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NATALLIA VOINEA	:	SUPERIOR COURT OF NEW JERSEY
	:	
	:	APPELLATE DIVISION
v.	:	
	:	DOCKET No.: A-000937-25 (AM-000106-25)
	:	
TD BANK, N.A.	:	SAT BEFORE HON. FRANCIS
	:	DOMINGUEZ, J.S.C.
	:	
	:	DOCKET No.: CAM-L-247-24
	:	

APPELLATE BRIEF ON BEHALF OF NATALLIA VOINEA

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December 1, 2025

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PRELIMINARY STATEMENT

This appeal presents a fundamental question about the proper procedure for asserting and evaluating claims of privilege in discovery disputes.

Ms. Voinea, a former employee of Eastern European descent, was terminated from TD Bank following what the bank claimed was an investigation into violations of anti-money laundering principles. She filed suit alleging violations of the Conscientious Employee Protection Act ("CEPA") and the New Jersey Law Against Discrimination ("NJLAD").

During discovery, TD Bank produced heavily redacted documents that allegedly contained information the bank used to justify Ms. Voinea's termination. When Ms. Voinea moved to compel production of unredacted documents, TD Bank opposed, claiming various unspecified privileges. TD Bank claimed it could not even reveal the legal basis for some of the redactions to the court, much less to Ms. Voinea. At issue are three questions of law:

First, whether the trial court erred by conducting an in-camera review without first requiring TD Bank to specifically identify the nature of its privilege claims for each document. The New Jersey Supreme Court in Brugaletta v. Garcia established that a party withholding information based on privilege must "expressly assert the claimed privilege and detail the nature of

the information withheld." Brugaletta v. Garcia, 234 N.J. 225, 190 A.3d 419 (2018). This requirement is codified in R. 4:10-2(e). TD Bank failed to meet this threshold requirement, instead making vague references to federal laws without specifying which privileges applied to which documents.

Second, whether the trial court failed to make specific determinations explaining why each document was deemed privileged. The Appellate Division in Seacoast Builders Corp. v. Rutgers mandated that trial courts must “examine each document individually, and explain as to each document deemed privileged why it has so ruled.” Seacoast Builders Corp. v. Rutgers, 358 N.J. Super. 524, 818 A.2d 455 (Super. Ct. App. Div. 2003). This determination requires examining whether the trial court's finding that “there is a basis to keep that information redacted” falls short of this requirement. As discussed below, our Supreme Court emphasized in Payton v. N.J. Turnpike Authority, when a court conducts an in-camera review, it must “make specific determinations regarding plaintiff's access to them, including an expression of reasons for the court's rulings.” Payton v. N.J. Tpk. Auth., 148 N.J. 524, 691 A.2d 321 (1997).

Third, whether the trial court erred in failing to create a verbatim record of its in-camera review and analysis.

Without knowing the specific legal basis for TD Bank's privilege claims or the court's reasoning for upholding those claims, Ms. Voinea cannot meaningfully challenge the trial court's decision. The trial court itself acknowledged the “very unfair weighing of the balance” against Ms. Voinea, yet permitted TD Bank to withhold crucial information based on unspecified privileges.

This appeal follows.

PROCEDURAL HISTORY

On January 25, 2024, Plaintiff Natallia Voinea filed a Complaint against TD Bank, N.A. ("TD Bank"), alleging violations of the Conscientious Employee Protection Act ("CEPA") and the New Jersey Law Against Discrimination ("NJLAD").

TD Bank filed an Answer on April 5, 2024, and the parties subsequently engaged in written discovery. A confidentiality order was entered in this case on Defendant's application. On February 7, 2025, Plaintiff's counsel, Katherine D. Hartman, sent a deficiency letter to Rachel Fendell Satinsky, counsel for TD Bank, requesting unredacted copies of documents necessary to prepare for depositions. NV 011 to NV023.

On March 25, 2025, Ms. Satinsky responded by providing reproduced documents with continued redactions, claiming that the redactions protected "personal identifying information and information prohibited from being disclosed by federal law, including, inter alia, the bank examination privilege." NV 024-25.

On April 17, 2025, Plaintiff's counsel replied to Ms. Satinsky's correspondence, objecting to the redactions and citing legal authority that "The bank examination privilege belongs to the OCC and '[o]nly the agency itself can assert the [Bank Examiner's] privilege.'" NV 027-NV29.

On July 11, 2025, Plaintiff filed a Motion to Compel seeking the disclosure of redacted materials from TD Bank's document production, supported by counsel's certification of the same date. NV 001-033.

Defendant TD Bank filed a two-part opposition to Plaintiff's Motion to Compel Discovery. NV 035-042 (Part I); NV 044-054 (Part II).

