

APPELLANT'S OPENING BRIEF Docket No. A-001285-24/HUD-L-000405-24

i

June 24, 2025

TANNIA WINSTON,

Plaintiff-Appellant,

v.

NEW JERSEY PUBLIC LIBRARY

Defendant-Respondents,

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-001285-24

RECEIVED
APPELLATE DIVISION

JUL 18 2025 *CH*

CIVIL ACTION

SUPERIOR COURT
OF NEW JERSEY

ON APPEAL FROM
SUPERIOR COURT, LAW DIV.
HUDSON COUNTY

Honorable Judge Anthony D'Elia, J.S.C.
Sat below

TANNIA WINSTON V. JERSEY CITY PUBLIC LIBRARY
Docket No. A-001285-24T1

OPENING BRIEF
FOR
APPELLANT TANNIA WINSTON
Brief Pages Pai - Paxvi
Brief Pages Pa1 – Pa24
Brief Total Pages 40

TANNIA WINSTON
APPELLANT
1995 JOHN F. KENNEDY BLVD
APT #16
JERSEY CITY, NEW JERSEY 07305
(201) 710-0682
keeperofjoy@yahoo.com
(R.2:9-6(a))

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(**1T P10:L10-11**)

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“I didn't”>>>is correct statement

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1.) Attorney Ronald C. Hunt, Esq./Jersey City Public Library

60 Park Ave, 16th Floor

Newark, New Jersey 07102

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595 Newark Ave

Jersey City, New Jersey 07306

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TANNIA M. WINSTON V. JERSEY CITY PUBLIC LIBRARY

Jersey City Superior Court Docket No. **HUD-L-000405-24**

Court Hearing Date: **July 19, 2024**

Trial Court Judge: Anthony V. D'Elia, J.S.C.

Jersey City Superior Court

595 Newark Ave

Jersey City, New Jersey 07306

Table of Parties

Plaintiff(s):

- 1.) Tannia Winston
1995 John F. Kennedy Blvd
Apt #16
Jersey City, New Jersey 07305
(201)-360-2477

Plaintiff's Attorney:

- 1.) Tannia Winston- Pro Se
1995 John F. Kennedy Blvd
Apt #16
Jersey City, New Jersey 07305
(201)-360-2477

Defendants/Respondents:

- 1.) Jersey City Public Library (Earl A. Morgan Branch)(Adversaries)
1841 Kennedy Blvd
Jersey City, New Jersey 07305
- 2.) Jersey City **Main** Public Library (Priscilla Gardner Branch)
Terry Hill, Director
472 Jersey Ave
Jersey City, New Jersey 07302
(201) 547 - 4501

Defendant's/Respondent's Attorney:

1.) Attorney Ronald C. Hunt, Esq.

60 Park Place, 16th Floor

Newark, New Jersey 07102

(201) 547 - 4553

Judge(s)/Respondent(s):

1.) Judge Anthony V. D'Elia, J.S.C.

Jersey City Superior Court (Hudson County)

595 Newark Ave

Newark, New Jersey 07306

(201) 748-4400

Preliminary Statement

TANNIA M. WINSTON V. JERSEY CITY PUBLIC LIBRARY, Court Case

Docket# HUD-L-000405-24, Winston v. Jersey City Public Library. Jersey City Super. Court. New Jersey (Civ. Div.). Dismissed. 2024 (Pb-vii) is a Civil Complaint for

Plaintiff/Tannia Winston in reference to several incidents of harassment and violation of Plaintiff's New Jersey Law Against Discrimination (NJLAD) rights by two working Library employees of Defendant/Jersey City Public Library/Earl A. Morgan Branch that was filed on January 31, 2024, in the Jersey City Superior Court (Hudson County), 595 Newark Ave, Jersey City, New Jersey 07306, against the Jersey City Public Library/Earl A. Morgan Branch, 1841 John F Kennedy Blvd, Jersey City, NJ 07305.

This civil complaint of Six Counts (Pa21-23) of stating a Claim for Relief, **Rule 4:5-2**, was filed with both the New Jersey 'State' Tort and 'City' Tort Claims Treasury Department, against the Defendant/Jersey City Public Library/Earl A. Morgan Branch with a statement of facts showing entitlement to relief, a demand for judgment specifying the relief sought, along with seeking monetary damages for Plaintiff's damages of pain and suffering, and aggravation: **(1.)** Harassment/Discrimination/NJLAD-15 U.S. Code § 1692d. **(2.)** Attempted Assault-N.J.S.A. 2C:12-1(b). **(3.)** Defamation of Character/Slander N.J. Stat. § 2A:14-3. **(4.)** Threatened/Harassed/Verbal Abuse N.J.S.A. 2C:33-4. **(5.)** Public Humiliation/Publicly shamed/Harassment, Intimidation, and Bullying. **(6.)** Invasion of Privacy/charge 8.50 - section 2c:14-9 end section 2A:58D-1 (**Pa21-23 thru Pa31)(Pa62-76)**.

