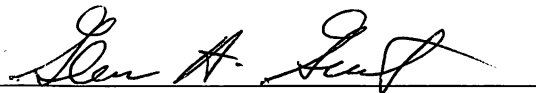


NOTICE TO THE BAR

SUPREME COURT INVITES AMICUS MOTIONS IN PENDING APPEAL: BARBARA ORIENTALE V. DARRIN L. JENNINGS (A-43-17)

The Supreme Court is inviting motions for amicus participation in a pending appeal -- Barbara Orientale v. Darrin L. Jennings (A-43-17) -- to file briefs addressing certain specific issues regarding trial court orders of additur and remittitur. The Court's November 1, 2018 order, attached, invites such participation and identifies the four specific issues to be addressed. 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 December 17, 2018.

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.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: November 7, 2018

SUPREME COURT OF NEW JERSEY
A-43 September Term 2017
079953

Barbara Orientale,
Plaintiff-Appellant,
and
Michael Orientale,
Plaintiff,
v.
Darrin L. Jennings,
Defendant,
and
Allstate New Jersey
Insurance Company,
Defendant-Respondent.

FILED

NOV 01 2018

Mark H. Neary
CLERK

ORDER

The Court granted certification in this appeal on February 9, 2018, and held oral argument on October 9, 2018. The Court hereby requests supplemental briefing from the parties and from amicus curiae, the New Jersey Association for Justice, to address the following issues:

- 1) Should both parties have the right to object to a trial court's additur, or should only the defendant have that right?
- 2) Should both parties have the right to object to a trial court's remittitur, or should only the plaintiff have that right?
- 3) In additur, should the court set the damages amount as the lowest amount reasonably supported by the record, or a reasonable amount supported by the record?

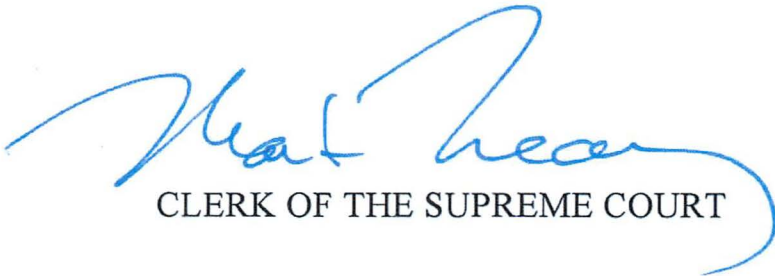
- 4) In remittitur, should the court set the damages amount as the highest amount reasonably supported by the record, or a reasonable amount supported by the record?

The supplemental briefs shall be served and filed simultaneously on or before December 10, 2018.

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 December 17, 2018. 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 January 7, 2019.

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 30th day of October, 2018.



CLERK OF THE SUPREME COURT