

## **NEW JERSEY "DOG BITE" LAW**

In all civil cases in New Jersey, the party bringing the suit (the plaintiff) must prove two elements; liability and damages, against the party that is sued (the defendant).

Typically, liability is shown by proving that the defendant was negligent. Negligence is the failure to adhere to the duty imposed upon that person by law. By way of example, one of the duties of a person driving a car is to maintain a safe distance behind the car ahead of it. If a driver fails to maintain a safe distance and rear ends the car ahead, a jury could easily conclude that the following driver was negligent. Frequently, the defendant will assert that they were not negligent in order to avoid liability. In such a case, the final decision on liability is left to the jury after hearing all of the evidence.

With regard to dog bite cases in New Jersey, the law is different. **N.J.S.A. 4:19-19** provides that "The owner of any dog which shall bite a person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, **shall** be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness". In legal parlance, this is a rule of strict liability - that is, the owner is liable without the necessity of proving fault.

In other words, if you are bitten by a dog while in a public area (i.e. sidewalk, street, park), or while on the dog owner's property legally, the dog owner is liable to you for your injuries. Of course, the extent of injuries, and therefore the value of the claim, will vary from case to case depending upon the severity of the attack, the nature and extent of temporary and permanent injuries and the extent of scarring. Frequently, people injured in dog attacks will suffer not only physical injuries, such as cuts and scars, but emotional injuries as well. Often, the emotional injuries can be worse than the physical ones. Any injury, physical or emotional, which was caused by the attack can serve as the basis for a claim of damages.

In practice, an attorney would file suit against the owner of the dog and soon thereafter, file a motion with the Court asking the Court to rule, as a matter of law, that the dog owner is liable for the injuries. Once the Court enters Judgment finding that the dog owner is liable to the injured person, then the only remaining question is the value of any injuries suffered during the attack.

Where a person is injured by a dog, though not bitten, this rule of strict liability does not apply. Instead, the injured person must prove that the dog owner was negligent and that damages were suffered in order to recover.

## **TRACTOR-TRAILER ACCIDENTS**

An automobile accident is always a potential disaster. This is especially true when one of the vehicles involved is a tractor-trailer, also known as a "semi" or "18-wheeler." Whereas the average car weighs between 2,500 and 4,000 pounds, a fully-loaded tractor trailer can weigh as much as 80,000 lbs – over twenty times as massive! This means that for a given rate of acceleration, a fully-loaded tractor-trailer hits with over twenty times the force of a normal car.

The potential for death, injury, and property damage resulting from an accident is much greater when a tractor-trailer is involved. According to the National Highway Traffic Safety Administration, the fatal crash rate for large trucks is 2.4 deaths per 100 million vehicle miles traveled - more than 50 percent greater than the rate for all vehicles on the roads. In 2008, 4,229 people were killed in accidents involving large trucks—about 75% of whom were occupants of other vehicles—and many thousands more were injured.

Because of the nature of tractor-trailer accidents, it is important to hire an attorney well versed in the intricacies of the law as it relates to tractor trailers. At Kessler, DiGiovanni & Jesuele, we have handled tractor trailer accidents for more than 40 years.

Please contact us today for a free consultation.