Bown successfully argued that the statutory language of the Transfer Act placed the responsibility for the costs of compliance on property owners, not lessees. Attorney Bown further convinced the court that lease for the property, which was the only source commercial rights and obligations between the parties, did not contain any provision that required the lessee to indemnify or otherwise reimburse the landlord for the costs they incurred in complying with the Connecticut Transfer Act's environmental assessment requirements.

The court's ruling in favor of the firm's client disposed of the entire case, saving the client the time, expense and uncertainty of taking the case to trial. The firm is thrilled to have achieved such a positive outcome for its client, and congratulates Attorney Bown on this most recent success.

Matthew E. Bown is an associate attorney with Hermes, Netburn, O'Connor & Spearing, P.C. in Boston, Massachusetts. Attorney Bown concentrates his practice in the areas of commercial and business litigation, as well as complex product liability matters involving medical devices, automobiles, industrial machinery, construction equipment and consumer goods. Attorney Bown is admitted to practice in Massachusetts, Connecticut and Vermont.