

Saiber Prevails on Behalf of Higher Education Client

November 19, 2017

Saiber attorneys Sean R. Kelly, John F. Finnegan III, and Monvan Hu successfully obtained dismissal of most claims in a lawsuit brought in the United States District Court for the District of New Jersey by a former graduate student against a major university and several of its faculty and administrators.

The former student's ten-count Complaint alleged that the university wrongfully terminated his Ph.D.-track status. Saiber moved at the outset of the case to dismiss six counts of the Complaint: (i) five State-law tort claims, because Plaintiff failed to comply with the notice requirements of the New Jersey Tort Claims Act, N.J.S.A. § 59:1-1, *et seq.*; and (ii) a claim alleging violation of New Jersey's anti-bullying laws, because the referenced statutes do not create a private right of action.

On November 1, 2017, Federal Judge Esther Salas granted Saiber's motion and dismissed the Plaintiff's tort claims, holding that the student failed to file a "notice of claim", as required under the New Jersey Tort Claims Act, within 90 days of accrual of the claim. Judge Salas also dismissed the student's State anti-bullying claim, finding that the New Jersey law does not recognize such a private cause of action.

The decision disposes of most of the claims against the university itself, as well as all of the claims against the university's employees.