



Gilroy, James P.

Position: Partner

Contact

Phone: (516) 329-9390

Fax: (646) 350-1901

Email: jgilroy@gerberciano.com

Mailing Address

P.O. Box 1060, Buffalo, New York 14201

Location

Garden City, New York

Practice Areas

- [Construction Law](#)
- [General Litigation](#)
- [Municipal & Government](#)
- [Professional Liability](#)
- [Toxic Tort & Environmental](#)

Admissions

New York, U.S. District Court for the Eastern District of New York, U.S. District Court for the Southern District of New York, U.S. District Court for the Northern District of New York, U.S. Court of Appeals, Second Circuit,



Biography

James Gilroy is a litigator and trial attorney with over 40 years' court experience in the greater New York City area. He concentrates his practice in the defense of general liability litigation, and has tried numerous cases in state and federal courts including cases of construction accidents, professional liability, municipal liability and toxic torts. Jim has successfully argued appeals throughout New York's appellate system and is responsible for numerous trial and appellate level decisions. Jim founded a law firm in New York City and for 23 years tried civil cases for plaintiffs and defendants, obtaining over 30 jury verdicts in areas as diverse as environmental contamination, medical professional and health facility liability, construction site liability and products liability.

Jim was a founding member of the Brehon Law Society of New York City, a bar association formed by lawyers and judges concerned with international human rights issues. Jim was part of a team of Brehon Society attorneys who argued a federal case interpreting a 180 year old extradition treaty with Great Britain. Jim has served on numerous Independent Judicial Screening Panels, interviewing and evaluating candidates for the New York State Supreme Court and lower court bench in New York City. For 10 years he volunteered as an Assistant Scoutmaster of his local Boy Scout troop which his three sons belonged to, and for recreation, he enjoys summer camping and outdoor adventures on a remote island in Canada.

Education

- St. John's University School of Law, J.D., 1978
- University of Pennsylvania, 1975

Honors

- New York Metro *Super Lawyers*, 2023-2026
- Brehon of the Year award for 25 years' active membership, Brehon Law Society of New York, 2005

Professional Leadership

- Founding Member, Brehon Law Society of New York, 1980 – Present
- New York State Bar Association, Torts, Insurance and Compensation Law Section



Representative Matters

***Gikas v. 42-51 Hunter St.*, 134 A.D.3d 987, Appellate Division, Second Department (2015)**

Obtained dismissal of cross-claims for contractual and common law indemnification in construction accident case brought under NY Labor Law sec. 241(1).

***Amazyane v. Hecho*, Supreme Court, Kings Co. No. 23984/2011 (2017)**

Obtained denial of motion by codefendant owner which sought pretrial summary judgment for contractual indemnification against tenant and general contractor, in a construction injury claim. The case was settled while an appeal was pending.

***Kadish v. Sutton Garage*, Supreme Court Queens Co. No. 22508/2012 (2015)**

Obtained pretrial dismissal of premises liability action, based upon plaintiff's inability to establish a *prima facie* case. No appeal was taken.

***Stewart v. Aggreko*, Supreme Court, N.Y. County No. 151808/2014**

Obtained pretrial dismissal of negligence action against lessor of equipment at an outdoor music festival, allegedly causing injury to passerby. No appeal was taken.

***Bernal v. 521 Park Ave. Condo*, 128 A.D.3d 750 Appellate Division, Second Dept. (2015)**

Obtained dismissal of sidewalk trip/fall action based on evidence that no dangerous or defective condition existed.

***Prisco v 25 Washington Owners*, Supreme Court, Kings Co. No. 17050/2011 (2015)**

Obtained pretrial dismissal of construction worker's Labor Law sec. 241(6) action, based upon plaintiff's inability to establish a *prima facie* case. No appeal was taken.

***Keith v. Rosen*, Supreme Court, New York Co. No. 150984/2012 (2014)**

Obtained dismissal of nuisance and trespass causes of action by neighbor of construction project, on the basis that damages for loss of use were not supported by sufficient evidence, and that plaintiff's expert's testimony was speculative. No appeal was taken.



***Trapani v. Windsor Garage*, 2013 NY Slip Op. 87652(U) Appellate Division, Second Dept. (2013)**

Obtained vacatur of a \$150,000 default judgment entered against a client who retained counsel after entry of final judgment.

***Telentos Const. v MQDC*, Supreme Court, Queens Co. No. 8187/2011**

Obtained dismissal of impleader claim against subcontractor, in \$10 million construction defect action, on the basis of the economic loss rule.

***Miller v. Belux*, Supreme Court, Queens Co. No. 700537/2015 (2019)**

Obtained pretrial dismissal of complaint by patron of catering hall injured on the premises.

Community

- New York County Supreme Court Independent Judicial Screening Panel, 2014
- New York County Civil Court Independent Judicial Screening Panel, 1995-2005

Presentations

- Author, "Ulster's Emergency Legislation: Perpetuating the Emergency" NY Law Journal June 4, 1981, critique of the UK's Emergency Powers and Prevention of Terrorism Acts