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**File No.: 27546**  
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**AKHILESH PARASHER**

**V.**

**MAYA ETVIR SHARMA,**  
**PREFERRED MUTUAL**  
**INSURANCE COMPANY (MED**  
**PAY) AND JOHN DOE 1-10 AND**  
**ABC CORP. 1-10 (NAMES BEING**  
**FICTITIOUS AS TRUE**  
**IDENTITIES ARE UNKNOWN AT**  
**THIS TIME)**

**SUPERIOR COURT OF NEW JERSEY**

**APPELLATE DIVISION**

**DOCKET NO.: A-003305-24 TEAM 03**

***CIVIL ACTION***

Appeal of the June 9, 2025 Order of the  
Hon. R. Brian McLaughlin, J.S.C.

Sat Below:  
Hon. R. Brian McLaughlin, J.S.C.

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**PLAINTIFF/APPELLANT'S LEGAL BRIEF**

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## PROCEDURAL HISTORY

1. Plaintiff Akilesh Parasher ("Plaintiff") filed his complaint in this matter on May 11, 2023 alleging personal injuries as a result of a May 8, 2022 trip and fall that occurred at 1816 Chambers Street, Hamilton, New Jersey. (Pa1-7).
2. Defendant Maya Etvir Sharma and Defendant Preferred Mutual Insurance Company (collectively "Defendants") filed a joint-answer on May 31, 2023. (Pa8-18).
3. On March 27, 2025, Defendants filed a motion for summary judgment, originally returnable April 25, 2025. (See Pa19-20).
4. On May 16, 2025, oral argument was heard before the Honorable R. Brian McLaughlin, J.S.C. regarding Defendants' motion for summary judgment. (See Transcript dated May 16, 2025 ("1T")).
5. At the May 16, 2025 oral argument, the Court instructed the parties to submit supplemental briefs to address Benedict v. Podwats, 109 N.J. Super. 402 (App. Div. 1970), a case Plaintiff relied upon at oral argument, but was not included in the written briefs.
6. Defendants submitted their supplemental brief on May 29, 2025 and Plaintiff submitted a supplemental brief in opposition to summary judgment on June 2, 2025.

7. A second oral argument was heard before the Honorable R. Brian McLaughlin, J.S.C. on June 9, 2025 regarding Defendants' motion for summary judgment. (See Transcript dated June 9, 2025 ("2T")).
8. On June 9, 2025, the Honorable R. Brian McLaughlin, J.S.C. filed an Order granting Defendants' motion for summary judgment, finding that Plaintiff's was a social guest at the property owned by Defendant Maya Etvir Sharma ("Defendant Sharma"). (Pa21-22; 2T23:6-28:22).
9. On June 20, 2025, Plaintiff filed his notice of appeal of the Honorable R. Brian McLaughlin, J.S.C.'s June 9, 2025 Order granting Defendants' motion for summary judgment. (See Pa23-27).
10. On June 26, 2025, Plaintiff filed his amended notice of appeal of the Honorable R. Brian McLaughlin, J.S.C.'s June 9, 2025 Order granting Defendants' motion for summary judgment to correct the caption of the appeal. (See Pa28-32).

### **STATEMENT OF FACTS**

1. On or about May 8, 2022, Plaintiff tripped and fell due to a dangerously maintained staircase on the property located at 1816 Chambers Street, Hamilton, New Jersey. (Pa1-7; Pa73-195).
2. Defendant Sharma owned the property for approximately 40 years, and at all relevant times. (Pa70 at T13:14-16; Pa50 at T31:20-22; Pa72 at T18:23-25).

3. At all relevant times, Defendant Preferred Mutual Insurance Company insured the property located at 1816 Chambers Street, Hamilton, New Jersey. (Pa2).

4. Defendant Sharma was the mother of Plaintiff. (Pa49 at T28:8-9).

5. Defendant Sharma was diagnosed with dementia in approximately 2015 and suffered severe memory loss at all relevant times. (Pa52 at T40:7-25).

6. Since 2020, two years prior to the accident at bar, Defendant Sharma's memory loss progressed to the point where she no longer knew who Plaintiff was and did not know his name. (Pa52 at T41:7-17).

7. At all relevant times, Defendant Sharma did not recognize Plaintiff as her son. Id.

8. For the year prior to the accident at bar, between May 2021 and May 2022, Plaintiff visited Defendant Sharma almost every day for less than one hour to drive her to perform errands, such as grocery shopping, and perform household chores. (Pa49 at T29:7-T31:2; Pa51 at T36:8-12 and T37:9-14).

9. At all relevant times, Plaintiff did not have a key to Defendant Sharma's house. (Pa53 at T45:5-6).

10. The date of the accident at bar, May 8, 2022, happened to fall on Mother's Day for the year 2022. (Pa52 at T18-24).

11. On that day, Plaintiff arrived at Defendant Sharma's house, as he would on every other day leading up to May 8, 2022, to spend approximately one hour helping Defendant Sharma perform essential household services and to drive her to run errands at the grocery store and the bank. (Pa53 at T45:10-14; Pa54 at T46:17-48:25; and Pa56 at T56:2-8).

12. On May 8, 2022, Plaintiff arrived at Defendant Sharma's house alone. At all relevant times, his wife, his daughters, and his brothers were not there. No other people were present at the house on the date of the accident. (Pa53 at T43:10-T44:11 and T45:7-20).

13. At Defendant Sharma's request, before leaving, Plaintiff helped her clean her house after he helped her put the groceries away. (Pa57 at T59:14-T60:3).

14. Plaintiff testified that he fell on the back steps after he put the groceries in Defendant Sharma's house. (Pa56 at T56:19-20).

15. Plaintiff testified that the back steps were used by Defendant Sharma for bringing in groceries, doing yard work, and laundry. (Pa50 at T32:21-T33:23 and Pa51 at T35:5-17).

16. At all relevant times, the back steps at Defendant Sharma's house consisted of three steps of uneven heights, with loose, rusted hand railings extending only to the edge of the highest step, with only 14 inches between the end of the steps and a fence. (Pa89-90; Pa112; Pa144; Pa145)

17. Plaintiff produced an expert report authored by Craig Moskowitz, P.E., in which Mr. Moskowitz opined that the back steps that Plaintiff fell on constituted a “hidden trap.” (Pa90).

