

Law360: Top New Jersey Cases Of 2021: A Midyear Report

Appellate victories for Johnson & Johnson in product liability cases and wins for insurers in COVID-19 coverage suits dominated New Jersey's litigation scene over the last several months, with the state Supreme Court also handing down a pair of critical rulings signing off on medical marijuana reimbursements and virtual grand juries.

J&J scored state appellate decisions erasing multimillion-dollar verdicts in pelvic mesh and talcum powder suits. Insurance companies largely prevailed in policyholders' suits in federal and state court over pandemic coverage, and universities achieved mixed results in fighting claims they improperly kept tuition and fees after ceasing in-person instruction because of the coronavirus outbreak.

The New Jersey Supreme Court in April issued opinions finding that employers can be compelled to reimburse workers' medical cannabis expenses and upholding the constitutionality of the state's virtual grand jury program.

Here is a look at some of the major cases that unfolded in Garden State courts this year.

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COVID-19 Lawsuits

Beyond those matters, the Garden State's legal landscape in 2021 has been marked to a large degree by state and federal litigation arising from the pandemic.

One batch of suits has involved proposed class actions against universities for keeping tuition and fees after ceasing in-person classes due to the health crisis. In such cases, students have said they did not

get the in-person experiences they paid for and were entitled to a refund of the prorated share of tuition and fees for the services the schools failed to provide.

Another group of pandemic-related cases has been against insurance companies from policyholders seeking coverage for losses related to the outbreak.

While universities have had varied success in attempting to dismiss complaints, insurers have mostly won their bids to toss policyholders' suits. Those disputes have mostly centered on the meaning of policy phrases like "physical loss of or damage" to property and the applicability of virus exclusions.

But the coverage issues at stake will be "ultimately decided by the highest state courts," according to policyholders' attorney Kenneth Frenchman of Cohen Ziffer Frenchman & McKenna LLP. Even for cases before the Third Circuit, "if it's under New Jersey law, at some point I think they'll be looking to the New Jersey Supreme Court," Frenchman said.

"I don't even think we're at the halfway mark of this war. There's been a few battles, but this is a war, and we're maybe a third of the way through it," Frenchman said.

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Kenneth "Ken" H. Frenchman