

SUPREME COURT OF NEW JERSEY

Ruiz v. Mero, 189 N.J. 525

917 A.2d 239 (2007) · Decided March 13, 2007

SUMMARY

The Supreme Court of New Jersey held that N.J.S.A. 2A:62A-21 abrogated the firefighters' rule in its entirety, allowing law enforcement officers and other covered first responders to seek damages for injuries caused by the neglect, willful omission, or willful or culpable conduct of persons or entities other than employers or co-employees. The court affirmed the Appellate Division's reinstatement of Harry Ruiz's negligence action arising from injuries sustained while responding to a disturbance at a bar and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Justice Long; Chief Justice Zazzali; Justice LaVecchia; Justice Albin; Justice Wallace; Justice Rivera-Soto; Justice Hoens
JURISDICTION	New Jersey
DECIDED	March 13, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed the dismissal of a police officer's negligence complaint under the firefighters' rule. The Appellate Division reversed and reinstated the complaint, and the Supreme Court of New Jersey granted certification limited to whether N.J.S.A. 2A:62A-21 abrogated the firefighters' rule.
STANDARD OF REVIEW	De novo review of the dismissal for failure to state a claim and interpretation of N.J.S.A. 2A:62A-21.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of New Jersey
PARTIES	Angel Mero, Silvana's Bar & Restaurant, Richard Rossi, Richard Rossi Real Estate Corporation v. Harry Ruiz, Sharon Ruiz

TOPICS

- premises liability
- negligence
- personal injury
- statutory interpretation
- legislative intent

PRACTICE AREAS

torts

premises liability

statutory interpretation

personal injury

QUESTIONS PRESENTED

1. Whether N.J.S.A. 2A:62A-21 completely abrogated New Jersey's common-law firefighters' rule.
2. Whether the statute instead preserved the pre-Rosa version of the firefighters' rule and its limits on first-responder recovery.

HOLDINGS

1. N.J.S.A. 2A:62A-21 completely abrogated the firefighters' rule in New Jersey, subject to the statute's express limitation concerning employers and co-employees in workers' compensation matters.

KEY QUOTATIONS

“The meaning of N.J.S.A. 2A:62A-21 seems clear — to provide a broad right of action to a first responder who is injured on the premises to which he has been called.” (189 N.J. at 245)

“We maintain the same view, and, to the extent that Kelly suggests otherwise, it is disapproved.” (189 N.J. at 247)

FACTUAL BACKGROUND

Harry Ruiz, a uniformed Dover police officer, responded while on duty to an altercation at defendants' bar and restaurant. Patrons had become agitated while consuming alcohol and watching a televised soccer match, and one or more people attacked Ruiz, causing head and neck injuries. Ruiz alleged that defendants negligently failed to provide adequate security in violation of a municipal ordinance.

PROCEDURAL HISTORY

The trial court dismissed Ruiz's complaint for failure to state a claim, concluding that the firefighters' rule barred the action. The Appellate Division reversed and remanded for trial, holding that N.J.S.A. 2A:62A-21 abrogated the rule. The Supreme Court affirmed the Appellate Division and remanded the matter to the trial court for proceedings consistent with its opinion.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The matter is remanded to the trial court for proceedings consistent with the principles stated in the opinion, allowing the negligence action to proceed subject to applicable substantive defenses and limitations.

CASES CITED

- *Wilson v. N. Pac. Ry. Co.*, 30 N.D. 456, 153 N.W. 429 (1915)

- *Liming v. Ill. Cent. R.R. Co.*, 81 Iowa 246, 47 N.W. 66 (1890)
- *Wagner v. Int'l Ry. Co.*, 232 N.Y. 176, 133 N.E. 437 (1921)
- *Gibson v. Leonard*, 143 Ill. 182, 32 N.E. 182 (1892)
- *Zanghi v. Niagara Frontier Transp. Comm'n*, 85 N.Y.2d 423, 626 N.Y.S.2d 23, 649 N.E.2d 1167 (1995)
- *Boyer v. Anchor Disposal*, 135 N.J. 86, 638 A.2d 135 (1994)
- *Krauth v. Geller*, 31 N.J. 270, 157 A.2d 129 (1960)
- *Ferraro v. Demetrakis*, 167 N.J. Super. 429, 400 A.2d 1227 (App. Div. 1979)
- *Berko v. Freda*, 93 N.J. 81, 459 A.2d 663 (1983)
- *Mahoney v. Carus Chem. Co.*, 102 N.J. 564, 510 A.2d 4 (1986)
- *Rosa v. Dunkin' Donuts*, 122 N.J. 66, 583 A.2d 1129 (1991)
- *Young v. Schering Corp.*, 141 N.J. 16, 660 A.2d 1153 (1995)
- *O'Connell v. State*, 171 N.J. 484, 795 A.2d 857 (2002)
- *City of Clifton v. Zweir*, 36 N.J. 309, 177 A.2d 545 (1962)
- *DiProspero v. Penn*, 183 N.J. 477, 874 A.2d 1039 (2005)
- *Kelly v. Ely*, 336 N.J. Super. 354, 764 A.2d 1031 (App. Div. 2001)
- *Foster v. Newark Hous. Auth.*, 389 N.J. Super. 60, 911 A.2d 82 (App. Div. 2006)
- *James v. Arms Tech., Inc.*, 359 N.J. Super. 291, 820 A.2d 27 (App. Div. 2003)
- *Roma v. United States*, 344 F.3d 352 (3d Cir. 2003)
- *Berberian v. Lynn*, 179 N.J. 290, 845 A.2d 122 (2004)