Defendant initially filed Part II of its opposition ex parte with the trial court, providing no notice or basis for this ex parte motion to Plaintiff's counsel. On September 5, 2025, the Court requested the parties attend a conference, which counsel to both parties attended. At this conference, the Court notified Plaintiff's counsel of Defendant's ex parte motion and instructed Defendant to put Plaintiff on notice of its motion as to Part II. Thereafter,

Defendant filed a cross-motion to Plaintiff's motion to compel discovery via eCourts. NV 044-054. Defendant's Part II notice cited no law, rule, or regulation supporting its ability to file for ex parte relief or its authority to withhold its basis for the redactions to TD_Bank 296, 297, 298, 299, 314, 364, and 366, and requesting an in-camera review. NV 044-054

On September 26, 2025, the Honorable Francisco Dominguez, J.S.C., held a motion hearing and heard oral argument. NV 055.

Judge Dominguez first reviewed Part II, Defendant's ex parte motion for in camera review, regarding bates stamped TD_Bank 296, 297, 298, 299, 314, 364, and 366. 1T:6:1-9:6. Judge Dominguez found there was a basis to review the materials in camera and requested the materials from TD Bank's counsel. 1T:9:12-16.

Counsel to TD Bank advised the Court that there was a portion of the materials that the Court would be permitted to review unredacted, and a portion TD Bank could not reveal to the court in camera, explaining that she could reveal the legal basis for the unrevealed information in camera. 1T:9:12-10:9. TD Bank's counsel further advised the Court that "[t]here is one basis for redaction that would prohibit TD Bank from even sharing the unredacted materials with the Court. There is another basis for redaction where we would be able to share with the Court, but not with plaintiff." 1T:10:15-19.

Plaintiff's counsel objected, noting "I don't know how I am supposed to make a meaningful argument when I cannot know the law, rule, or regulation that supports any of this -- any of what's going on right now." 1T:11:4-11.

Judge Dominguez went off the record, reviewed the documents which could be reviewed by the Court, and found "there is a basis to keep that information redacted, um, under the, um, the laws that were cited by, uh, by TD Bank. So to the extent that, uh, that material is covered by the objection to Part 2, um, I am going to deny the motion to compel." 1T:12:3-6.

Judge Dominguez denied Plaintiff's Motion to Compel Discovery as to Part II as to the documents reviewed in camera. 1T:11:24-12:6. Judge Dominguez then addressed the "other material that cannot be unredacted even to the Court under the same basis of what was explained in the opposition for Part 2," to which counsel for TD Bank answered affirmatively. 1T:12:7-15.

The Court then addressed Part I. The Court and parties resolved the discovery dispute as to TD Bank 331, 332, 333, 415, and 416, which are no longer at issue and not part of this appeal. 1T:15:7-17:11.

The Court then addressed Part I, documents TD Bank 296, 297, 298, 380, 381, 382, 383, 384, and 385. 1T:17:20-24:5. As to the account numbers listed in those documents, the Court ordered Defendant to reproduce those documents with redactions that reveal the last two account numbers of any

account listed. Similarly, the Court ordered the production of the same documents with the last names of individuals identified fully unredacted.

1T:17:20-24:5.

The Court found a basis under Crowe v. De Gioia, 90 N.J. 126 (1982) to stay its decision, noting "this seems to be very unsettled law, um, as far as what can be revealed, what can't be revealed, at least from what the Court can see here and there does seem to be a very unfair weighing of the balance here if I have to leave this information redacted based on some federal law that the plaintiff is not able to even know, um, that really does weigh against, uh, the plaintiff here." 1T:24:12-17.

On October 14, 2025, Plaintiff filed a motion for leave for interlocutory appeal. NV 003.

On November 17, 2025, Judge Jessica R. Mayer, P.J.A.D., granted Plaintiff's unopposed motion for leave to appeal and a preemptory scheduling order was issued. NV 003.

STATEMENT OF FACTS

Plaintiff Natalia Voinea is a former employee of TD Bank, N.A. who is of Eastern European descent. Ms. Voinea was terminated from her employment at TD Bank following what the bank claimed was an investigation into violations of anti-money laundering principles.

The dispute in this case centers on TD Bank's redaction of documents that allegedly contain information the bank used to justify Ms. Voinea's termination. These documents purportedly contain connections and transactions that TD Bank claimed linked Ms. Voinea to other individuals and accounts in violation of anti-money laundering principles.

During her employment, Ms. Voinea alleges that she was subjected to discrimination based on her Eastern European descent and retaliation in violation of the Conscientious Employee Protection Act ("CEPA") and the New Jersey Law Against Discrimination ("NJLAD"). The redacted documents are central to her ability to challenge the legitimacy of TD Bank's investigation and its conclusions regarding the alleged violations that led to her termination.

