

White and Williams Secures Dismissal of New Jersey Law Against Discrimination Claim in Appellate Division

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In a Superior Court of New Jersey Appellate Division published decision, White and Williams successfully secured a win in a matter of first impression in *Dwight Morris v. T.D. Bank*.

Plaintiff, Dwight Morris was in line at a teller station at a TD Bank branch when the man in front of him in line robbed the branch. The robber used a note that stated “[b]ig bills please this is a hold up.” A TD Bank employee temporarily identified the plaintiff as the robber because he was standing behind the robber’s note but she quickly corrected that misidentification before the police entered the bank, therefore, the plaintiff was never subjected to questioning, arrest or detention. After the incident, Mr. Morris filed a complaint against TD Bank alleging that TD Bank negligently assaulted and falsely imprisoned him during the robbery incident as well as violated the New Jersey Law Against Discrimination (LAD) by identifying him temporarily as the robber.

The Litigation team argued before the trial court that TD Bank did not assault, falsely imprison or discriminate against the plaintiff. Further, White and Williams successfully argued in a case of first impression in New Jersey, TD Bank could not be held liable for an alleged negligent misidentification. The trial court agreed with the arguments, granted summary judgment to TD Bank, and dismissed all of the plaintiff’s claims against TD Bank.

The plaintiff appealed the decision arguing that the trial court erred in deciding that TD Bank was not negligent and that the trial court failed to apply the proper standard in considering the LAD claim. The Appellate Division held that the plaintiff’s arguments lacked sufficient merit and affirmed the trial court’s grant of summary judgment, dismissing the plaintiff’s claims.

TD Bank was represented by Andrew Hamelsky and Zaara Bajwa Nazir.