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CHARITABLE IMMUNITY ACT - NEW JERSEY

Hottenstein v. City of Sea Isle City

United States District Court, D. New Jersey - October 3, 2013 - Slip Copy - 2013 WL 553278

Wrongful death/survivorship suit arose out of the untimely and tragic death of Tracy Hottenstein who, intoxicated at the time, fell off a public dock into the ocean below. Paramedics who were dispatched to the scene called a physician at the local hospital and received an official pronouncement of death.

Pursuant to the New Jersey Charitable Immunity Act, hospital and medic defendants moved to limit damages at trial for any alleged negligent acts.

To fall within the protections of the Charitable Immunity Act, a defendant must demonstrate two elements: (1) that the defendant is a charitable organization that is organized exclusively for hospital purposes, and (2) that the plaintiff was a beneficiary of its services.

It was undisputed that defendant met the first element. Plaintiffs argued that because the defendants were called to the scene in order to pronounce Tracy deceased rather than to render aid, Tracy was not a beneficiary of the Defendants' care within the statute. Nonetheless, the court concluded that the rendering of a pronouncement is sufficient to create a beneficiary status under New Jersey law.