18. Defendants did not produce any expert reports rebutting Mr. Moskowitz’s opinion.

19. When Plaintiff was not assisting Defendant Sharma with essential household services, he would use the front door. (Pa50 at T32:13-20 and Pa53 at T45:2-4).

20. Defendant’s representative, and Plaintiff’s brother, Hirdesh Parasher, testified that he never used the back steps of the property and always used the front door. (Pa72 at T18:10-19).

21. Hirdesh Parasher testified that he lived at the property for approximately 11 years. (Pa 70 at T13:10-22).

22. Despite living at the property for over a decade, Hirdesh Parasher testified that he never used the back steps. (Pa72 at T18:10-19).

23. He further testified that, unlike Plaintiff, he visited the property approximately once per week. (Pa72 at T18:10-12)

24. As a result of Plaintiff’s fall on Defendant Sharma’s negligently maintained steps, Plaintiff suffered an unstable fracture to his T11 vertebra, requiring an emergency fusion in his back from T9-L1. (Pa196-204).

25. Defendant's medical expert, Louis Bouillon, M.D., agrees that both Plaintiff's vertebral fracture and the resulting fusion were causally related to the accident at bar. (Pa217).

**LEGAL ARGUMENT**

**POINT I**

**DEFENDANTS DO NOT MEET THE STANDARD FOR SUMMARY JUDGMENT SET FORTH IN R. 4:46-2 AND THE CASE LAW. SUMMARY JUDGMENT SHOULD THEREFORE HAVE BEEN DENIED. (1T9:22-11:9; 1T12:7-13:21; 2T8:13-13:21; 2T15:25-16:19; 2T20:17-22:18; 2T23:6-28:22)**

Motions for Summary Judgment are governed by R. 4:46-2(c): "The judgment or order sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law." A "genuine issue with respect to a material fact" exists where the "competent evidential materials presented, when viewed in the light most favorable to the non-moving party in consideration of the applicable evidentiary standard, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party." See Brill v. Guardian Life Ins. Co. of America, 142 N.J. 520, 523 (1995).

The essence of the inquiry is "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law." Id. "The motion judge must determine if there is a genuine issue as to material fact, but not decide the issue if [the court]

finds it to exist. . . . [T]he absence of undisputed material facts must appear ‘palpably.’ All inferences of doubt are drawn against the movant in favor of the opponent of the motion.” Milacci v. Mato Realty Co., Inc., 217 N.J. Super. 297, 300 (App. Div. 1987) (citations omitted).

“In order to determine materiality, it is necessary first to set forth the contours of the legal issue presented.” Rowe v. Mazel Thirty, LLC, 209 N.J. 35, 41 (2012). Trial courts should not “resolve[] a dispute on the merits that should have been decided by a jury. It [is] not the court's function to weigh the evidence and determine the outcome but only to decide if a material dispute of fact exist[s].” See Gilhooley v. County of Union, 164 N.J. 533, 545 (2000).

This Court’s review of summary judgment is to be done de novo and is governed by the same standard governing the motion court under R. 4:46–2(c). Khandelwal v. Zurich Ins. Co., 427 N.J. Super. 577, 585 (App. Div. 2012), cert. den., 212 N.J. 430 (2012). The “trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference . . . .” McDade v. Siazon, 208 N.J. 463, 473 (2011) (quotations omitted).

**POINT II**

**AT ALL RELEVANT TIMES, PLAINTIFF CONFERRED ESSENTIAL HOUSEHOLD SERVICES FOR THE BENEFIT OF DEFENDANT SHARMA. PLAINTIFF THEREFORE MEETS THE TRADITIONAL COMMON LAW DEFINITION OF A BUSINESS INVITEE RATHER THAN A SOCIAL GUEST UNDER THE SUMMARY JUDGMENT STANDARD. (1T5:4-11:11; 1T13:22-14:13; 2T4:24-13:21; 2T15:25-22:18; 2T23:6-28:22)**

The crux of this matter, as argued below, is the dispute over whether Plaintiff, under the facts and record before the Court under the Summary Judgment standard, met the traditional common law classification of a “social guest,” and was therefore entitled to a lesser degree of protection from dangerous conditions of the property by Defendant Sharma, or whether Plaintiff, under the same standard, met the traditional common law classification of a “business invitee,” and therefore was owed a higher level of care by Defendant Sharma.

The record clearly demonstrates that Plaintiff conferred essential household benefits to Defendant Sharma during his visits, particularly on the date of the accident at bar, and that his primary purpose for being not just on the property, but on the particular steps where he fell, was to provide Defendant Sharma these services. Plaintiff is therefore best classified as a business invitee rather than a social guest under traditional common law classifications. As will be further elaborated below, Defendant Sharma failed to establish that Plaintiff meets the definition of a social guest under the Summary Judgment standard.

In Berger v. Shapiro, 30 N.J. 89 (1959), the New Jersey Supreme Court, using traditional common law classifications, explained the difference between a social guest and a business invitee:

[A] social guest [is] a gratuitous licensee. While a social guest is on the premises of another as a result of an ‘invitation’ in the layman's sense of that word, this court has said that he is not entitled to as high a degree of care for his safety as one who is on the premises to confer some benefits upon the invitor other than purely social. In the latter situation the person is regarded in the law as an invitee or . . . a ‘business visitor,’ and is owed a greater duty of care than a licensee.

Berger, 30 N.J. at 96 (citations omitted) (emphasis added).

The line between a social guest and a business invitee, particularly as it applies to family member visiting a relative’s house, was explored in detail by the Appellate Division in Benedict v. Podwats, 109 N.J. Super. 402 (App. Div. 1970). In Benedict, the Appellate Division held that a family member is entitled to the legal status of a business invitee when visiting the property of a relative to perform household chores for the benefit of the land-owning relative, even where the visiting family member was performing those chores without compensation. As will be set forth more fully below, Benedict is directly analogous to the facts in the matter at bar, and its application to the facts of this matter warrant a reversal of the Trial Court’s decision to grant Defendant Sharma’s motion for summary judgment.

In Benedict, the plaintiff, Joanne Benedict (“Ms. Benedict”), drove to her sister’s house to create a floral arrangement that the sister requested for her house.

Benedict, 109 N.J. Super. at 405. Upon arriving at her sister's house, Ms. Benedict found the door locked, but was able to enter the house by visiting their mother, who lived nearby and had a spare key. Id. Upon entering her sister's house, Ms. Benedict dusted the house and hung up her sister's laundry on a clothesline. Id. Ms. Benedict fell and was injured while she was removing the laundry from the clothesline. Id.

