
IMMUNITY - NEW JERSEY

Conforti v. County of Ocean

Supreme Court of New Jersey - August 10, 2023 - A.3d - 2023 WL 5112899

Wife of deceased county jail inmate, individually and as administratrix ad prosequendum of inmate's estate, and as parent natural guardian and guardian ad litem of their minor child, brought action against county, county Board of Chosen Freeholders, county Department of Corrections, retired warden, and corporal, alleging negligence and violation of New Jersey Civil Rights Act (NJCRA) in connection with inmate's suicide.

The Superior Court denied defendants' summary judgment motion on negligence claims, and granted defendants' summary judgment motion as to NJCRA claims. Following a jury's finding that defendants were negligent and award of damages to plaintiff, the Superior Court, 2018 WL 4676882, denied defendants' motions for judgment notwithstanding the verdict (JNOV), or, in the alternative, for a new trial and remittitur, and entered judgment for plaintiff. Defendants appealed. The Superior Court, Appellate Division affirmed. The Supreme Court granted defendants' petition for certification.

The Supreme Court held that whether defendants were negligent as to conduct unrelated to any failure to examine, failure to diagnose or treat, or failure to confine a person for a mental health condition or drug dependence, were material fact issues.

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