

Experience

Stradley Ronon Secures Appellate Win for TD Bank on New Jersey Claims Arising from Law Enforcement Involvement

A Stradley Ronon has secured a significant win for TD Bank before the New Jersey Superior Court, Appellate Division, which affirmed the trial court's grant of summary judgment in the client's favor. In *Wimbish v. TD Bank*, the plaintiff sought to hold TD Bank liable under a negligence theory after criminal charges stemming from an attempted check transaction were later dismissed. The Appellate Division rejected that theory, agreeing that New Jersey does not permit plaintiffs to use negligence as a lower-standard substitute for malicious prosecution.

The decision builds on important New Jersey precedent, including *Morris v. TD Bank*, another prior TD Bank win, in which the Appellate Division declined to recognize negligence-based claims that would undermine the state's strong public policy encouraging cooperation with law enforcement. In *Wimbish*, the court reaffirmed that where a plaintiff's alleged harm flows from a criminal prosecution, the proper claim, if any, is malicious prosecution, a cause of action requiring a substantially higher showing, including malice and lack of probable cause.

The ruling is an important confirmation for financial institutions and other businesses that New Jersey courts will not expand negligence law to penalize citizens or businesses for contacting or assisting law enforcement. It also reinforces TD Bank's successful defense strategy in a line of cases addressing attempts to recast malicious-prosecution allegations as ordinary negligence claims.

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