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## C A S E A L E R T

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### **Bill Bloom Testifies Before the Senate, Paul Endler Delivers a Hot Coffee Verdict, Brent Pohlman and Jeff Ball Join M&W's Labor and Employment Group**

On March 16, 2026, [Bill Bloom](#) testified before the New Jersey Senate Commerce Committee regarding Bill S3173. The Bill would require that Plaintiffs who sue their insurers for uninsured or underinsured motorist benefits name the insurer, rather than the tortfeasor, as the actual defendant.

Previously in [Bardis v. First Trenton](#) the New Jersey Supreme Court ruled that the tortfeasor, and not the UM/UIM carrier, should be presented to the jury as the defendant. The Court's rationale was that the carrier's involvement was incidental, as it simply stood in the shoes of the uninsured or underinsured tortfeasor.

The Court opined that identification of the insurer as the defendant might distract the jury from its duty of assessing liability and damages in the presence of a known "deep pocket." Bill S3173 essentially sought to overturn the [Bardis](#) holding.

In his testimony, Bill pointed to the acknowledged goal of negligence law of "fairly and reasonably" compensating injured parties, emphasizing that the identity and nature of the defendant was irrelevant to the goal. Bill noted that this was generally acknowledged not only in [Bardis](#) but also in the Rules of Evidence, which generally bar evidence of liability

insurance. Responding to a comment of a representative of the plaintiff's bar likening an insurance carrier to a deep-pocketed defendant like Home Depot, Bill distinguished such defendants from insurers by pointing out that in those matters there is alleged negligence on the part of those defendants, but that is not the case with regard to the insurer in a UM/UIM case.

The committee seemed receptive to Bill's testimony but nonetheless ultimately voted to approve the legislation, with the understanding that its merits will be debated by the full State Senate.

Last month [Paul Endler](#) obtained a verdict in a case reminiscent of the legendary McDonald's "hot coffee" case of nearly 20 years ago. Thankfully for our client, the net verdict was substantially more modest.

Paul represented a Dunkin' Donuts franchisee whose coffee spilled due to a poorly attached lid and caused second degree burns to the inner thigh of a 68 year-old customer. Prior to the trial we had offered a substantial six figure sum to settle the claim. Following two weeks of testimony from the parties, a plastic surgeon, a professional engineer who alleged a defect in the manufacture of the

cups, and a human factors expert, the jury awarded a total verdict of \$68,000.00.

[Brent Pohlman](#) recently rejoined M&W as a Partner. Brent is a veteran labor and employment attorney who previously served as Counsel within our Civil Rights and Employment Group. Following four years at Mandelbaum Barrett honing his skills as a management counselor and negotiator on behalf of private and public entities, Brent returns as a Partner who will helm the Labor and Employment Group within the firm's broader Civil Rights Group.

Also joining Brent's team is new associate [Jeffrey Ball](#), a 2016 graduate of the University of Montana School of Law. Jeff previously served as a public defender in Idaho and New Mexico before transitioning to employment law and opening his own practice, advising businesses and nonprofit organizations, conducting workplace investigations, and representing employers in agency discrimination claims.

Friends and clients interested in obtaining further information are welcome to contact [Bill](#), [Paul](#), [Brent](#) or [Jeff](#) directly.

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