

Bond Case Briefs

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TORT CLAIMS - NEW JERSEY

H.C. Equities, LP v. County of Union

Supreme Court of New Jersey - July 19, 2021 - A.3d - 2021 WL 3027207

Commercial landlord brought action against county and county improvement authority, asserting claims for trade libel, defamation, and conspiracy, related to a report that contained allegedly false statements about condition of buildings it rented to the county, which allegedly thwarted landlord's settlement with county for a dispute concerning the lease.

The Superior Court dismissed the action. Landlord appealed. The Superior Court, Appellate Division, reversed and remanded with directions. County and authority petitioned for certification, and petition was granted.

The Supreme Court held that:

- Landlord's claims accrued and triggered the 90-day notice requirement under the Tort Claims Act on date of letter in which it identified county and authority as being liable for its injuries, and
- Landlord's series of letters did not establish substantial compliance with Tort Claims Act's notice requirement.

Commercial landlord's claims for trade libel and defamation against county improvement authority, and for conspiracy against authority and the county, related to report of the condition of buildings leased to the county which allegedly contained false statements about the properties and allegedly thwarted landlord's settlement agreement with the county for dispute concerning the lease, accrued, and therefore triggered the notice requirement under the Tort Claims Act, on date on date of landlord's letter, directed to counsel for the authority, in which landlord stated that it viewed county and authority to be liable for its injuries, and landlord was thereby required to present its claims to the county and authority no later than 90 days from date of the letter.

Commercial landlord's three letters, sent at different times to different recipients, did not establish substantial compliance with notice requirements of the Tort Claims Act, so as to allow claims for trade libel, defamation, and conspiracy against county and county improvement authority arising from allegedly false statements in report on condition of buildings leased to the county, since the Act clearly required one identifiable date on which the public entity received notice, the letters did not contain sufficient information to alert county and authority of claims landlord would assert, to give them time to investigate and to settle, even if letters were considered together, which would result in prejudice, and landlord provided no reasonable explanation why there was not strict compliance with the Act.