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LAD Plaintiff Challenges Order To Undergo Mental Examination

By Mary P. Gallagher

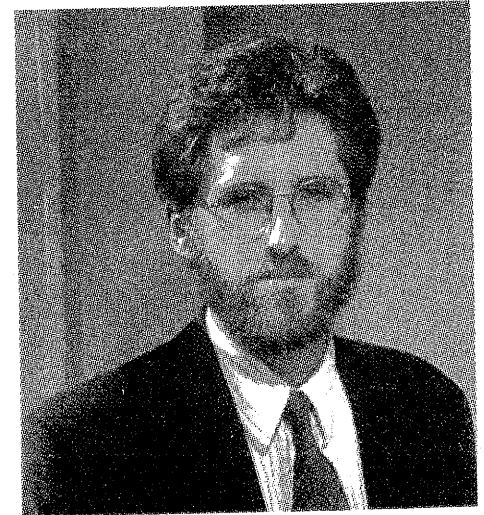
Plaintiffs seeking emotional distress damages under New Jersey's Law Against Discrimination have not been required to submit to psychiatric examination, but a state appeal court panel is about to consider whether one should.

A lawyer for Tropicana Products argued to an Appellate Division panel on Thursday that, in some circumstances, mental examinations are necessary to enable an effective defense, even where the plaintiff does not claim any mental disorder, has not consulted any mental health expert and does not plan to present expert

APPELLATE WATCH

psychiatric or psychological testimony.

The judges, sitting in Morristown, were hearing an interlocutory appeal in *Kluczyk v. Tropicana Products Inc.*, A-1405-99T5, which stemmed from an Oct. 22, 1999, Hudson County judge's order that compelled Tadeusz Kluczyk to under-



DON'T GO THERE: Andrew Dwyer argues that the unrestricted scope of the examination authorized by a trial judge — allowing inquiry into his client's sexual history, practices and attitudes — is an invasion of privacy.

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