

# Kenneth B. Danielsen

METROPOLITAN NEW YORK (WOODBIDGE, NJ)  
LONG ISLAND, NY

Kenneth B. Danielsen is the Managing Partner of the Long Island, NY office and Chair of Cipriani & Werner's Maritime Practice Group. He concentrates his practice in the areas of complex general liability, maritime, product liability, construction accidents [New York Labor Law sec. 240 and 241(6)], commercial, and construction litigation.

Mr. Danielsen routinely handles cases of the highest exposure, in many jurisdictions, including mass-casualty events, cases involving catastrophic injury and highly publicized incidents. Mr. Danielsen is frequently retained by excess insurance companies to oversee the defense of cases at the highest levels of exposure. He focuses primarily on significant matters involving serious personal injury and wrongful death.



Mr. Danielsen also focuses a considerable portion of his practice on appellate litigation and representing clients under investigation by state and federal agencies. In addition to his active litigation practice, he counsels several midsized business clients on general corporate, contract and intellectual property matters.

Mr. Danielsen is licensed to practice in New York and is admitted to practice before the U.S. District Courts for the Southern and Eastern Districts of New York, as well as the U.S. Courts of Appeal for the Second and Third Circuits. He is also a member in good standing of the Maritime Law Association of the United States.

Mr. Danielsen received his B.A. from New York University in 2005, where he was a member of the school's national runner-up ice hockey team. He earned his law degree from the Western New England University School of Law in 2008, where he received several awards and academic appointments.

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## PRACTICE AREAS

- General & Premises Liability
- Maritime & Admiralty
- Product Liability
- Construction
- Appellate
- Commercial Litigation
- Motor Carrier
- Business Counseling

## REPRESENTATIVE MATTERS

Inocencio Martinez v. Yeshiva Kehilath Yakov, Inc., et al. (Bronx County, Index No. 21590) - Served as special trial counsel and obtained defense verdict in damages only trial involving Labor Law 240. Plaintiff was granted summary judgment several years before trial on Labor Law 240 liability and the sole question before the jury was the amount of damages. Despite multiple surgeries, including a spinal fusion surgery, the jury awarded no damages.

Philip Walsh v. 333 Bronx River Tenants Corp., et al., 69318/2017 (Sup. Ct. Westchester Cty. 2020) – Successfully obtained

grant of summary judgment, dismissing case involving double amputation and severe 3rd degree burns where the firm's client, a CO-OP building owner, was alleged to have negligently maintained a boiler system within the building.

Fox, et al. v. Mark, et al., 181 A.D.3d 560 (2d Dept. 2020) – Successfully defended, on Appeal, a Decision and Order granting summary judgment and dismissing claims asserted against our client, a home health aide, involving the alleged loss of the right of sepulcher and negligent infliction of emotional distress. Plaintiff's claim was that our client failed to timely notify him of the death of his mother, which occurred after the home health aide had left for the evening. The following morning, the home health aide could not gain access to the apartment in which the decedent resided. The decedent was later discovered by plaintiff when he went to investigate why his mother had not returned his phone calls earlier that day. We successfully established that no duty of care ran to the family members of the decedent to notify them of the death of the decedent, since our client did not have access to, or actual possession of the decedent's body. The case presented a very narrow issue on liability extending to health care providers and the proper handling of a body after death. These issues are particularly timely in the wake of the COVID 19 Pandemic.

GbForefront v. Forefront Management Group, LLC, et al., 888 F.3d 29 (3 Cir. 2018) – Assisted partner Christopher Nucifora in obtaining a reversal and significant change to jurisdictional law in the 3rd Circuit.

Kelly v. Mall at Smith Haven, LLC, 48 N.Y.S.3d 726 (2d Dept. 2017), Successful defense on appeal of decision dismissing case on summary judgment where construction contractor was off site at the time of injury and there was no evidence of contractor's role in causing the condition that lead to plaintiff's injury.

Barron v. Eastern Athletic, Inc. 150 A.D.3d 654 (2d Dept. 2017), Successful defense on appeal of decision dismissing complaint where plaintiff could not establish that a transient dangerous condition existed for a sufficient time period to establish the element of notice.

Sierra v. Ogden Cap Properties, LLC, 135 AD3d 654 (2d Dept. 2016), Successful defense on appeal of decision denying co-defendant's motion for summary judgment.

Seaport Inlet Marina LLC v. Connell et al, Index No. 2017cv01908 (Dist. Of NJ 2018), Headed the environmental response and defense of all investigations into a large marina fire in South New Jersey. Served as co-lead counsel in successful federal court declaratory judgment action to limit liability of marina.

Al Hannah v. Phoenix House Foundations, Inc., 705355/2013 (Sup. Ct. Queens Cty. 2016) – Motion for summary judgment granted. Court determined that an alleged violation of an internal corporate protocol was not evidence of negligence and dismissed the case.

Thomas Morash v. Hewlett Point Yacht Club Inc., et al., 606924/2015 (Sup. Ct. Nassau Cty. Commercial Div. 2016) - Successfully secured a motion to dismiss in a case involving property damage claims arising out of drifting boats that caused property damage in the wake of Hurricane Sandy.

Bank v. Philips Elecs. N. Am. Corp., No. 14-CV-5312 JG VMS, 2015 WL 1650926 (E.D.N.Y. Apr. 14, 2015) – Motion to dismiss putative class action sounding in violation of Federal TCPA granted and case dismissed.

Mildred Trapani v. Yonkers Racing Corporation, et al., 124 A.D.3d 628, 1 N.Y.S.3d 299 (2d Dept. 2015) – Supreme Court's denial of summary judgment reversed and case dismissed.

Joseph Robinson, et al. v. National Grid Energy, et al., Supreme Court, Suffolk County, Index No. 198-11, 2015 Slip Op. 30478 (2015) – Motion to dismiss Labor Law §§ 240 and 241 granted.

Gloria Ramirez v. Lucille Roberts Health Clubs, 110 A.D.3d 975, 973 N.Y.S.2d 572 (2d Dept. 2013)

Michal G. Chiechroski v. The City of New York, New York City Economic Development Corp. et al., Supreme Court, New York County, Index No. 100509/11 – Motion to dismiss granted.

Andrew S v. Gristina, 97 A.D.3d 651 (2d Dept. 2012). Nasique Dayes v. Leake and Watts, Supreme Court, Bronx County, Index No. 350555/09 – Motion for summary judgment granted.

Margaret Coaxum v. Torah M' Sinai, Inc. and Rotavelle Elevator, Inc., Supreme Court, Kings County, Index No. 5443/09 – Motion for summary judgment granted.

Jean Carlo Heredia v. Tolentine – Zeiser Community Life Center, Inc., Supreme Court, Bronx County, Index No.


350263/10 – Motion for summary judgment granted.


## EDUCATION

New York University (B.A., 2005)

Western New England University School of Law (J.D., 2008)

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