The case proceeded to trial where a jury found that Ms. Benedict's fall was due to a defective condition of the exterior bricks and patio. Id. at 406. The trial judge denied the defendant's request to instruct the jury that Ms. Benedict was a social guest. Id. Instead, the trial judge instructed the jury that Ms. Benedict was a business invitee. Id. The defendant then appealed that decision to the Appellate Division. Id.

The Benedict Court began its analysis by relying upon Berger v. Shapiro, 30 N.J. 89 (1959), as the parties in this matter have, to define the difference between a social guest and a business invitee. Id. at 407. "It has been said that a person who is on the homeowner's premises to confer some benefit upon the invitor is regarded as an invitee and is owed a greater duty of care than a licensee." Id. (citing Berger, 30 N.J. at 96). The Benedict Court found that to hold that Ms. Benedict was a social guest while performing chores for her sister while largely alone in her sister's house "would enlarge the meaning of the word 'social' beyond its normal

connotation.” Id. at 409. The Court also held that the fact that Ms. Benedict performed these chores for free did not negate her status as a business invitee. Id.

In the instant case, however, the injured sister was not invited for the purpose of engaging in some social gathering, but solely to perform chores for her homeowner sister, thereby conferring a benefit upon the invitor. True, she received and expected no compensation for her labors—only reimbursement for the flowers purchased for the floral arrangement—and, presumably, her work efforts constituted a labor of love, born of the affection of one sister for another.

Id. at 408 (emphasis added).

The Benedict Court also distinguished the facts before it from an earlier case, Pearlstein v. Leeds, 52 N.J. Super. 450 (App. Div.1958). In Pearlstein, plaintiff Esther Pearlstein (“Ms. Pearlstein”) was one of approximately 20 family members invited to a family party to celebrate two family birthdays. Pearlstein, 52 N.J. Super. at 453. Ms. Pearlstein arrived the night before the party to help get the house ready for the party and stayed overnight at the house. Id. On the morning of the party, Ms. Pearlstein advised the defendant that the stairs in the house, which had been waxed in preparation for the party, were too slippery. Id. Later the day, she fell on those same stairs. Id. at 453-54. The trial court determined that Ms. Pearlstein was a social guest and granted the defendant’s motion for summary judgment. Id. at 454.

On appeal, the Appellate Division upheld the trial court’s determination that Ms. Pearlstein was a social guest. Id. at 458-59. “The rational[e] appears to be that,

as in our case, the main purpose for the presence of the plaintiff on the premises is social and not to render services. The nature of the relationship should [not] be governed . . . by the fact that the guest may during a small portion of the stay assist in preparing food for a meal or perform some other minor chore of benefit to the hostess at the latter's request.” Id. (emphasis added).

The differences between Benedict and Pearlstein were examined as recently as the 2009 unreported Appellate Division case of Takaichvili v. Gabouniia, 2009 WL 417269 (App. Div. 2009) (Pa37-40). Although it referenced more recent cases, the Appellate Division in Takaichvili confined its decision on whether the plaintiff before it was a social guest or business invitee to examining the differences between the fact patterns of Benedict and Pearlstein in order to reach a conclusion that was appropriate for the facts of that case. Takaichvili, 2009 WL at 2-3.

In Takaichvili, the plaintiff, Tinatin Takaichvili (“Ms. Takaichvili”), fell from her son’s deck in the middle of a party that her son was hosting for family and friends from the Republic of Georgia. Id. at 1. Prior to the party, Ms. Takaichvili helped her son prepare for the party. Id. She was helping him prepare chicken to grill for the party when her fall occurred. Id. The Takaichvili Court found that Ms. Takaichvili’s “primary purpose for being at her son's home that weekend, as the case on many previous weekends, was to visit with her family, and on this particular weekend also to attend a family barbeque with friends.” Id. at 3.

Because it found that “the facts resemble Pearlstein more closely than Benedict,” the Takaichvili Court found that Ms. Takaichvili was a social guest.

In sum, the Courts in Benedict, Pearlstein, and Takaichvili, have looked to the history of the Plaintiff’s visits to the property and whether a social gathering was occurring at the time of the injury, or whether Plaintiff was alone, to determine the primary purpose of the Plaintiff’s visit to the property at the time of the injury. These cases have not hinged on whether the Plaintiff was being paid for the services rendered and a detour compromising “a small portion of the stay” will not override the primary purpose of Plaintiff’s reason for being at the property.

Applying these cases to the matter at bar, it is clear that Plaintiff’s situation most closely resembles Benedict. This Court should therefore find that he was entitled to the legal duties owed to a business invitee because his primary purpose on the property was to confer benefits to Defendant Sharma. Plaintiff arrived at Defendant Sharma’s house at her request, found her cleaning her house upon his arrival and helped her clean the house. He then took Defendant Sharma to the bank, to the grocery store, and back to her home, where he helped Defendant Sharma put the groceries in her house. (See Pa53 at T45:10-14 and Pa56 at T56:2-8).

The Court should also consider, as the Takaichvili Court did, the primary purpose of Plaintiff’s prior visits to the property. Plaintiff testified that around the

time of the accident, he was going to his mother's house every day to help her perform chores and errands. (Pa49-50 at T29:7-T31:2). Plaintiff was asked what he would do when he went to his mother's house and his testimony was clear:

Q. Okay. So one year prior. So, approximately, May 2021 to May 2022, you would see your mother almost every day, correct?

A. Yes. This is correct.

Q. And where would you see her?

A. At her house.

...

Q. And, approximately, how long would you stay?

A. I'm not sure.

Q. Well, was it more or less than an hour, on average?

A. Well, less than an hour.

Q. Generally, what would you do when you go there?

A. I take her to shopping, food shopping. Then I take her to Indian store, grocery store.

Id. at T29:7-T30:14.

Key to the conclusions that the Appellate Division reached in Pearlstein and Takaichvili was that the injuries happened during the course of an actual social gathering – a fact that was not present in Benedict or in the matter at bar. In Pearlstein, it was a gathering of approximately 20 family members invited to a

family party to celebrate two family birthdays. Pearlstein, 52 N.J. Super. at 453. In Takaichvili, it was a barbeque that her son was hosting for family and friends from the Republic of Georgia. Takaichvili, 2009 WL at 1. Plaintiff did not come to Defendant Sharma's house with his wife or daughters. His brother was not there. No other people were present at the house on the date of the accident. (Pa53 at T43:10-T44:11 and T45:7-20).