The redacted information in TD Bank 296, 297, 298, 299, 314, 364, and 366 contains information on TD Bank customers, including names and contact information of account holders other than Plaintiff, account numbers, and details of particular transactions. 1T:15:3-17:22. TD Bank claims this information is protected under federal law, including the Gramm-Leach-Bliley Act and New Jersey Electronic Funds Transfer Privacy Act, as well as under common law obligations of confidentiality. During the discovery process, TD Bank produced heavily redacted documents that Plaintiff contends were rendered meaningless by the extent of the redactions. Despite Plaintiff's

requests for unredacted versions, TD Bank maintained that the redactions were necessary to protect personal identifying information and information prohibited from being disclosed by federal law.

TD Bank did not provide notice of their specific basis for redactions as to each document or redaction, depriving Plaintiff of the opportunity to challenge the claim of privilege during the motion hearing. For certain documents, TD Bank claimed it could not even reveal the legal basis for the redactions to the court, much less to Plaintiff.

Without access to the full names and transaction details contained in the redacted documents, Plaintiff cannot effectively cross-examine the bank's investigators or challenge the legitimacy of the bank's investigation and its conclusions. The trial court's compromise solution—requiring disclosure of last names and the last two digits of account numbers—fails to provide Plaintiff with the information necessary to meaningfully pursue her claims of discrimination and retaliation.

STANDARD OF REVIEW

Appellate courts apply an abuse of discretion standard to decisions made by trial courts relating to matters of discovery. Pomerantz Paper Corp. v. New Cmty. Corp., 207 N.J. 344, 371 (2011). Under this standard, appellate courts "generally defer to a trial court's disposition of discovery matters unless the

court has abused its discretion or its determination is based on a mistaken understanding of the applicable law." State v. Knight, 256 N.J. 404, 309 A.3d 639 (2024). An abuse of discretion occurs when a decision is made "without a rational explanation, inexplicably departed from established policies, or rested on an impermissible basis." State v. Arroyo-Nunez, 470 N.J. Super. 351, 376 (App. Div. 2022) *citing* State v. Chavies, 247 N.J. 245, 257 (2021) (internal quotations omitted). A trial court's legal interpretations are subject to de novo review, as "[a] trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." In re Custodian of Records, Criminal Div. Manager, 214 N.J. 147, 163 (2013).

In this case, the trial court's handling of TD Bank's privilege claims and the in camera review process raises several legal questions that are subject to de novo review:

First, the New Jersey Supreme Court in Brugaletta v. Garcia established that "[w]hen a requesting party demands information or documents over which the opposing party claims a privilege, the responding party may withhold that information or document **as long as it expressly asserts the claimed privilege and details the nature of the information withheld.**" Brugaletta v. Garcia, 234 N.J. 225, 245 (2018) (emphasis supplied). This requirement is codified in R. 4:10-2(e)(1), which provides that a party withholding information based on

privilege must “make the claim expressly” and describe the nature of the documents “in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.” R. 4:10-2.

Second, the Appellate Division in Seacoast Builders Corp. v. Rutgers established clear procedures for in camera review, stating that “[w]hen a New Jersey trial court reviews documents in camera, it must ‘make specific determinations regarding plaintiff’s access to them, including an expression of reasons for the court’s rulings.’” Seacoast Builders Corp. v. Rutgers, 358 N.J. Super. 524, 542 (App. Div. 2003). In Seacoast, the court emphasized that “[t]he trial court must examine each document individually, and explain as to each document deemed privileged why it has so ruled.” Id., *citing to* Franklin v. Milner, 150 N.J. Super 456, (App. Div. 1977) for “an informative example of the kind of detailed analysis that is required before a document is withheld as privileged.” Ibid.

Third, New Jersey Court Rule 1:2-2 requires that all proceedings in court shall be recorded verbatim, with specific mention that ex parte proceedings must be recorded verbatim. R. 1:2-2.

LEGAL ARGUMENT

Point I: The Trial Court Erred by failing to specifically require TD Bank to Identify the Nature of its Claims of Privilege before entering *in Camera* review (Raised below 1T:5:1-9:4)

The Trial Court erred in granting TD Bank an *in camera* review without first requiring TD Bank to identify the nature of the claimed privileges. This mistake is not attributable to the Trial court, but rather, to Defendant's tacit omissions of governing caselaw.

Defendant's motion requesting *in camera* review quotes a small portion Brugaletta v. Garcia, 234 N.J. 225 (2018), asserting (“[w]hen a requesting party challenges an assertion of privilege, the court must undertake an *in camera* review of the purportedly privileged document or information and make specific rulings as to the applicability of the claimed privilege.”). *See* NA 56.

Strikingly, Defendant's cherry picked language of the Brugaletta decision which favored its position and omitted the preceding two sentences which disfavored its position. If Defendant had included the two preceding sentences to its selected quote, TD Bank would have been denied *in camera* review, as it failed to expressly assert any claimed privilege as required by Brugaletta. *Compare* NA 56 to Brugaletta v. Garcia, 234 N.J. 225, 245 (2018). Indeed, the two sentences preceding Defendant's quote are as follows:

When a requesting party demands information or documents over which the opposing party claims a privilege, the responding party may withhold that information or document **as long as it expressly asserts the claimed privilege and details the nature of the information withheld**. R. 4:10-2(e)(1) (providing for withholding of requested privileged information); R. 4:17-1(b)(3) (providing that party need not reveal privileged information in response to interrogatory as long as privilege is invoked according to Rule 4:10-2(e)(1)).

