

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **IMMUNITY - NEW JERSEY**

### **Maison v. New Jersey Transit Corporation**

**Supreme Court of New Jersey - February 17, 2021 - A.3d - 2021 WL 608269**

Bus passenger brought negligence action against state transit system and bus driver arising from incident in which co-passenger threw glass bottle at her causing facial injuries following her harassment by group of male teenage co-passengers at back of bus.

The Superior Court entered judgment upon jury verdict for passenger. Defendants appealed. The Superior Court, Appellate Division, affirmed in part, vacated in part, and remanded. Cross-petitions for certification were granted.

In a case of first impression, the Supreme Court held that:

- Heightened standard governing private common carriers applies equally, under Tort Claims Act (TCA), to public common carriers;
- TCA immunity for failure to provide police protection did not apply;
- TCA immunity for failure to enforce a law did not apply;
- TCA immunity for good-faith enforcement of a law did not apply; and
- TCA required allocation of fault between defendants as negligent tortfeasors and unidentified bottle-thrower as intentional tortfeasor.