It is undisputed that this accident happened to fall on Mother's Day in 2022. However, Plaintiff spent almost every day at Defendant Sharma's house to help her with household chores and errands. He was going to be there spending approximately an hour of his day performing chores and errands for Defendant Sharma regardless of it was Mother's Day or just a regular day. Performing these chores was not "a small portion of the stay," as in Pearlstein or Takaichvili. See Pearlstein, 52 N.J. Super. at 458-59. It was the main purpose of being on Defendant Sharma's property that day and for using the stairs on which he was injured.

The fact that this accident occurred on Mother's Day would only be relevant if there were facts to support a family gathering, or a social purpose for Plaintiff's visit. However, Defendant Sharma, unfortunately, no longer recognized Plaintiff as her son. Plaintiff testified that she stopped recognizing him as her son as far as two years prior to the accident at bar:

Q. When you said your mother could not remember anything, did she know your name?

A. No. I don't think so. She don't remember me now. When she have condition, she can't remember me anything. I called her, her house, say how you doing and she says she don't remember me. Who are you? That's what she –

Q. Does that date back all the way to 2015?

A. No.

Q. When did that start?

A. That's, like, 2020.

Id. at T41:7-17.

To construe Plaintiff's presence on Defendant Sharma's property under these facts "would enlarge the meaning of the word 'social' beyond its normal connotation." See Benedict, 109 N.J. Super. at 409. Plaintiff was, for all intents and purposes, a caretaker for Defendant Sharma. He visited her on a daily basis to perform tasks for her that she could not perform for herself, even though she did not recognize him to be her son. It is undisputed that he performed chores and took her on errands for free, and his "efforts constituted a labor of love, born of the affection of" a son for his mother, but, as Benedict instructs, the "fact that the services are performed gratuitously does not negate the status of the person doing them as an invitee." See Id.

The reasonable inference from the evidence is that Plaintiff did not visit Defendant Sharma's house on the date of the accident for a social call or for a Mother's Day family gathering. Plaintiff was there to confer essential household services to her benefit as a caretaker. Plaintiff testified that he fell "[a]fter [he] put the groceries in her house." Id. at T56:19-20. As such, when the facts are viewed in the light most favorable to Plaintiff, as the nonmoving party, Plaintiff cannot be defined as a social guest under Berger or Benedict. His visits to the property in general, and on the day in question, "confer[ed] some benefits upon [Defendant] other than purely social" and the area where Plaintiff fell, the back steps, was only used in conjunction with household chores.

This evidence is amplified by the testimony of another one of Defendant Sharma's sons, Hirdesh Parasher, who is acting as Defendant Sharma's representative for this lawsuit. Hirdesh Parasher testified that he lived at the house for over a decade, yet he never used the back steps. (Pa72 at T18:10-19). There is no evidence that Hirdesh Parasher performed any such services for Defendant Sharma.

Plaintiff, however, did traverse this dangerous part of Defendant Sharma's property to the benefit of Defendant Sharma, and these services rendered to Defendant Sharma were his sole reason for being in the area where he was injured. As such, he is entitled to the protections of a business invitee on visits, such as the

one in question, where his primary purpose was to perform said household services. He is entitled to “a duty of reasonable care to guard against any dangerous conditions on his or her property that the owner either knows about or should have discovered . . . . the duty to conduct a reasonable inspection to discover latent dangerous conditions.” Hopkins v. Fox & Lazo Realtors, 132 N.J. 426, 434 (1993) (citations omitted).

Plaintiff respectfully submits that the Trial Court erred in finding that Plaintiff was not entitled to the legal duties owed to a business invitee by Defendant Sharma. Summary Judgment should therefore be reversed.

### POINT III

#### IN THE ALTERNATIVE, THE TRADITIONAL COMMON LAW PREMISES LIABILITY CLASSIFICATIONS OF SOCIAL GUEST AND INVITEE DO NOT APPROPRIATELY DESCRIBE PLAINTIFF’S RELATIONSHIP TO THE PROPERTY, NECESSITATING A FULL DUTY ANALYSIS. (1T11:12-13:21; 2T13:22-15:21)

Although New Jersey tort law is based on, and has built from, traditional English common law, the common law system was one meant to evolve over time to best reflect changes within society itself. In the case of premises liability, it is well established that the New Jersey Supreme Court has endorsed a common-sense application and evolution of those concepts.

The common law doctrine with its rigid classifications prescribing premises liability is rooted in early nineteenth century notions of private property interests. Adhering to social mores that placed a paramount

value on pastoral and agrarian ideals, courts strove to maximize the protection of rights of landowners to use and enjoy their land.

Hopkins, 132 N.J. at 436 (citations omitted).

We have long acknowledged that the legal rules expressive of the common law embody underlying principles of public policy and perceptions of social values. Because public policy and social values evolve over time, so does the common law. The power of growth is inherent in the common law. For that reason, the common law cannot be immutable or inflexible. One of the great virtues of the common law is its dynamic nature that makes it adaptable to the requirements of society at the time of its application in court.

Id. at 435 (citations omitted).

In light of the dynamic nature of the common law, the Hopkins Court established four factors for the Court to consider in situations where it is not “possible to fit a particular plaintiff precisely into one of these established categories. In those circumstances, we have concluded that courts must resort to a full duty analysis in order to determine whether the premises owner will be liable for an injury.” Estate of Desir ex rel. Estiverne v. Vertus, 214 N.J. 303, 317 (2013) (citations omitted).

Whether a person owes a duty of reasonable care toward another turns on whether the imposition of such a duty satisfies an abiding sense of basic fairness under all of the circumstances in light of considerations of public policy. That inquiry involves identifying, weighing, and balancing several factors— [1] the relationship of the parties, [2] the nature of the attendant risk, [3] the opportunity and ability to exercise care, and [4] the public interest in the proposed solution. The analysis is both very fact-specific and principled; it must lead to solutions that properly and fairly resolve the specific case and generate intelligible and sensible rules to govern future conduct.

Hopkins, 132 N.J. at 439 (citations omitted) (emphasis added).