See Brugaletta v. Garcia, 234 N.J. 225, 245 (2018) *citing* Seacoast Builders Corp. v. Rutgers, 385 N.J. Super 524 (App. Div 2003) (emphasis supplied).

Defendant TD Bank's filings and the record below are devoid of any reference to any expressly asserted claim of privilege by TD Bank, depriving Plaintiff the opportunity to contest said privileges. Defense counsel's certification in support of TD Bank's motion provides in relevant part only that TD is "prohibited under federal law" from disclosing the redactions but does not assert any federal law. *See* NA 52, paragraph 5.

During oral argument, counsel for TD Bank advised the Court that the redactions contain information on TD Bank customers, including names and contact information of account holders other than Plaintiff, account number and details of particular transactions which Defendants claim is protected under federal law, including the Gramm-Leach-Bliley Act and New Jersey Electronic Funds Transfer Privacy Act, as well as under common law obligations of confidentiality.

1T:15-3 to 17:22. These assertions, made for the first time, were not made specifically as to each particular redaction or document. Id.

Ms. Satinsky’s certification identified the “nature of the information withheld” in a footnote, describing the materials as “TD’s customers’ names, bank account numbers, check numbers, contact information”, but beyond asserting TD is prohibited under federal law from disclosing the information, asserts no cognizable privilege, as required by Brugaletta, 234 N.J. 225, 245 (2018). *See* NA 51, paragraph 5, fn. 1.

Moreover, TD Bank’s assertion is not made in accordance with R. 4:10-2(e)(1), which requires the resisting party, in relevant part to “make the claim expressly [] [...] disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.” R. 4:10-2(e)(1).

Judge Dominguez did not find any privilege had been properly asserted before granting Defendant’s motion for in camera review. 1T:4:17 to 9:6. Following Judge Dominguez’s in camera review, he found only that there was a basis to remove the materials in camera. *See* 1T:9:12-16. Unfortunately, Defendant’s incomplete recitation of case law citations do not end there.

Point II: The Trial Court erred in failing to make specific determinations explaining as to each document deemed privileged why it has so ruled (not raised below)

In Seacoast Builders Corp. v. Rutgers, 385 N.J. Super 524 (App. Div 2003), our Appellate Division examined the basic principles of asserting privileges in the context of document discovery. *See Id.*, at 541. There, the panel explained that “[w]hen a New Jersey trial court reviews documents in camera, it must ‘make specific determinations regarding plaintiff’s access to them, including an expression of reasons for the court’s rulings.’” *Id.*, at 524 *citing* Payton v. New Jersey Turnpike, 148 N.J. 524, 550 (1997) (internal citations omitted). “The trial court must examine *each* document individually, and explain as to *each* document deemed privileged why it has so ruled.” *Ibid.*, *citing* Payton v. New Jersey Turnpike, 148 N.J. 524, 524 (1997) (internal citations omitted)(emphasis in original).

In the instant matter, the Court did not make specific determinations regarding Plaintiff’s access, or expression of reasons as to the Courts ruling. The Court did not specifically find the documents to be privileged, or state why it so ruled. *See* 1T:11:19 to 13:1. None of the remaining decisions cited by

Defendant¹ supersedes the procedural mandates laid out by our Supreme Court in Brugaletta v. Garcia, 234 N.J. 225, 245 (2018), and in each case, according to Defendant's own summaries of same, the nature of the privilege claimed was expressly asserted by the party asserting the privilege. See NV 56-57.

POINT III: The Trial Court failed to create a verbatim record and presents substantial grounds for difference of opinion on a controlling question of law (not raised below)

The trial court's ruling presents a controlling question of law as to which there is substantial ground for difference of opinion. The court permitted TD Bank to withhold documents based on a privilege that TD Bank refused to identify to Plaintiff or her counsel, and in some instances, even to the court itself. This procedure violated fundamental principles of due process and fairness in discovery proceedings.

