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**Masser, Michelle**

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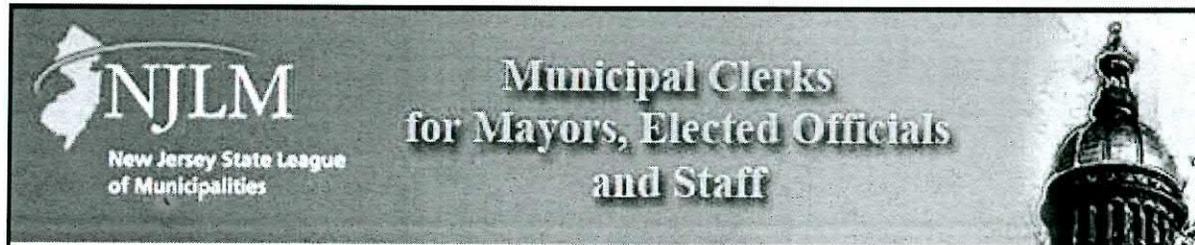
**From:** Lashway, Lisa  
**Sent:** Thursday, January 19, 2012 3:32 PM  
**To:** Canning, Sean; Masser, Michelle; Perkins, Ray; Stachnick, Christie; Wilpert, Frank  
**Subject:** FW: Recent Supreme Court Decision in Polzo v. Essex County

correspondence

Lisa Lashway  
Township Clerk  
Township of Mount Olive  
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973-691-0900 Ext. 7290

**From:** NJLM to Municipal Officials [mailto:njlm-clerks@cityconnections.com]  
**Sent:** Thursday, January 19, 2012 3:33 PM  
**To:** Lashway, Lisa  
**Subject:** Recent Supreme Court Decision in Polzo v. Essex County

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January 19, 2012

**Re: Recent Supreme Court decision in Polzo v. Essex County**

Dear Mayor:

Yesterday, the New Jersey Supreme Court issued their decision in *Polzo v. Essex County*, a case that has important implications for municipalities. We are happy to say that the Court held in favor of local governments.

The case dealt with whether Essex County was responsible for the death of a bicyclist who lost control of her bicycle while riding over a depression in the shoulder of an Essex County road. The Appellate Division disregarded the protections of the Tort Claims Act and held that they did. The Supreme Court reversed, stating, “it cannot be concluded that the County was on constructive notice of a ‘dangerous condition’ on the shoulder of its roadway that ‘created a reasonably foreseeable risk’ of death, or that the failure to correct the depression before the accident was ‘palpably unreasonable.’”

In the past several years, we have seen legislation and court decisions that attempt to wear away the protections provided by the Tort Claims Act. We are pleased that the Supreme Court bucked this trend. We also want to congratulate the excellent work done by Jeffrey B. Beacham, Esq., who argued on behalf of Essex County, as well as Robert Renaud, Esq. who argued on behalf of the League as *amicus curiae*.

If you have any questions or require further information, please do not hesitate to contact our staff attorney Matthew Weng at 609-695-3481 ext 137 or at [mweng@njslom.com](mailto:mweng@njslom.com).

Very truly yours,

William G. Dressel, Jr.  
Executive Director

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