

Healthcare Practice Group Wins Issue of First Impression in the Superior Court of New Jersey, Appellate Division

8.14.20

The White and Williams Healthcare Group achieved an important win for a healthcare client in the Superior Court of New Jersey, Appellate Division on an issue of first impression. The Appellate Division considered the issue of whether a complaint filed in the name of a decedent can be amended to identify the plaintiff as the decedent's estate to avoid dismissal based upon the expiration of the statute of limitations. The case was brought on behalf of a plaintiff who, unbeknownst to counsel, passed away prior to the filing of the complaint. White and Williams uncovered this fact in discovery, and moved to dismiss the complaint since a deceased plaintiff doesn't have standing to file a lawsuit and the two-year statute of limitations had expired. The trial court, however, permitted the plaintiff to amend the complaint to identify the decedent's estate as the plaintiff and deemed the amended complaint filed within the statute of limitations based upon the "equitable tolling" and "relation-back" doctrines.

After a successful motion seeking leave for interlocutory appeal, the Superior Court of New Jersey, Appellate Division reversed in an August 13, 2020 opinion approved for publication. The Appellate Division held that the plaintiff lacked standing to bring the complaint and, therefore, the complaint had no legal effect – it was a nullity. As such, there was no complaint to which an amended complaint could "relate back" to that was filed within the statute of limitations. As an issue of first impression, the result creates new law in New Jersey pertaining to issues of standing, equitable tolling and the relation-back doctrine.

White and Williams' ability to provide full service representation to clients through not only the trial level, but also the appellate process, is a unique benefit to clients. The aggressive investigation and knowledge of nuanced areas of law in this case delivered an efficient and cost-effective win for the client.

White and Williams partner Mike Horner argued the matter, and partner Jim Burger briefed the appeal.