New Jersey Court Rule 1:2-2 requires that all proceedings in court shall be recorded verbatim except for specific exceptions, and specifically notes that ex parte proceedings must be recorded verbatim. R. 1:2-2. The court's in

¹ The Defense also cites to Alden Leeds, Inc. v. QBE Specialty Ins. Co., 2015 WL 4507151, (N.J. Super. Ct. App. Div. July 27, 2015); Trump's Castle Associates v. Tallone, 275 N.J. Super. 159, 163 (App. Div. 1994); Atlantic City Convention Center Authority v. South Jersey Publishing Co., Inc., 135 N.J. 53, 66-70, 637 A.2d 1261 (1994); South Jersey Publishing Co., Inc. v. N.J. Expressway Authority, 124 N.J. 478, 488-89, 591 A.2d 921 (1991); In re Environmental Ins. Actions, 259 N.J. Super. 308, 318, 612 A.2d 1338 (App. Div. 1992); Shuttleworth v. City of Camden, 258 N.J. Super. 573, 585-86, 610 A.2d 903 (App. Div.), certif. denied, 133 N.J. 429, 627 A.2d 1135 (1992); Coyle v. Estate of Simon, 247 N.J. Super. 277, 283, 588 A.2d 1293 (App. Div. 1991)."

camera review of TD Bank's ex parte submissions without requiring TD Bank to establish a proper basis for such extraordinary procedure undermines the adversarial process. R. 1:16-2.

By failing to create a verbatim record which identifies the nature of the privilege asserted, the trial court erred.

CONCLUSION

Plaintiff-Appellant Natallia P. Voinea respectfully requests that this Court remand the matter to Honorable Francisco Dominguez, J.S.C., and with instructions to comply with the provisions related to in camera review described in Brugaletta v. Garcia, 234 N.J. 225, 245 (2018), specifically: 1) Requiring TD Bank to Identify the Nature of its Claim of Privilege as to each document/redaction before entering in Camera review, and; 2) If in camera review is granted, requiring the Trial court to make specific determinations explaining as to each document deemed privileged why it has so ruled on the record, and; 3) and any other and further relief as this Court deems just and proper.

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NATALLIA VOINEA,
Plaintiff,

vs.

TD BANK, N.A., and John Does 1-5
AND 6-10,
Defendants.

SUPERIOR COURT OF NEW
JERSEY APPELLATE DIVISION

DOCKET NO. AM-000106-25

ON APPEAL FROM SUPERIOR
COURT, CAMDEN COUNTY

HON. FRANCIS DOMINGUEZ,
J.S.C. SAT BELOW

DOCKET NO. CAM-L-247-24

APPELLEE BRIEF ON BEHALF OF TD BANK, N.A.

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PRELIMINARY STATEMENT

Defendant/Appellee TD Bank, N.A. (“TD Bank”), through its undersigned counsel, submits the following Appellee’s Brief. TD Bank respectfully requests the Court to uphold the trial court’s decision below.

Plaintiff/Appellant Natalia Voinea’s appeal concerns the trial court’s decision to grant *in camera* review of Part II of TD Bank’s Opposition to Voinea’s Motion to Compel (NV001-NV0034) and to deny Voinea’s Motion to Compel, which sought to disclose limited line redactions on eight pages out of TD Bank’s almost 650-page discovery production. *See* TD Bank_296-299, 314, 362, 364, and 366 (collectively, the “Appealed Redactions”). In denying in part Voinea’s Motion to Compel, the trial court followed proper procedure and made explicit the basis for its findings. Voinea’s arguments that the trial court erred in permitting *in camera* review, erred in examining the privilege claims, and erred in creating a record of its *in camera* deliberation must be rejected as these arguments contradict both the factual record and the relevant case law.

Specifically, the trial court, under established New Jersey precedent, conducted an *in camera* review to assess TD Bank’s assertion that the information at issue was prohibited from disclosure under federal criminal law. After conducting that *in camera* review and reviewing the parties’ briefs and exhibits, the trial court made findings on the record that TD Bank had made legitimate assertions that the

information at issue was protected from disclosure by federal law. In particular, the trial court relied on the confidential Part II Opposition to Voinea's Motion to Compel, which was submitted to and reviewed by the trial court *in camera* and described in detail the substantive and legal basis for the redactions. Finally, the trial court did not fail to create a record of its own internal deliberations during *in camera* review.

The trial court also reached the correct substantive decision: the Appealed Redactions complied with the law. The Bank remains prohibited by federal criminal law from disclosing the confidential information protected by the Appealed Redactions, which again comprise information spread over 8 pages of 3 documents. With the benefit of TD Bank's briefing and review of partially redacted versions of these documents, the trial court appropriately determined that this information was protected under federal criminal law and so properly withheld. As such, TD Bank rests on the arguments made in its confidential Part II Opposition to Voinea's Motion to Compel as to any question of the substantive issues in the underlying case.

As the trial court followed the proper procedures, made the necessary findings, and reached a decision that was substantively correct under the law, Voinea's challenge must be rejected.

PROCEDURAL HISTORY

Voinea filed a Complaint against TD Bank in the New Jersey Superior Court,

Camden County, alleging violations of the New Jersey Law Against Discrimination and the Conscientious Employee Protection Act.

On July 11, 2025, Voinea filed a Motion to Compel with the trial court seeking the disclosure of redacted materials from TD Bank’s document production. (NV0001-NV0033.)¹ TD Bank filed an Opposition to Voinea’s Motion to Compel-Part I addressing TD Bank’s redactions of personally identifying information in its discovery production (the “PII Redactions”). (See NV0034-39.) The PII Redactions either were resolved by the parties or decided by the trial court and are not subject to Voinea’s appeal before this Court. (NV0048, NV0055.)

