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The New Jersey Appellate Division rules that a person injured in an automobile accident may sue the tortfeasor to recover medical bills in excess of the injured person's own PIP limits.

In a published decision in consolidated appeals captioned Haines v. Taft and Little v. Nishimura, A-5503-14T4; A-0727-15T2 (App. Div. 2017) (collectively, "Haines"), the Appellate Division considered whether a claimant who elected the minimum Personal Injury Protection ("PIP") limits of \$15,000 in his or her automobile insurance policy should be barred from introducing at trial evidence of medical bills in excess of those limits. In ruling that such medical bills are admissible at trial, the Appellate Division overturned several Law Division decisions that had barred such evidence based on the PIP "Exclusionary Rule," N.J.S.A. 39:6A-12.

The Haines court rejected the arguments of the defendants and insurance industry amici that permitting a claimant to recover excess medical expenses from the tortfeasor would vitiate the system of no-fault insurance, conflict with the New Jersey Legislature's goal of reducing tort litigation, and would bring back fault-based automobile insurance. After examining the Legislative intent behind the PIP Exclusionary Rule, the court determined that the Legislature did not intend to bar evidence of uncompensated economic loss.

The Appellate Division's decision in Haines will significantly affect the evaluation of damages in automobile negligence matters when the claimant incurs medical bills in excess of his or her PIP limits. If you have questions about Haines, or about the defense of negligence claims in general, please contact Mark S. Hanna, Esq. or Julia C. Talarick, Esq.

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