

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **LIABILITY - NEW JERSEY**

### **Henebema v. South Jersey Transp. Authority**

**Supreme Court of New Jersey - September 29, 2014 - A.3d - 2014 WL 4798879**

Motorist who was injured in a multi-vehicle accident on a highway during a heavy snowstorm brought negligence claims against drivers and owners of vehicles involved in the accident and, under the New Jersey Tort Claims Act (TCA), against New Jersey State Police and South Jersey Transportation Authority. A jury found that the individual defendants were not negligent, apportioned 20 percent negligence to state police and 80 percent negligence to authority, and awarded motorist \$8,748,311. State police and authority filed a motion for judgment notwithstanding the verdict (JNOV) or, in the alternative, for a remittitur or new trial.

Motorist moved for prejudgment interest. The Superior Court denied both motions. State police and authority appealed, and motorist cross appealed. The Superior Court affirmed in part, reversed in part, and remanded for a new trial on liability of state police and authority. State police and authority petitioned for certification, which the Supreme Court granted.

The Supreme Court of New Jersey held that retrial on liability of state police and authority did not also require retrial on liability of drivers and owners or comparative negligence of motorist.

Issues involved in determining liability of state police and transportation authority under the New Jersey Tort Claims Act (TCA) for injuries suffered by motorist during a multi-vehicle accident on a highway were not intertwined with issues involved in determining liability of drivers and owners of vehicles involved in the accident or comparative negligence of motorist, and thus retrial on liability of state police and authority following reversal for instructional error did not also require retrial on liability of drivers and owners or comparative negligence of motorist.

Instructional error related only to liability of state police and authority, and motorist's case against drivers and owners and comparative-negligence claim against motorist were based on a different theory of negligence than the theory posited against state police and authority.