TD Bank also filed an Opposition to Voinea’s Motion to Compel-Part II for the trial court’s *in camera* review, which addressed the Appealed Redactions.² (NV0041-43.) Subsequently, TD Bank filed a Cross Motion to Voinea’s Motion to Compel seeking the trial court’s *in camera* review of TD Bank’s Opposition to Voinea’s Motion to Compel-Part II. (NV0044-45, NV0047-0054.)

On September 26, 2025, the trial court held oral argument on Voinea’s Motion and TD Bank’s Cross Motion. The trial court first granted TD Bank’s Cross Motion to Voinea’s Motion to Compel. (Hr’g Tr. 8:18-24, 9:7.) The trial court stated it would

¹ The confidential Part II of TD Bank’s Opposition to Voinea’s Motion to Compel has been submitted to this Court for “Court’s Eyes’ Only” review, directly with the Clerk of Court, and is not on the public docket.

² TD Bank cites to Voinea’s Appendix filed on December 19, 2025.

review Part II of TD Bank’s Opposition to Voinea’s Motion to Compel *in camera*, went off the record, and reviewed TD Bank’s submission *in camera*. (Hr’g Tr. 8:22-25, 9:7-16.) Thereafter, the trial court returned to the record, stated it found “a basis to review the material in camera”, (Hr’g Tr. 9:15-16), and requested TD Bank provide unredacted Appealed Redactions for the court’s *in camera* review. (Hr’g Tr. 9:17-18.) As undersigned counsel for TD Bank explained, TD Bank, due to the requirements of federal criminal law, had one basis for certain of the Appealed Redactions that TD Bank could present to the trial court, but not Voinea or the public, and a separate basis for some of the Appealed Redactions that TD Bank could not even present to the trial court. (Hr’g Tr. 10:15-19.) Counsel provided the trial court with a portion of the unredacted Appealed Redactions (the portion TD Bank was permitted to present to the trial court), which the trial court reviewed *in camera*. (Hr’g Tr. 10:20-24, 11:15-18.)

After reviewing the partially unredacted documents, the trial court stated, “I do find that . . . there is a basis to keep that information redacted . . . under the . . . laws that were cited by . . . TD Bank.” (Hr’g Tr. 11:24-25, 12:1-7.) The trial court ultimately denied Voinea’s Motion to Compel regarding the Appealed Redactions (NV0055) and issued an Order granting Voinea leave to file an interlocutory appeal

and staying the case below.³ The Order denying Voinea’s Motion to Compel relating to the Appealed Redactions (NV0055) is the Order that is the subject of Voinea’s appeal to this Court (*see* Pl.’s Br., at 2).⁴

On October 14, 2025, Voinea filed Motion for Leave for Interlocutory Appeal with this Court. On November 17, 2025, this Court granted Voinea’s Motion and agreed to hear Voinea’s appeal.

COUNTERSTATEMENT OF FACTS

The Appealed Redactions involve a handful of line redactions to eight pages of TD Bank’s document production in Voinea’s underlying employment litigation. TD Bank made these redactions to protect confidential information that TD Bank is prohibited under federal law from disclosing due to the explicit requirements of the relevant federal statutes, which carry criminal liability for violations.

Voinea’s brief refers to the Appealed Redactions as being made purely to protect the personal identifying information of TD Bank’s customers. (*See, e.g.*, Pl.’s Br., at 11-12, 16-17.) This is not true. And, TD Bank has not maintained, as Voinea claims, that these redactions are “necessary to protect personal identifying

³ Voinea did not include this Order in her submissions or Appendix. TD Bank attaches that Order here as Exhibit A.

⁴ Voinea did not appeal the trial court’s Order granting TD Bank’s Cross Motion. (*See* Pl.’s Br., at 2; Exhibit A.) Nonetheless, TD Bank addresses Voinea’s arguments seeking to overturn that Order herein.

information”⁵ (*Id.*) Rather, the redaction of such customer personal identifying information is not implicated by Voinea’s arguments on appeal. Specifically, the argument related to the PII Redactions did not occur *in camera* (nor did any other aspect of the case below). (*See, e.g.*, Hr’g Tr. at 14:6-18:15.) The procedural elements of the trial court proceeding challenged by Voinea are not relevant to the PII Redactions, which were resolved by the trial court in Voinea’s favor. The redactions of customer identifying information are not at issue in this appeal. (*See* Pl.’s Br., at 9-10.)

STANDARD OF REVIEW

“[A]ppellate courts ‘generally defer to a trial court’s disposition of discovery matters unless the court has abused its discretion or its determination is based on a mistaken understanding of the applicable law.’” *State v. Brown*, 236 N.J. 497, 521 (2019) (quoting *Pomerantz Paper Corp. v. New Cmty. Corp.*, 207 N.J. 344, 371 (2011)).