The inquiry should not be what common law classification or amalgam of classifications most closely characterizes the relationship of the parties, but . . . whether in light of the actual relationship between the parties under all of the surrounding circumstances the imposition on the [defendant] of a general duty to exercise reasonable care in preventing foreseeable harm to [plaintiffs] is fair and just. That approach is itself rooted in the philosophy of the common law.

Rowe, 209 N.J. at 44-45 (quoting Hopkins, 132 N.J. at 438-439).

Under a full duty analysis, the Hopkins factors weigh in favor of requiring Defendant Sharma to owe a duty to Plaintiff to protect him from hidden defects on her property. As to the first Hopkins factor, the relevant relationship between the parties is that Plaintiff was a caretaker who performed essential household services that Defendant Sharma required assistance with. Whether or not a caretaker is related to the property owner has no relevance where the caretaker's primary purpose on the property is to take care of the property owner. To reach a different conclusion to this question based solely on the injured party's status as a blood relative creates an arbitrary distinction between unpaid, related caretakers and those who are paid and unrelated. This distinction is not only arbitrary, but will unfairly impact those who are less able to afford paid help.

As to the second factor, the uneven, concrete steps and lack of railings created a substantial risk of severe injury that unfortunately required an emergency fusion surgery to Plaintiff's back and has since left him unable to walk without the

assistance of a walker. Both Plaintiff's medical expert and Defendant Sharma's medical expert agree that Plaintiff's spinal fracture and the resulting 5-level fusion to his spine are causally related to Plaintiff's fall on these steps. Plaintiff's liability expert opined that the dangerous condition of the steps constituted a hidden trap due to its uneven steps and lack of adequate railings. As a hidden trap, the nature of the risk is one that can only be properly safeguarded against by Defendant Sharma, who owned the property for decades prior to the accident at bar, but left the steps in their dangerous condition that entire time.

As to the third factor, there was no opportunity for Plaintiff to exercise care on these steps. As evidenced by Plaintiff's liability expert, the uneven steps created a dangerous trap, and combined with the lack of railings, this poorly maintained staircase left Plaintiff no ability to mitigate or prevent his fall. Defendant Sharma, however, as the owner of the property was in a position for four decades, well before any health issues, to correct these steps and make them safe. Defendant Sharma took no such action, leading to Plaintiff's unfortunate fall and the lifelong consequences resulting from such an injury. Defendant Sharma knew, or should have known, over that lengthy period of ownership, that these stairs, although conveniently located in an area close to her kitchen and other areas necessary to complete household chores, needed to be repaired or replaced.

As to the final factor, the steps in the matter at bar are unsafe, and have been allowed to continue to deteriorate over decades of ownership. Encouraging property owners, particularly those who have controlled a property for decades, to maintain areas of their property that are used for ingress and egress to the dwelling is an easy-to-understand policy that is clearly of public interest. Indeed, the Township of Hamilton, where the property is located, and the New Jersey Housing Code have ordinances and codes requiring the upkeep and safety of means of ingress and egress to a property, which Defendant Sharma was in violation of. (See Pa81 and Pa90).

Additionally, as stated above, allowing only unrelated, paid caretakers their day in Court while denying family members who take on that role their day in Court disproportionately impacts those families who cannot afford to hire professional caretakers. It also creates a public policy that, at its heart, disincentivizes relatives from providing essential household services by treating them as less deserving of compensation should they be severely injured in the process, as Plaintiff was here.

The New Jersey Supreme Court “has recognized generally that a purpose of the tort laws is to encourage reasonable conduct, and, conversely, to discourage conduct that creates an unreasonable risk of injury to others . . . . [The] deterrent goal of the tort laws is effectuated through the recognition of a duty to exercise

reasonable care and the imposition of liability for the breach of such a duty.”

Sciarrotta v. Global Spectrum, 194 N.J. 345, 357 (2008). As such, “an abiding sense of basic fairness under all of the circumstances in light of considerations of public policy” weighs in favor of finding that Defendant Sharma owed Plaintiff a “duty of reasonable care to guard against any dangerous conditions on his or her property that the owner either knows about or should have discovered . . . . to conduct a reasonable inspection to discover latent dangerous conditions.” Hopkins, 132 N.J. at 434 (citations omitted).

Plaintiff respectfully submits that the Trial Court erred in finding that Defendant Sharma did not breach a duty to Plaintiff as a matter of law. Summary Judgment should therefore be reversed.

#### **POINT IV**

#### **PLAINTIFF’S CLAIM AGAINST DEFENDANT PREFERRED MUTUAL INSURANCE COMPANY IS FOR MED PAY BENEFITS. SUMMARY JUDGMENT AS TO DEFENDANT PREFERRED MUTUAL INSURANCE COMPANY BASED ON CONCEPTS OF PREMISES LIABILITY IS NOT APPROPRIATE.**

The second count of Plaintiff’s Complaint is a demand for med-pay benefits from Defendant Preferred Mutual Insurance Company. Defendants’ summary judgment motion requests a dismissal with prejudice as to Defendant Preferred Mutual Insurance Company but provided the Court with no basis for dismissing the med-pay count. The issue was not reached at oral argument, but was raised in

Plaintiff's initial letter-brief in opposition to Defendants' motion for summary judgment. As such Plaintiff respectfully requests that the Court deny.

In that Defendants have shown no legal entitlement to Summary Judgment as to the med-pay count against Defendant Preferred Mutual Insurance Company, Plaintiff respectfully submits that the Trial Court erred in granting Defendants' motion for Summary Judgment as to Defendant Preferred Mutual Insurance Company and the second count of Plaintiff's Complaint regarding med-pay benefits. Summary Judgment should therefore be reversed.

### **CONCLUSION**

For all the foregoing reasons, this Appellate Court, applying a de novo review, should reverse Judge McLaughlin's June 9, 2025 order granting Summary Judgment in Favor of Defendants, and remand this case back to the Law Division for trial.

**FREDSON, STATMORE, BITTERMAN, LLC**



**BY:** Kris A. Krause

**Dated:** September 25, 2025

AKHILESH PARASHER

Plaintiff

V.

