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Subject: FW: New Jersey Public Entity Law Monthly - February 2014

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New Jersey Public Entity Law Monthly

**Sidewalk Raised by 1 ½ Inches
Determined to be Dangerous Condition**

About the Editor

By Betsy G. Ramos, Esq

In the unpublished decision of Colon v. Woodbridge Housing Authority, Docket no. A-1634-12T4 (October 30, 2013), the Appellate Division ruled that a 1 ½ inch raised sidewalk could constitute a dangerous condition under the Tort Claims Act. But, the Appellate Division, finding that the actions or inactions of the defendant Woodbridge Housing Authority were not palpably unreasonable, affirmed the trial court's dismissal of the case.

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**Employee's Whistleblower Claim
Reinstated Under Recent Appellate
Division Decision**

By Ralph R. Smith, 3rd, Esq.

Thanks to a recent decision by the New Jersey Appellate Division, a school bus mechanic had his whistleblower claim under New Jersey's CEPA law reinstated after it was originally dismissed by a Morris County trial judge.

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Volunteer Firefighters May Be Employees



Betsy G. Ramos, Esq., a member of Capehart Scatchard's Executive Committee and Co-Chair of its Litigation Department, is an experienced litigator with over 25 years of experience handling diverse matters. Practice areas include tort claims and civil rights defense, tort defense, insurance coverage, and estate, employment, construction, business, and general litigation.

Recent News

Litigation Department Co-Chair Betsy G. Ramos Launches NJ Litigation Blog

under FMLA

By John H. Geaney, Esq.

The City of Gibraltar employed 41 employees, excluding its "volunteer" firefighters. When it fired one of the firefighters, Paul Mendel, he sued under the FMLA. The city countered that it was not covered under the FMLA because it had less than 50 employees. There were 25-30 "volunteer firefighters" whom the City contended were not truly employees and should not be counted toward the 50 employee threshold.

Capehart Shareholder
Thomas A. Clark
Concludes Successful
Lease Negotiations

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