

Bond Case Briefs

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TORT CLAIMS - NEW JERSEY

Beyer v. Sea Bright Borough

Superior Court of New Jersey, Appellate Division - May 19, 2015 - A.3d - 2015 WL 2359767

Arrestee moved for leave to file late notice of claim against police officer, as required by the New Jersey Tort Claims Act. The Superior Court denied motion. Arrestee appealed.

The Superior Court, Appellate Division, held that arrestee's attorney's fatal illness and related incapacity constituted "extraordinary circumstances" that would allow arrestee to file late notice of claim.

Arrestee's attorney's fatal illness and related incapacity, resulting in failure to file arrestee's notice of claim against police officer as required by New Jersey Tort Claims Act, constituted "extraordinary circumstances" that would allow arrestee to file late notice of claim. Failure to act due to serious incapacity or death was not a routine matter, and remedy of malpractice might not have been available to arrestee since it was not clear whether attorney had engaged in any malpractice.