MAYA ETVIR SHARMA,  
PREFERRED MUTUAL  
INSURANCE COMPANY (MED  
PAY) AND JOHN DOE 1-10 AND  
ABC CORP. 1-10 (NAMES BEING  
FICTITIOUS AS TRUE IDENTITIES  
ARE UNKNOWN AT THIS TIME)

Defendant

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO.: A-003305-24

Civil Action

ON APPEAL FROM:  
SUPERIOR COURT OF NEW JERSEY, LAW  
DIVISION: MERCER COUNTY  
DOCKET NO.: MER-L-2277-23

Sat Below:  
Brian McLaughlin, J.S.C.

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**RESPONDENT, MAYA SHARMA AND PREFERRED MUTUAL  
INSURANCE COMPANY'S BRIEF**

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Our File No. 93720 WSB

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Date Submitted: October 30, 2025

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**PRELIMINARY STATEMENT**

The crux of the within appeal is the Trial Court’s determination that the plaintiff’s status on the defendant’s property was as a social guest. Governing caselaw directs that the status is determined by the purpose for which the plaintiff was invited to the property. In this case the determination was expressly based on the uncontroverted fact that the invitation to the property was for a social purpose: come over for Mother’s Day “for family fun.” Inconceivably, appellant’s brief makes no mention whatsoever of this uncontroverted fact and proceeds as if it does not exist. This omitted fact completely invalidates appellant’s argument; the omission itself bespeaks appellant’s tacit recognition of this.

## PROCEDURAL HISTORY

Defendant incorporates by reference the Procedural History set forth in appellant's brief, with the following additions.

The Complaint was filed in Superior Court Essex County. **(1a-7a)** The Complaint contained two counts. Count I asserted a claim of negligence against defendant Parasher. Count II asserted a claim against Preferred Mutual Insurance Company for benefits under the medical payment coverage in the Preferred policy.

Defendants filed a motion to transfer venue from Essex County on the basis that (1) all parties resided in Mercer County, (2) the incident occurred in Mercer County and (3) that the fact that Preferred conducted business in Essex County, the only argued for basis for venue in Essex, was irrelevant because the claim against Preferred was de minimis (\$5,000 in medical payment coverage), plaintiff had never sought the benefit,<sup>1</sup> and the procurement of the policy had no connection to Essex County. **DA33-42**. Based upon the above, venue was transferred to Mercer County on July 13, 2023. **DA43-48**.

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<sup>1</sup> To date, other than inclusion of Count II in the Complaint, plaintiff has never made a request to Preferred for the \$5,000 medical payment benefit; from this, it can be interpreted that Count II was included simply included as a means of obtaining venue in Essex County. Admittedly, the summary judgment motion, while termed as seeking a dismissal of the complaint in its entirety, did not address Count II.

**STATEMENT OF FACTS**

This matter arises from a trip and fall incident that occurred on May 8, 2022, at Defendant's property located at 1829 Chambers Street, Hamilton, New Jersey. **1a-7a.** Defendant, Maya Sharma, has owned the property for over 40 years. **DA1-3.**

Defendant was approximately eighty-five years old.<sup>2</sup> **DA1-3.** Plaintiff is approximately 60 years old and Defendant's son. **DA4-22.** Defendant has been suffering from dementia since 2015, including the time of the incident. **DA4-22.** Since 2020, per Plaintiff, Defendant cannot remember anything; he would call her on the phone and she would not know who he was. **DA4-22.**

In the past, Plaintiff resided at the property for two years with Defendant. **DA4-22.** Between May 2021 and May 2022, Plaintiff visited Defendant almost every day and took her grocery shopping. **DA4-22.** He would stay, on average, less than an hour. **DA4-22.** Also says that she was mentally perfectly sharp during that time. **DA4-22.** He also says that she was 75 years old. He also says he never used the back door. **DA4-22.** He says he never exited out or entered through the back door prior to the incident. **DA4-22.** One time exited out the back door when lived there for two years. **DA4-22.** Plaintiff would frequently

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<sup>2</sup> Defendant is now deceased.

exit out of the back door prior to the incident. **DA4-22.** Each time, Defendant would bring the groceries into the house through the back door. **DA4-22.**

To access the back door, there are three steps outside leading up to it. **DA23.** The back steps never had railings. **DA4-22.** Prior to the incident, Plaintiff never noticed any problems with the back steps. **DA4-22.** Prior to the incident, Defendant was unaware of any conditions or issues with the steps or the railings in the back of the house. **DA4-22.**

On the day of the incident, Defendant invited Plaintiff to her home to celebrate Mother's Day. **DA4-22.** Specifically, plaintiff testified as follows:

*Q. Okay. I want to ask you now some questions about May 8, 2022. Okay?*

*A. Uh-huh.*

*Q. Yes.*

*A. Yes.*

*Q. That was Mother's Day?*

*A. Yeah. That time is Mother's Day.*

*Q. And did you have any plans for that day for a Mother's Day party or celebration or anything?*

*A. She call my house. She said come over. Can you come over for the Mother's Day? That's what happened that time.*

*Q. Did she call you the day of?*

*A. Yeah. She called me to come Mother's Day.*

*Q. And just to be clear, she called you that same day?*

*A. Yes.*

*Q. She called you on Mother's Day to come over?*

*A. Yes.*

**DA4-22.**

Plaintiff further testified:

*Q. When your mother called you to come over on Mother's Day –*

*A. Uh-huh.*

*Q. -- was it for any particular reason?*

*A. She wanted a little fun, you know, for family fun. That's what it is.*

**DA4-22.**

Plaintiff further testified:

*Q. Was there any sort of Mother's Day celebration taking place while you were there?*

*A. Because she wants, like a family together, family together. That's why we went there.*

*Q. Okay. But there was no family there other than you, correct?*

*A. Yes*

**DA4-22.**

While exiting the home, Plaintiff lost his balance while descending from the second step of the back stairs and fell backwards. **DA4-22.** At the time, he was exiting for the purpose of going home. **DA4-22.**

**LEGAL ARGUMENT**

**TRIAL COURT CORRECTLY CONCLUDED THAT PLAINTIFF  
WAS A SOCIAL GUEST AND THUS WAS CORRECT IN  
GRANTING SUMMARY JUDGMENT**

Since the Plaintiff was invited to Defendant’s home for a social purpose – a Mother’s Day get-together, for what plaintiff himself termed “some family fun” – Plaintiff’s status on the property was as a social guest, and thus Defendant was correctly granted summary judgment.<sup>3</sup>

In any case founded upon negligence, the plaintiff must establish that the defendant breached a duty of reasonable care. Brown v. Racquet Club of Bricktown, 95 N.J. 280 (1984). The scope of a landowner’s duty is defined by the third person’s status as a business visitor, social guest, or trespasser. Snyder v. I Jay Realty Co., 30 N.J. 303, 311-12, 153 A.2d 1 (1959). The duty of a care owed to a social guest is much greater than that owed to a trespasser but less than that owed to a business visitor. Hopkins v. Fox & Lazo Realtors, 132 N.J. 426, 434, 625 A.2d 1110 (1993).

