

Public Entity Liability

Greenbaum is a leading legal resource for public entities in New Jersey facing liability under the New Jersey Tort Claims Act and the New Jersey and Federal Civil Rights Acts. We have also represented New Jersey state agencies in challenges to their authority and actions they have taken. Because public entities engage in such a broad scope of activities, we regularly call upon lawyers in our employment, personal injury defense, construction and commercial litigation practice areas when appropriate.

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Experience

Representative Matters

- Obtained summary judgment in the U.S. District Court for the District of New Jersey on behalf of a state judicial agency, defeating federal civil rights and NJLAD disparate treatment and disparate impact claims asserted by employees, resulting in dismissal of all claims without appeal.
- Obtained dismissal at the pleading stage of a NJLAD sexual harassment lawsuit against a state judicial agency, where the court held the plaintiff could not establish an employment relationship with the state, resulting in complete dismissal of claims exceeding \$1 million.
- Secured summary judgment for a state law enforcement agency in a CEPA whistleblower action following extensive discovery, based on the plaintiff's failure to meet the statutory burden, eliminating exposure exceeding \$1 million.
- Represented the State of New Jersey, Office of the State Comptroller in appellate litigation challenging efforts to block publication of an investigative report concerning misuse of opioid settlement funds by a New Jersey municipality. The firm successfully secured a denial of the injunctive relief sought by the municipality, preserving the Comptroller's authority.
- Representing the State of New Jersey, Department of Military and Veterans' Affairs in multiple investigations and civil litigation arising from hundreds of COVID-related veteran deaths at state-operated long-term care facilities. This engagement also includes representation in the defense of dozens of employees who contracted COVID, as well as the defense of alleged civil rights violations in connection with the deaths of residents in these facilities, with claims totaling more than \$69 million.
- Representing the State of New Jersey, Department of Children and Families and Department of Corrections in a series of high-exposure cases arising under extended statutes of limitations involving claims of alleged child sexual abuse. The potential aggregate exposure of these matters approaches \$1 billion through resolution by

settlement and “high/low” agreements.

- Represented the State of New Jersey, Department of the Treasury, Division of Investment and senior state officials in federal litigation alleging misappropriation of proprietary information and civil rights violations, securing dismissal of claims against the State and officials in their official capacities based on sovereign immunity.
- Representing a public university in high-stakes employment litigation alleging discrimination, defamation, due process violations, malicious prosecution, and intentional infliction of emotional distress arising from termination proceedings, securing summary judgment on all claims and defending the judgment on appeal in a matter with demands exceeding \$10 million.
- Represented Rutgers University and its employees in state and federal employment litigation, including claims under CEPA, NJLAD, Title VII, Section 1983, and the ADA, involving allegations of wrongful termination, discrimination, retaliation, and hostile work environment, achieving dismissals, summary judgment, and favorable settlements.
- Defended Rutgers University in matters alleging breach of contract, denial of due process, constitutional violations, invasion of privacy, and violations of the New Jersey Wiretapping and Electronic Surveillance Act and the Computer-Related Offenses Act.
- Represented the State of New Jersey and individual defendants in employment and constitutional litigation asserting claims under CEPA and NJLAD, and the New Jersey Constitution.
- Represented a New Jersey state law enforcement agency in sexual harassment and hostile work environment claims under the NJLAD, resolving the matter on favorable terms following discovery and deposition proceedings.
- Successfully defended a public university in a whistleblower retaliation action under the New Jersey CEPA, securing dismissal of all claims with prejudice at summary judgment. The plaintiff’s appeal in this matter was denied.
- Successfully defended a large public entity and individual employees in multiple employment actions alleging discrimination, harassment, and retaliation under the NJLAD and CEPA, obtaining dismissal with prejudice at summary judgment following extensive discovery and motion practice. The plaintiff’s appeal in this matter was denied.
- Successfully defended a state corrections agency and its former commissioner against age and disability discrimination claims under NJLAD, securing summary judgment on all counts and affirmance on appeal, eliminating exposure exceeding \$2 million.
- Defending a large public entity against NJLAD and CEPA, and New Jersey Civil Rights Act claims, successfully narrowing the case at the outset through targeted motion practice while managing sensitive discovery, document production, and e-discovery vendor coordination.
- Assisted in the defense of a large public entity in federal employment litigation asserting constitutional and statutory claims, including alleged violations of the NJLAD, the Equal Protection Clause, and the New Jersey Civil Rights Act. The matter involved multi-forum motion practice, federal discovery and pretrial proceedings, a remand to state court, and dispositive briefing, and ultimately resolved without trial.

- Represented a public entity as defense trial counsel in a New Jersey Superior Court NJLAD and CEPA action tried to verdict during a four-week trial, obtaining favorable rulings that narrowed compensatory damages, eliminated punitive damages exposure, and excluded prejudicial evidence prior to verdict, significantly reducing overall risk.
- Successfully defended a public entity and public officials in a high-profile NJLAD challenge to enacted legislation, securing dismissal of all race and gender discrimination claims and eliminating exposure exceeding \$5 million. The court affirmed the legislature's plenary authority and rejected plaintiffs' core legal theory; the decision was not appealed.
- Representing a state law enforcement agency and senior leadership in multiple companion civil rights actions, obtaining partial dismissals across four matters that significantly narrowed statutory claims and limited individual liability, reducing exposure in litigation exceeding \$15 million.