⁵ Voinea also claims the “trial court’s compromise solution-requiring disclosure of last names and the last two digits of account numbers-fails to provide Voinea with the information necessary to meaningfully pursue her claims of discrimination and retaliation.” (Pl.’s Br., at 12.) The trial court proposed no such compromise as to the Appealed Redactions. The trial court’s Order required TD Bank to “un-redact” the last names of customers, the final two digits of account numbers, and Voinea’s account information, provided Voinea authorized such disclosure by TD Bank, from *the PII Redactions*. (NV0055.) Again, the PII Redactions are not part of Voinea’s appeal to this Court.

LEGAL ARGUMENT

POINT I: TD Bank Sufficiently Identified the Nature of Its Claims of Privilege When Requesting *In Camera* Review (Hr’g Tr. at 4:24-5:19)

On appeal, Voinea first claims that the trial court “erred in granting TD Bank an *in camera* review without first requiring TD Bank to identify the nature of the claimed privilege.” (Pl.’s Br., at 15.) Voinea’s first argument is not supported by either the applicable New Jersey law or the factual record.

New Jersey has well-established precedent outlining the process that permits trial courts to conduct an *in camera* review to determine questions of privilege: “[w]hen a requesting party demands information or documents over which the opposing party claims a privilege, the responding party may withhold that information or document as long as it expressly asserts the claimed privilege and details the nature of the information withheld.” *Brugaletta v. Garcia*, 234 N.J. 225, 245 (2018); *see also* N.J. Ct. R. 4:10-2(e)(1) (explaining that “the party shall make the claim expressly and shall describe the nature of the . . . things not produced or disclosed in a manner that, *without revealing information itself privileged or protected*, will enable other parties to assess the applicability of the privilege or protection” (emphasis added)). “When a requesting party challenges an assertion of privilege, *the court must undertake an in camera review of the purportedly privileged document or information* and make specific rulings as to the applicability

of the claimed privilege.” *Brugaletta*, 234 N.J. at 245 (emphasis added) (citing *Seacoast Builders Corp. v. Rutgers*, 358 N.J. Super. 524, 542 (App. Div. 2003)).

This is the process TD Bank and the trial court followed here. As the materials sought by Voinea in discovery are prohibited from disclosure by provisions of federal law, TD Bank withheld the redacted materials and explained the basis for its withholding of this information to Voinea. Specifically, on March 25, 2025, counsel for TD Bank explained to Voinea’s counsel that the redactions at issue protected “information prohibited from being disclosed by federal law, including, inter alia, the bank examination privilege.” (NV0024-25.) Voinea’s counsel acknowledged this explanation, but contended that the asserted privileges were not applicable. (*See* NV0005-6, 7-8.)

As established in the cases cited by both parties, Voinea’s challenge in her Motion to Compel to this assertion of privilege entitled TD Bank to *in camera* review. TD Bank then fully articulated the nature of the privileged information at issue as well as the applicable law in its papers, including its Cross Motion to Voinea’s Motion to Compel Discovery (NV0044-45, 47-54) and the accompanying Part II opposition briefing.⁶ Specifically, TD Bank stated that it was prohibited by federal law from disclosing the information at issue.

⁶ TD Bank’s citation to specific language from *Brugaletta* can hardly be fairly described as “cherry picking,” (*see* Pl.’s Brief, at 15), because the additional sentences from *Brugaletta* were not squarely relevant to the issue before the trial court. In its Cross Motion, TD Bank requested the

At the September 26, 2025 hearing and upon consideration of the parties' arguments, the trial court found that "there [was] a basis to review the material *in camera*." (Hr'g Tr. at 9:12-16.) Thus, the trial court followed New Jersey's established procedures for undertaking an *in camera* review. *See Brugaletta*, 234 N.J. at 245 ("In order to assess the basis for the privilege, it was incumbent on the trial court to review, *in camera*, whether the privilege was properly invoked and whether the statutory privilege did, in fact, bar the information plaintiff sought.").

Voinea's current appeal identifies no specific action by the trial court that could constitute an abuse of discretion; rather the record shows the court below followed the procedure discussed in *Brugaletta* and commanded by New Jersey law. This Court should reject Voinea's challenge to the use of an *in camera* review to evaluate TD Bank's federally privileged information should be rejected.

POINT II: The Trial Court Made Specific Determinations Regarding Voinea's Access to the Appealed Redactions And Explained The Reasons For Its Rulings (Not Raised Below)

The Appellate Division has held that "[w]hen a New Jersey trial court reviews documents *in camera*, it must 'make specific determinations regarding plaintiff's access to them, including an expression of reasons for the court's rulings.'" *Seacoast*

opportunity for *in camera* review. The question of whether TD Bank asserted a privilege was not at issue, as demonstrated by Voinea's own trial court briefing, which acknowledged that TD Bank asserted a federal law basis for its redactions. (*See* NV0005-6, 7-8). That Voinea challenged this basis in court does not mean that it was not offered, and the addition of a longer quotation does not change the trial court's analysis.