A social guest is only entitled “to the same knowledge possessed by the host of dangerous conditions” and the host need not make improvements and

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<sup>3</sup> It is understood that Plaintiff concedes that if Plaintiff is deemed a social guest then Defendant did not breach any duty owed and thus the case was properly dismissed.

alterations to his home to render his home “safer for those accepting his hospitality than for himself.” Berger v. Shapiro, 30 N.J. 89, 98, 152 A.2d 20 (1959); Comeau v. Comeau, 285 Mass. 578, 189 N.E. 588, 92 A.L.R. 1002 (Sup.Jud.Ct.1934). A landowner is not required to “scour his premise” to discovery latent defects. Parks v. Rogers, 176 N.J. 491, 498, 825 A.2d 1128, 1132 (2003). To the same extent, if the social guest is or becomes aware of any dangerous condition or by a reasonable use of his facilities would observe it, the host is not liable to the guest because of the guest’s failure to use due care. *Id.* at 99, 152 A.2d 20.

The Restatement (Second) of Torts §342 construes the duty of a land possessor to social guests. A possessor of land is subject to liability for physical harm caused to social guests by a condition on the land if, and only if:

(a) The possessor knows or has reason to know of the condition and should realize that it involves an unreasonable risk of harm to such licensees (social guests), and should expect that they will not discovery or realize the danger, and (b) He fails to exercise reasonable care to make the condition safe, or to warn the such licensees (social guests) of the condition and risk involved, and (c) The licensees (social guests) do not know or have reason to know of the condition and the risk involved.

Restatement (Second) of Torts § 342.

In circumstances in which a plaintiff’s presence on the property has indicia of both social guest and invitee, the plaintiff’s status is determined by the purpose for which the plaintiff was invited to the property. Benedict v. Podwats,

109 N.J.Super. 402, 407-8 (App. Div. 1970). If the plaintiff is invited for a social purpose then the plaintiff is a social guest, even if the plaintiff also confers a benefit on the host. Id.

In Benedict, the plaintiff, who was defendant's sister, was an invitee based on the premise that she was invited to defendant's home to construct a floral arrangement, at defendant's request. Id. The defendant even paid plaintiff for the purchase of flowers for the arrangement. Id. During the course of the visit, Plaintiff cleaned the house and did some laundry for her sister. Id. Plaintiff ultimately injured herself in the backyard when she was removing clothes from the clothesline outside. Id.

Notably, Benedict distinguished its facts from those in Pearlstein v. Leeds, 52 N.J.Super. 450 (App. Div. 1958), in which the plaintiff was at the defendant's home both to assist in party preparations and to be a guest at the party. Id. In Pearlstein, the plaintiff was found to be a social guest even though also conferring a benefit to the host in the course of the visit because the plaintiff was invited to the house for some social purpose. Id. The Benedict Court delineated the key distinction in its case:

“In the instant case, however, the injured sister was not invited for the purpose of engaging in some social gathering, but solely to perform chores for her homeowner sister, thereby conferring a benefit upon the invitor. True, she received and expected no compensation for her labors – only reimbursement for the flowers purchased for the floral arrangement –

and, presumably, her work efforts constituted a labor of love, born of the affection of one sister for another.”

Id.

For the sake of completeness, it is also noted that another appellate court, in an unpublished opinion, addressed the question of status on property in a similar scenario. In Spellman v. Kosenski, Docket No. A-3381-16T3, plaintiff was visiting her mother for lunch at her mother’s home when she fell down exterior steps. Defendants contended that the plaintiff was a social guest. As in the within matter, plaintiff Spellman argued that she provided assistance and benefits to her mother – running errands and otherwise assisting her - and thus should be considered an invitee. The appellate division agreed with the trial court’s analysis rejecting plaintiff’s argument and instead finding the plaintiff to be a social guest:

“The judge found plaintiff was a social guest because the activities she performed were not commercial or business in nature. He concluded that the familial relationship between the parties evidenced the status of plaintiff as a social guest rather than an invitee.”

**(DA24-32).**

In the within matter, there can be no reasonable dispute that plaintiff’s status at the time of the incident was as a social guest. Applying the Benedict/Pearlstein rubric, Plaintiff was invited to his mother’s house for

Mother's Day "for family fun" and thus was a social guest; the same result follows from Spellman, supra.

Plaintiff testified as follows:

*Q. Okay. I want to ask you now some questions about May 8, 2022. Okay?*

*A. Uh-huh.*

*Q. Yes.*

*A. Yes.*

*Q. That was Mother's Day?*

*A. Yeah. That time is Mother's Day.*

*Q. And did you have any plans for that day for a Mother's Day party or celebration or anything?*

*A. She call my house. She said come over. Can you come over for the Mother's Day? That's what happened that time.*

*Q. Did she call you the day of?*

*A. Yeah. She called me to come Mother's Day.*

*Q. And just to be clear, she called you that same day?*

*A. Yes.*

*Q. She called you on Mother's Day to come over?*

*A. Yes.*

**DA4-22.**

Plaintiff further testified:

*Q. When your mother called you to come over on Mother's Day –*

*A. Uh-huh.*

*Q. -- was it for any particular reason?*

A. *She wanted a little fun, you know, for family fun. That's what it is.*

**DA4-22.**

Plaintiff further testified:

Q. *Was there any sort of Mother's Day celebration taking place while you were there?*

A. *Because she wants, like a family together, family together. That's why we went there.*

Q. *Okay. But there was no family there other than you, correct?*

A. *Yes.*

**DA4-22.**

Plaintiff being a social guest, Defendant owed Plaintiff the same knowledge of the property's condition as she herself possessed. At the time of Plaintiff's fall, both parties had the same knowledge on the condition of the steps. (Arguably, plaintiff likely had greater knowledge given the defendant's medical condition.) Up to the time of the fall, Plaintiff regularly visited Defendant and helped carry groceries into her house, using the same back steps where the fall occurred. Plaintiff was fully aware of the condition of the steps, including the lack of railings, having lived at the property for two years and frequently using the steps without incident. Plaintiff even testified that he never noticed anything wrong with the back steps. Thus in the within matter, plaintiff is properly deemed a social guest and thus the defendant did not breach any duty owed and summary judgment is warranted.

