

The Appellate Advocate:

A Recap of Recent Decisions by NJ's Appellate Courts



DiGiesi v. Bridgewater Police Department No. A-0107-24

“Nobody ever wins a fight.” Truer words have never been spoken. This polestar of wisdom comes from Dalton (Road House, 1989). He is a character unknown to some, but cherished by many, who worked as a freelance security consultant (read: bouncer). Much like a gunfighter in an old Western, Dalton would wander into a town, clean up the local saloon, and then drive off into the sunset. All of which came to mind when I read this case.

DiGiesi v. Bridgewater Police Department centers on a 2016 confrontation outside a Bridgewater restaurant. DiGiesi, then on duty, claims to have barred two belligerent patrons from re-entering the premises. One patron, the son of a retired local police officer, clashed physically with DiGiesi and sustained an ankle injury. Though no arrest was made at the scene, police officers later filed a report portraying DiGiesi as the aggressor. He was indicted six months later for aggravated assault.

DiGiesi was ultimately acquitted at a bench trial in June 2017, but the formal judgment of acquittal was not entered until July 31, 2017. Here’s a tip: anytime a court opinion makes note of a temporal gap like this, there is a probably a decisive issue involving a statute of limitations.

On July 1, 2019 (do you feel the statute-of-limitations suspense building?), DiGiesi filed a federal civil-rights lawsuit, alleging constitutional violations, malicious prosecution, and defamation. But the district court dismissed the case in 2024, citing the expiration of the two-year statute of limitations. The judge ruled that the clock began ticking on the day of the verdict, not the formal judgment.

Seeking another avenue, DiGiesi filed a nearly identical complaint in New Jersey state court. Once again, the suit was dismissed by a Somerset County judge who echoed the federal court’s timeline analysis. The judge concluded that DiGiesi waited too long to sue.

Plaintiff appealed from both judgments. In April of this year, with the appeal from the Somerset County decision still pending, the Third Circuit Court of Appeals took a different view. In a sharply worded opinion, the court held that the statute of limitations on a malicious-prosecution claim does not begin until the prosecution is formally and finally terminated — that is, when the judgment of acquittal is entered, not merely announced. That distinction meant DiGiesi's complaint had been timely filed.

In its own opinion, the New Jersey Appellate Division followed suit. The Appellate Division reversed the trial court's dismissal and reinstated DiGiesi's malicious-prosecution claims. The panel found that the lower court erred by leaning on a discovery-rule framework and by relying heavily on the now-overturned federal ruling.

The appeals court emphasized that the state's Civil Rights Act was modeled on the federal statute—and should be interpreted in alignment with it. The ruling underscores the importance of consistent accrual-date principles between state and federal courts when it comes to constitutional tort claims.

Nobody might ever win a fight. But here at least, DiGiesi lives to fight another day.

About Thomas Cotton

Thomas Cotton is a litigation partner at Schenck Price, representing clients in trial and appellate courts throughout the United States. In addition to his practice, he authors *The Appellate Advocate*, a semi-weekly blog offering thoughtful yet accessible commentary on recent appellate rulings.



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