

DEFENDANTS SHOULD BE PRECLUDED FROM SEEKING TO ENTER EVIDENCE, INCLUDING TESTIMONY, THAT THERE WERE NO PRIOR ACCIDENTS

It is boilerplate law that lack of prior accidents is inadmissible to show either the condition was safe or the defendant was not negligent. *Rogrove v. Stavola Construction*, 331 N.J.Super. 212 (App.Div. 2000); *Schafer*, 348 N.J.Super. 212 (App.Div. 2000). Accordingly, New Jersey law is clear that the absence of prior accidents is not admissible evidence to refute a claim of an unsafe condition or otherwise to show the defendants were not negligent. *Rogrove v. Stavola Construction*, 331 N.J.Super. 212 (App.Div. 2000); *Schafer*, 348 N.J.Super. 212 (App.Div. 2000). Such evidence is unduly prejudicial, distracting, simply not relevant and it should not be considered.