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SUMMARY JUDGMENT VICTORY FOR NEW JERSEY TRANSIT UNDER NEW JERSEY TORT CLAIMS ACT

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Attorneys John P. Campbell and Sierra S. Santana recently obtained summary judgment for their client New Jersey Transit Corporation (“NJ Transit”) in a Passaic County litigation, demonstrating the effective application of New Jersey Tort Claims Act (“TCA”) immunity principles to secure dismissal with prejudice for a public entity client.

Plaintiff alleged personal injuries after a trip and fall incident on the sidewalk of a premises directly adjacent to the Paterson Train Station. The Complaint named ten defendants, including NJ Transit. Plaintiff alleged all defendants “owned, leased, rented, operated, supervised, maintained, controlled, managed, inspected, secured, repaired, constructed, cleaned and/or cared for said premises.” However, property records established that only one defendant was the sole owner of the subject premises. Plaintiff did not do the required research to identify the actual property holder, but research performed by the defense attorneys uncovered several proofs to establish one defendant’s ownership including a 1998 deed. The defense team’s strategy effectively leveraged the fundamental principle that immunity is the rule under the TCA. By demonstrating, through property records, that NJ Transit had no ownership or control over the subject premises, counsel established that no exception to immunity applied.

This approach aligns with the TCA’s policy goals of protecting public entities from constant legal onslaught in recognition of the breadth of their public responsibilities while permitting injured citizens to seek recompense only in narrowly defined circumstances. The summary judgment victory obtained by John and Sierra serves as a model for defending public entities by focusing on the fundamental requirement that liability exceptions must be clearly established before immunity can be overcome. The dismissal with prejudice provides finality and demonstrates the strength of well-supported TCA immunity defenses.

For further information or to discuss, please contact John P. Campbell at jpc@spsk.com or 973-540-7322 or Sierra S. Santana at ssantana@spsk.com or 973-631-7840.

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