

SUPREME COURT OF NEW JERSEY

Knowles v. Mantua Township Soccer Ass'n, 176 N.J. 324

823 A.2d 26 (2003) · Decided May 29, 2003

SUMMARY

The Supreme Court of New Jersey held that the plaintiff presented sufficient objective medical evidence of a permanent injury and substantial loss of bodily function to satisfy the New Jersey Tort Claims Act threshold for pain-and-suffering damages. The court reversed summary judgment for the Township of Mantua and remanded the matter for trial. A dissent argued that the plaintiff's injuries were comparable to those in Brooks v. Odom and did not meet the statutory threshold.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Justice Coleman; Chief Justice Poritz; Justice Long; Justice LaVecchia; Justice Zazzali; Justice Albin; Justice Verniero
JURISDICTION	New Jersey
DECIDED	May 29, 2003
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from summary judgment entered for the Township under the New Jersey Tort Claims Act. The Appellate Division affirmed, and the Supreme Court of New Jersey granted certification.
STANDARD OF REVIEW	On summary judgment, the evidence must be viewed in the light most favorable to the plaintiff, with all favorable inferences drawn in the plaintiff's favor, to determine whether a rational factfinder could find that the statutory threshold was satisfied.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Jersey
PARTIES	Joseph M. Knowles, Susan M. Knowles v. Township of Mantua

TOPICS

- municipal liability
- damages
- torts
- statutory interpretation

PRACTICE AREAS

- torts
- municipal liability
- damages
- civil procedure

QUESTIONS PRESENTED

1. Whether Knowles presented sufficient objective medical evidence of a permanent injury to satisfy the first prong of the New Jersey Tort Claims Act threshold under N.J.S.A. 59:9-2d.
2. Whether the alleged permanent impairment constituted a substantial permanent loss of a bodily function sufficient to permit recovery of pain-and-suffering damages under N.J.S.A. 59:9-2d.
3. Whether summary judgment for the Township was proper when the evidence, viewed favorably to Knowles, could permit a rational factfinder to find that the Tort Claims Act threshold was met.

HOLDINGS

1. Knowles satisfied the first prong of the Brooks/Gilhooley test because abnormal EMG results and MRI evidence of lumbar disc herniation, together with medical opinions that the injuries were permanent, constituted objective medical evidence of a permanent injury.
2. Whether an injury constitutes a substantial permanent loss of a bodily function is determined through a fact-sensitive analysis focused on the nature and degree of the ongoing impairment; no per se rule controls all cases.
3. Knowles's objective medical evidence and alleged substantial functional limitations satisfied the Tort Claims Act threshold sufficiently to permit a jury to determine whether he was entitled to pain-and-suffering damages; summary judgment was therefore improper.

KEY QUOTATIONS

“The determination of whether a plaintiff’s injury satisfies the “permanent loss of a bodily function that is substantial” threshold under the TCA depends on a fact-sensitive analysis.” (30)

“If the loss of bodily function is permanent and substantial, as in this case, a plaintiff’s eligibility to recover pain and suffering damages will not be defeated merely because she can perform some routine functions almost as well as she could prior to her injury.” (31)

“Where plaintiff’s medical proofs support a claim of permanent injury that is based on objective evidence and not merely on subjective complaints, such evidence raises an issue for the jury, and removes the case from the realm of summary judgment.” (32)

FACTUAL BACKGROUND

Joseph Knowles was struck by a large hinged barricade while driving out of Chestnut Branch Park, owned and maintained by the Township of Mantua. Medical testing, including EMG and MRI studies, revealed lumbar disc herniation, radiculopathy, and other injuries, and physicians opined that at least some injuries were permanent. Knowles alleged continuing pain, numbness, restrictions on sitting, standing, and walking, inability to participate in sports or household activities, and loss of a second job refereeing soccer.

PROCEDURAL HISTORY

Knowles sued Gloucester County, the Township of Mantua, and the Mantua Township Soccer Association after a park gate struck him. The County and Soccer Association ceased to be parties. The trial court granted the

Township summary judgment, concluding that Knowles failed to satisfy the Tort Claims Act threshold for pain-and-suffering damages. The Appellate Division affirmed, but the Supreme Court reversed and remanded for trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the Law Division for trial, including a jury determination of whether Knowles was entitled to pain-and-suffering damages.

CASES CITED

- Brooks v. Odom, 150 N.J. 395, 696 A.2d 619 (1997)
- Gilhooley v. County of Union, 164 N.J. 533, 753 A.2d 1137 (2000)
- Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 666 A.2d 146 (1995)
- Kahrar v. Borough of Wallington, 171 N.J. 3, 791 A.2d 197 (2002)
- Ponte v. Overeem, 171 N.J. 46, 791 A.2d 1002 (2002)
- Heenan v. Greene, 355 N.J. Super. 162, 809 A.2d 836 (App. Div. 2002)
- Newsham v. Cumberland Reg'l High Sch., 351 N.J. Super. 186, 797 A.2d 878 (App. Div. 2002)
- Gerber v. Springfield Bd. of Educ., 328 N.J. Super. 24, 744 A.2d 670 (App. Div. 2000)
- Mack v. Passaic Valley Water Comm'n, 294 N.J. Super. 592, 684 A.2d 77 (App. Div. 1996)
- Ayers v. Jackson Township, 106 N.J. 557, 525 A.2d 287 (1987)