Even applying the traditional common law duty analysis as argued for by the plaintiff here in the alternative, leads to the same result. First, as to the relationship of the parties, plaintiff is the adult son of the defendant who is an 85 year old woman with significant dementia; the plaintiff was at her home regularly and presumably would have a greater awareness than the defendant of any issues with the house. Second, as to the nature of the risk, the plaintiff himself was very familiar with the steps and never noted or had any issue. Third, as to the opportunity and ability to exercise due care, again the defendant was in a greatly compromised condition and the defendant was in a much better position than her to discover and address any issues. Fourth, as a matter of public interest, do we want an adult son suing his eighty-five-year-old mother with dementia for a condition of her home?

**CONCLUSION**

Based on the foregoing, it is respectfully requested that the Trial Court's dismissal be affirmed.

**METHFESSEL & WERBEL, ESQS.**  
Attorneys for Maya Sharma and Preferred  
Mutual Insurance Company



By: \_\_\_\_\_  
William S. Bloom

DATED: October 30, 2025





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November 17, 2025

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Re: Akhilesh Parasher (Plaintiff/Appellant) v. Maya Etvir  
Sharma, Preferred Mutual Insurance Company (Med Pay)  
(Defendants/Respondents)  
Docket No.: A-003305-24-T3  
Appeal of the June 9, 2025 Order of the Hon. R. Brian  
McLaughlin, J.S.C. Hon. R. Brian McLaughlin, J.S.C.  
Sat Below: Kris A. Krause, Esq.  
Attorney of Record: ATTORNEY ID # 029672012

Dear Ms. Hanley:

Pursuant to R. 2:6-2(b), please accept this reply letter brief on behalf of  
Plaintiff/Appellant Akhilesh Parasher.

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**LEGAL ARGUMENT**

**POINT I**

**THE FACT THAT THE ACCIDENT OCCURRED ON MOTHER’S DAY IS NOT RELEVANT WHERE, WHEN VIEWED IN TOTALITY WITH THE REST OF THE FACTS IN THIS CASE, PLAINTIFF’S MAIN PURPOSE FOR VISITING THE PROPERTY WAS TO PROVIDE DEFENDANT WITH ESSENTIAL SERVICES.**

As discussed in Point II of Plaintiff Akhilesh Parasher’s (“Plaintiff”) Appellate Brief, our Courts have looked to the primary purpose of a party’s

visit to a property to determine if that party is a social guest or a business invitee. See Pearlstein v. Leeds, 52 N.J. Super. 450, 458-59 (App. Div. 1958); Takaichvili v. Gabouniia, 2009 WL 417269 (App. Div. 2009) (Pa37-40).

In their opposition to Plaintiff's appeal, Defendant Maya Etvir Sharma and Defendant Preferred Mutual Insurance Company (collectively "Defendants") attempt to argue that there was some sort of Mother's Day celebration going on at Defendant Maya Etvir Sharma's house, despite the undisputed fact that Plaintiff's wife, Plaintiff's children, and Defendant's other sons, all of whom lived locally, were not present at any time while Plaintiff was at the premises. This argument is advanced by Defendants despite the undisputed facts that Plaintiff was at the property for less than an hour and spent that time running errands and performing chores for Defendant Maya Etvir Sharma. This argument is advanced by Defendants despite the undisputed fact that Plaintiff performed these types of visits every day for the year leading up to the accident at bar.

Plaintiff did give some confusing testimony about celebrating Mother's Day, but that testimony is not supported by the bulk of his testimony, especially that his mother no longer recognized him by the time of the accident at bar. There is no evidence to support that the main purpose for Plaintiff's visit that day was to celebrate Mother's Day. It can certainly be seen as a part of why he was there that day, but his main purpose was to do the same things he was doing every other day

of the year leading up to the accident at bar, and to do them alone, without any kind of party, family meal, gift exchange, or any other indicia of a social gathering, much less a Mother's Day celebration. Given that Defendants admit that Defendant Maya Etvir Sharma was suffering from "significant dementia" and that Plaintiff testified that she no longer recognized him as her son, there is no competent evidence for a Court to find, under the summary judgment standard, that any social gathering, Mother's Day celebration, or "family fun" actually occurred or was the main purpose of Plaintiff's visit to the property.

## **POINT II**

### **THE UNREPORTED CASE, SPELLMAN V. KOSENSKI, IS OF NO VALUE TO THE COURT IN DECIDING THIS MATTER.**

In addition to not being raised below, Defendants' reliance on the unreported Spellman v. Kosenski is misplaced as "no unpublished opinion shall be cited by any court." R. 1:36-3. Plaintiff has provided this Court with binding caselaw that provides an analytical structure based on precedent to evaluate this case, either through the lens of traditional common law definitions or through the use of the full duty analysis. The Spellman case cites to no law and provides no analysis as to how it determined the plaintiff in that case to be a social guest, and therefore in addition to providing no precedential value, it also does not provide any persuasive value.

**POINT III**

**PLAINTIFF FILED A COMPLAINT WITH A MED-PAY COUNT.**

Defendants' Brief argues that Plaintiff did not seek the \$5,000.00 benefit, "other than the inclusion of Count II in this Complaint." Defendant's Brief at 2. There can be no more obvious and verifiable act of seeking a benefit or asserting a claim than the act of filing a complaint with a Court. Defendants do not assert that Plaintiff is not entitled to the money, nor do they assert that there was any basis for its dismissal. Therefore, Plaintiff respectfully requests that summary judgment be reversed as to Defendant Preferred Mutual Insurance Company.

**CONCLUSION**

For all the foregoing reasons, this Appellate Court, applying a de novo review, should reverse the Honorable R. Brian McLaughlin, J.S.C.'s June 9, 2025 order granting summary judgment in favor of Defendants and remand this case back to the Law Division for further proceedings.

Respectfully Submitted,

**FREDSON, STATMORE, BITTERMAN, LLC**



**BY:** Kris A. Krause

**Dated:** November 17, 2025