

# **Bond Case Briefs**

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## **IMMUNITY - NEW JERSEY**

### **Caicedo v. Caicedo**

**Superior Court of New Jersey, Appellate Division - March 17, 2015 - A.3d - 2015 WL 1179830**

Bicyclist brought action under state Tort Claims Act (TCA) against police officer, city, and city police department to recover for injuries sustained when he was struck by police cruiser operated by officer while on duty. The Superior Court, Law Division, Essex County, awarded damages to bicyclist. Defendants appealed.

The Superior Court, Appellate Division held that:

- Officer was not acting in “execution or enforcement of any law” at time of accident and, thus, was not entitled to good-faith immunity;
- Jury verdict apportioning negligence at 80 percent to officer and 20 percent to bicyclist was not against weight of the evidence; and
- Jury’s damages award to bicyclist in amount of \$2,400,000 was not excessive.