Personal Injury Defendants Find a Friendly Court

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Over the course of the past year, legal issues impacting the world of torts and personal injury law kept the New Jersey Supreme Court quite busy. The court's decisions in these areas have focused on the procedural, such as net opinions, adverse inference charges, civil reservations, liability issues on retrial, application of the Charitable Immunity Act and discovery under the Patient Safety Act, as well as the substantive, including bad faith in the context of uninsured motorist claims, condo association liability and an employee's comparative negligence.

It is hard to decipher a theme from among 11 opinions authored by five different justices. In some cases (see, eg., *Davis v. Brickman Landscaping* or *Maida v. Kuskin*), the court reminded practitioners and judges alike that process matters and rules should be followed. However, in other cases (*C.A., ex rel. Applegrad v. Bentolila*), strict application of the rules was relaxed. In one case (*Qian v. Toll Brothers*), the court expanded a cause of action to establish liability against a condominium association for personal injuries. In another context (*Badiali v. NJM* and *Wadeer v. NJM*), the court declined to expand bad-faith liability in uninsured motorist claims. Finally, while plaintiffs may celebrate the court's opinions in *Kuchera v. Jersey Shore Family Health Center* and *Qian*, for the most part, personal injury defendants found a friendly court over the past term, having prevailed in a clear majority of the court's opinions.

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