

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ESTATE OF JESSE M. RIVERA, a New Jersey estate, NYDIA E. RIVERA, a New Jersey resident, and EUGENIO RIVERA, a New Jersey resident,

Plaintiffs,

v.

PASSAIC COUNTY, PASSAIC COUNTY JOHN AND JANE DOES 1-30, PASSAIC COUNTY SHERIFF'S DEPARTMENT JOHN AND JANE DOES 1-3-, JERRY SPEZIALE, in his official capacity as Sheriff of Passaic County, and in his individual capacity, CHARLES MEYERS, in his official capacity as Warden of Passaic County Jail, and in his individual capacity, SERGEANT R. CONDATORE, in his official capacity as Classification Officer of Passaic County Jail, and in his individual capacity; DR. WAHBA, in his official capacity as Medical Director of Passaic County Jail, Dr. DAVID TUTONE, in his official capacity as jailhouse doctor, and in his individual capacity, OTHER JOHN AND JANE DOES 1-30, fictitiously named individuals, and ABC CORPORATIONS 1-30, fictitiously named entities,

Defendants

Hon. Dennis M. Cavanaugh

ORDER

Civil Action 2:09-cv-05218(DMC)(MF)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motion by Passaic County *et al* (“Defendants”) for partial summary judgment as to the second amended complaint of the Estate of Jesse M.

Rivera *et al* (“Plaintiffs”) pursuant to Fed. R. Civ. P. 56. Pursuant to Fed. R. Civ. P. 78, no oral argument was heard. After carefully reviewing the submissions of the parties, and based on the Court’s Opinion filed this day;

IT IS this 25th day of July, 2011;

ORDERED Defendants’ motion for partial summary judgment is **granted** as to Count 18. Defendant’s motion to dismiss the Estate’s claims for loss of the value of life is **denied**, but the period for which Plaintiff may recover is limited to the hours between Mr. Rivera’s hanging and his death. Defendant’s motion to dismiss claims of the Estate for loss of society or relationship is **granted**, but it is understood that Plaintiffs are able to recover for pecuniary losses that may arise from the loss of companionship, guidance, advice, counsel, services and earnings caused by the death of their son. Defendant’s motion to exclude the claims of Mr. Rivera’s siblings for loss of household/family accompaniment services is **granted**.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk
cc: All Counsel of Record
File