Builders Corp., 358 N.J. Super. at 542 (quoting *Payton v. New Jersey Tpk. Auth.*, 148 N.J. 524, 550 (1997)). “The trial court must examine *each* document individually, and explain as to each document deemed privileged why it has so ruled.” *Id.* Voinea’s second argument – raised for the first time on appeal – is that the trial court failed to make specific determinations regarding each document or explain the reasons for its rulings.

She is mistaken: the transcript of the September 26, 2025 hearing establishes that the trial court made specific determinations regarding Voinea’s access to the redacted materials and expressed the reasons for the court’s rulings.

As explained in TD Bank’s papers and on the record at the hearing, there were two categories of redactions that TD Bank, under penalty of federal criminal law, could not describe in further detail to Voinea (or the public). The trial court received the 8 pages that contained all of the redactions at issue as well as TD Bank’s *in camera* brief that specified the federal laws implicated by these redactions. The trial court explicitly relied on these materials in reaching its decision and made specific findings as to each of the two categories of redactions.

Indeed, as to one of the categories of redactions, which implicated information on two pages of a single document, the trial court reviewed the underlying information *in camera* in unredacted form. Upon review, the trial court agreed this information was protected from disclosure by federal law and so rejected Voinea’s

request for its disclosure. (*See* Hr’g Tr. at 11:17-12:6 (“So I had an opportunity to review the partially unredacted information that’s been provided. Um, I do find that, um, there is a basis to keep that information redacted, um, under the, um, the laws that were cited by, uh, by TD Bank.”)).

As to the second category of redactions, which protected information in three documents implicating other federal legal issues, the trial court again relied on the reasons articulated by TD Bank’s *in camera* briefing. The trial court stated it was denying Voinea’s Motion to Compel as to these materials following the explanation of TD Bank’s counsel that this information needed to remain confidential for the reasons stated on page 10 of its Opposition to Voinea’s Motion to Compel Discovery – Part II. (*See* Hr’g Tr. at 12:7-13:1 (“I’m going to deny the motion to compel with regard to that material as well.”); TD Bank’s Opposition to Voinea’s Motion to Compel-Part II at 10.)

Accordingly, the record as a whole, including the transcript of the September 26, 2025 hearing and TD Bank’s briefing papers for that proceeding, contains the basis upon which the trial court relied in reaching its specific determination that TD Bank had a legal basis to redact the pages at issue to protect confidential information that TD Bank is prohibited by federal law from disclosing. In doing so, the trial court followed the procedure laid out in *Brugaletta* and cited by Voinea: the trial court “review[ed], *in camera*, whether the privilege was properly

invoked and whether the statutory privilege did, in fact, bar the information plaintiff sought.” *Brugaletta*, 234 N.J. at 245. Voinea, thus, cannot identify a substantive procedural defect in the trial court’s actions.

Voinea’s second challenge should be rejected.

POINT III: The Trial Court Complied With Its Rules When Reviewing TD Bank’s In Camera Submissions (Not Raised Below)

Voinea finally argues that the trial court erred by not recording verbatim “ex parte” proceedings as required by New Jersey Court Rule 1:2-2. (Pl.’s Br., at 9.) This Rule is inapplicable here. *First*, the trial court held no ex parte proceedings – meaning proceedings with one side or party only – in this matter. TD Bank sought and obtained the trial court’s *in camera* review, meaning the trial court’s in chambers or in private review. To conduct this *in camera* review, the trial court retired to its chambers and reviewed the confidential information alone, outside the presence of any party. The trial court is not required to create a written transcript of its own internal deliberations.

Second, Voinea misstates Rule 1:2-2. Rule 1:2-2 requires all proceedings to “be recorded verbatim *except*, unless the court otherwise orders, settlement conferences, case management conferences, calendar calls, and ex parte motions.” (emphasis added). Only ex parte proceedings under Rules 4:52 and 4:67 must be recorded verbatim, subject to the availability of either a court reporter or a reporting device. *See* Rule 1:2-2. And, *lastly*, Rules 4:52 and 4:67 are inapplicable to this case

or its procedural history. Rule 4:52 relates to temporary restraining and interlocutory injunctions, and Rule 4:67 relates to matters permitted to proceed in a summary matter. Neither circumstance is present here.

Voinea's third challenge to the trial court's decision should be rejected.

CONCLUSION

For the reasons stated above, this Court should uphold the trial court's Order granting TD Bank's Cross Motion – and reviewing Part II of TD Bank's Opposition to Voinea's Motion to Compel *in camera* – as well as the trial court's Order denying Voinea's Motion to Compel production of the Appealed Redactions.

Dated: January 14, 2026

Respectfully submitted,

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