

MARKS & WEINBERG, P.C.

Davis v. A.O. Smith Corp.

262 A.2d 752 (N.Y. App. 1999)

The lessee of a silo sued the lessor for fraud, misrepresentation, and breach of warranties specifically related to the oxygen-limiting capabilities of the silo. The court granted the lessor's motion for dismissal because the lessee's claims were stale. Contrary to the lessee's arguments, the doctrine of equitable estoppel did not preclude the lessor from seeking dismissal when the lessee had timely knowledge that was sufficient to place him under a duty to investigate and ascertain all of the relevant facts prior to the expiration of the applicable statute of limitations.

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