
IMMUNITY - NEW JERSEY

Gonzalez by Gonzalez v. City of Jersey City

Supreme Court of New Jersey - August 4, 2021 - A.3d - 2021 WL 3376907

Estate brought negligence action against police officers, city, and police department, arising out of motorist's death from being struck by a car on a highway bridge where officers allegedly left him after responding to his one-vehicle accident that left his vehicle inoperable.

The Superior CourT granted summary judgment in favor of defendants. Estate appealed. The Superior Court reversed. Defendants' petition for certification was granted.

The Supreme Court held that:

- Officers' actions did not implicate the Good Samaritan Act;
- Immunity for acting under statute requiring removal of an incapacitated person from public place to a treatment center did not apply;
- Fact issues precluded summary judgment; and
- Neither immunity for failure to enforce a law nor immunity for good-faith enforcement of a law applied.

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