

NOTICE TO THE BAR


SUPREME COURT INVITES AMICUS MOTIONS IN PENDING APPEAL:
MARY RICHTER V. OAKLAND BOARD OF EDUCATION (A-23-19)

The Supreme Court is inviting motions for amicus participation in a pending appeal -- Mary Richter v. Oakland Board of Education (A-23-19) -- to file briefs addressing the following specific issues:

1. Are Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, claims filed by an employee against an employer for workplace bodily injuries subject to the exclusive remedy provisions of the Workers Compensation Act (WCA), N.J.S.A. 34:15-8?
2. Must an employee seeking recovery for bodily injuries under LAD prove that the employer engaged in an intentional wrong pursuant to N.J.S.A. 34:15-8?

The Court's October 8, 2020 order (attached) invites such participation. The order provides that any such motion for leave to appear as amicus curiae must be accompanied by the proposed amicus brief and must be filed with the Supreme Court Clerk's Office and served on or before November 9, 2020.

Questions regarding this appeal and the record therein should be directed to April Bailey of the Supreme Court Clerk's Office at 609-815-2955.


Heather Joy Baker
Clerk of the Supreme Court

Date: October 9, 2020

SUPREME COURT OF NEW JERSEY
A-23 September Term 2019
083273

Mary Richter,

Plaintiff-Respondent,

v.

Oakland Board of Education,

Defendant-Appellant,

and

Gregg Desiderio, individually
and as Principal of the Valley
Middle School,

Defendant-Appellant.

FILED

OCT 08 2020

Heather J. Baker
CLERK

ORDER

The Court granted certification on this appeal on November 4, 2019, “limited to the issues of whether an employee alleging discrimination for failure to accommodate a disability, pursuant to the Law Against Discrimination, N.J.S.A. 10:5-1 to -49, is required to show an adverse employment action; and whether plaintiff’s claim is barred by the exclusive remedy provision of the Workers’ Compensation Act, N.J.S.A. 34:15-1 to -146.” 240 N.J. 58 (2019). The Court held oral argument on September 14, 2020.

The Court hereby requests supplemental briefing from the parties and from amici curiae, the New Jersey Association for Justice and the National Employment Lawyers Association of New Jersey, to address the following issues:

1. Are Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, claims filed by an employee against an employer for workplace bodily injuries subject to the exclusive remedy provisions of the Workers Compensation Act (WCA), N.J.S.A. 34:15-8?
2. Must an employee seeking recovery for bodily injuries under LAD prove that the employer engaged in an intentional wrong pursuant to N.J.S.A. 34:15-8?

The supplemental briefs shall be served and filed simultaneously on or before by November 9, 2020.

The Court hereby provides notice that it invites additional motions for leave to participate as amicus curiae to file a brief addressing the above-referenced additional issues, which motions shall be accompanied by the proposed amicus brief on the merits and served and filed on or before November 9, 2020. The Clerk is directed to provide notice of this invitation by publishing this Order in a Notice to the Bar. The parties may file and serve answers to any amicus motions, which answers shall include the parties' proposed briefs in response on the merits, on or before November 23, 2020.

The Court shall determine, at a later date, the extent of any additional proceedings beyond the supplemental briefing provided for in this Order.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 8th day of October, 2020.

A handwritten signature in blue ink that reads "Heather J. Bate". The signature is written in a cursive style with a large initial "H" and "B".

CLERK OF THE SUPREME COURT