

STATE COURT DISMISSES CIVIL RIGHTS SUIT

AGAINST POLICE OFFICERS REPRESENTED BY JOHN MCCARTHY AND JOHN URSIN

New Jersey - Schenck Price Smith & King LLP

On February 7, 2024, the Superior Court of New Jersey granted summary judgment and dismissed the plaintiff's case against a municipality and five police officers represented by Schenck Price partners John D. (Jake) McCarthy and John E. Ursin. The plaintiff alleged that he was subjected to excessive force when he was arrested. He also alleged that his rights under the New Jersey Civil Rights Act were violated. The plaintiff further alleged constitutional violations and state law claims against the municipality.

The state court agreed with Schenck Price's arguments and dismissed the plaintiff's entire complaint. The court found

that the force used by the officers was reasonable, and not excessive. The court also rejected the plaintiff's claims against the municipality.

The plaintiff sought compensatory, emotional distress and punitive damages against the municipality and officers. The decision avoided any exposure at trial to damages as well as attorney fees. If a verdict were entered in favor of the plaintiff, the municipality would have been responsible for the plaintiff's significant attorney fees pursuant to the New Jersey Civil Rights Act.

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