Frontline Workers' COVID-19 Wrongful Death Case Reinstated



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On April 24, 2024, the Superior Court of New Jersey Appellate Division reinstated a lawsuit regarding the alleged wrongful deaths of a married couple due to COVID-19 that was previously dismissed in Bergen County Superior Court.

Two married front line workers, Alfredo Pabatao, a transport aide at North Bergen Hospital, and Susanna Pabatao, an assistant nurse at New Bridge Medical Center, died from COVID-19 days apart. A lawsuit brought by the estate of the couple against their employers claimed that Susanna Pabatao was not provided with face masks and Alfredo Pabatao was compelled to reuse masks and gowns. The original complaint alleged the plaintiffs' employers caused plaintiffs to become infected with COVID-19 and suffer injury, death, and damages.

The Appellate Division overturned the Superior Court's decision to dismiss the case and reinstated it because, among other things, the Superior Court Judge erred by denying the plaintiffs' motion to amend their complaint before discovery was complete.

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