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## N.J. HIGH COURT AFFIRMS PHILA. LAWYERS' VICTORY

New Jersey's Supreme Court has ruled that a roughly \$3 million verdict was properly awarded to a client of two Philadelphia lawyers.

*Gymnastics Plus Inc. v. Gilligan & Nardini Electrical Contractors Inc.* involves claims that a 1998 fire at the plaintiffs' Lakewood, N.J., recreational facility would not have occurred if the local public utility had fitted the gym's transformer with the proper fuses.

Gymnastics Plus was represented by Kenneth Fulginiti and Thomas Duffy of Duffy & Keenan in Philadelphia.

In court papers filed with the Supreme Court of New Jersey, defendant Jersey Central Power & Light argued that if the verdict were upheld, "it would perforce require the re-fusing and redesign of tens of thousands of transformers installed as part of the infrastructure of JCP&L and the other New Jersey public electric utilities."

According to Fulginiti, public utilities that provide electricity in New Jersey and other mid-Atlantic states petitioned the state's high court to be granted amicus standing, but were denied.

The plaintiffs claimed in court papers that the transformer's setup — already in place when Gymnastics Plus moved into the property — featured a type of fuse that made it prone to blow.

The defense countered that the cause of the fire was the decision by an electrician working for defendant Gilligan & Nardini to perform work on the transformer despite the fact that a water leak had caused the surrounding area to become wet and the building's power had not yet been turned off, according to court papers.

Fulginiti said the trial in *Gymnastics Plus* was bifurcated and took place over the course of late 2002 and early 2003 before Judge Thomas E. O'Brien in an Ocean County state court.

The liability phase was held in December 2002, the damages phase took place in April 2003. Both phases lasted roughly a week, and the jury deliberated for several hours before finding in favor of the plaintiffs on both occasions, Fulginiti said. The damages awarded at trial totaled approximately \$2.2 million. Forty-one percent was apportioned to Gilligan & Nardini, the rest to the utility. With prejudgment interest, that figure reached just over \$2.8 million.

JCP&L appealed as to liability and damages; Gilligan & Nardini contested only the damages, Fulginiti said. On appeal, an intermediate state appellate court affirmed all relevant aspects of the jury's decisions on April 5. Several weeks later, the state high court declined to consider the defendants' appeals.

In an order dated May 18, O'Brien, the trial judge, added on additional pre- and post-judgment interest that increases the size of the damages to just over \$3 million.

JCP&L's attorney was James Moran of Hoagland Longo Moran Dunst & Doukas in New Brunswick.

Gilligan & Nardini was represented by Margaret Catalano of Carroll McNulty & Kull in Basking Ridge.

Neither immediately responded to calls seeking comment.



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— Asher Hawkins