Plaintiff's civil complaint reflected how she/Tannia Winston suffered from physical and emotional harm and physical pain as a result of the Jersey City **Main** Public Library/Priscilla Gardner Branch's failure to respond to Plaintiff's first complaint of attempted assault by the Security Guard/ "Kadeisha" and two (2) additional complaints of the Security Guard/ "Kadeisha" harassing Plaintiff and invading Plaintiff's rights to privacy. Therefore, upon visiting the Defendant/Jersey City Public Library/Earl A. Morgan Branch on December 15, 2023, Plaintiff was unexpectedly forced to endure life endangerment and breach of duty of care owed to Patrons by the two working Library employees as a result of negligence by public employees. Negligence of supervision by public employees, negligence of public employees in the every day, routine functions of their jobs, etc. Such as negligence and discrimination upon Plaintiff, an American Disability Act (**ADA**) Patron/Guest walking with the aide of a prescribed Walking Cane experienced in the Jersey City Public Library/Earl A. Morgan Branch on December 15, 2023. (**Pa21-23**)(**Pa164**), Gibson's Bakery vs. Oberlin College-Settlement^Supreme Court of OhioSettlement-2L22. 2e22 Ohio 1079, 187 N.E.3d 629 (Ohio Ct. App. 2022)

Procedural History

(R. 2:6-2(a)(4))

(R. 2:6-8)

On on January 31, 2024, Plaintiff/Tannia Winston (Pro Se) commenced this civil complaint against the Defendant/New Jersey Public Library/Earl A. Morgan Branch , seeking compensation for harm and damages inflicted on Plaintiff based on an incidents that occurred on December 15, 2023, as a result of and due to the negligence, recklessness, and endangerment of the Defendant/New Jersey City Public Library/Earl A. Morgan Branch two working Library employees; in which is defined in this Procedural History outline: **(Pa18-20)**

- 1.) Plaintiff/Tannia Winston, Pro Se, 1995 John F. Kennedy Blvd, Apt #16, Jersey City, New Jersey 07305, filed a Civil Complaint on the behalf of Plaintiff/Tannia Winston against Defendant/Jersey City Public Library/Earl A. Morgan Branch on January 31, 2024. **(Pa21-23 thru Pa35)(Pa62-76)**
- 2.) Defendant/New Jersey Public Library/Earl A. Morgan Branch/Attorney Ronald C. Hunt, Esq. filed an Answer/Response for a dismissal of Plaintiff's Civil Complaint on March 28, 2024. **(Pa36-43 thru Pa44)**
- 3.) Plaintiff filed Motion of Extension of Time to respond to Defendant's Answer/Response on filed April 04, 2024. **(Pa45-50)**
- 3.) Plaintiff filed Motion of Opposition to Defendant's Motion for Dismissal of Civil Complaint on May 22, 2024. **(Pa51-53 thru Pa54-61)**

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- 4.) Plaintiff filed Motion for Extension to file 'City' Tort Claim Form late on June 12, 2024. **(Pa92-97)**
- 5.) Judge Anthony V. D'Elia, J.S.C., Ordered Mediation of Parties on July 01, 2024, **(Pa6 thru Pa7-17)**
- 6.) Defendant filed Cross Motion to Dismiss Plaintiff Civil Complaint on July 11, 2024. **(Pa82-91)**
- 7.) Plaintiff filed Motion of Opposition to Defendant's Cross Motion for Dismissal on July 16, 2024. **(Pa98-100)**
- 8.) Judge Anthony V. D'Elia, J.S.C. Denied Plaintiff's Motion for Extension to file 'City' Tort Claim Form late on July 23, 2024. **(Pa4)**
- 9.) Judge Anthony V. D'Elia, J.S.C. Order Dismissed Plaintiff's Civil Complaint with Prejudice on July 23, 2024. **(Pa1-2)**
- 10.) Plaintiff filed Motion for Reconsideration of Court Order: Dismissal of Civil Complaint on July 26, 2024. **(Pa101-105 thru Pa106-108)**
- 11.) Judge Anthony V. D'Elia, J.S.C. Dismissed Plaintiff's Motion for Reconsideration on August 20, 2024. **(Pa5)**

Statement of Facts
(R. 2:6-2(a)(5))

This appeal arises from a final judgment of Court Hearing on July 19, 2024, Winston v. Jersey City Public Library, J.C. Super, Court. New Jersey (Civ. Div.). Dismissed. 2024 (Pb-vii), Judge Anthony V. D'Elia, J.S.C., dismissed Plaintiff's civil claim with prejudice that was entered on July 23, 2024, against Plaintiff due to the Plaintiff, in good faith, and in a timely manner (within 90), first filed the wrong Notice of Tort Claim Application with the 'State' instead of with the 'City'. Given "exceptional circumstances", Plaintiff filed Motion to Extend Time and motion was denied by Judge Anthony V. D'Elia, J.S.C., on July 23, 2024, therefore, the Defendant/Jersey City Public Library/Earl A. Morgan Branch/Attorney Ronald C. Hunt, Esq., was granted a Motion to Dismiss civil claim on grounds of failing to state a Claim for Relief. **Rule 4:6-2 In the Matter of Leave to File a Late Notice of Claim Pursuant to the New Jersey Tort Claims Act on Behalf of Luis Lopez, Superior Court of New Jersey, Appellate Division, Docket No. A-0465-20, Decided November 12, 2021,**

Did the Trial Court erred during Trial Hearing where genuine issues of material facts remained in reference to the Defendant/Jersey City Public Library/Earl A. Morgan Branch/Attorney Ronald C. Hunt, Esq., filed Motion (**Pa82-91**) to dismiss Plaintiff's **Six Count** Civil Complaint (**Pa21-23 thru Pa35**) stating that Plaintiff failed to file a "Claim for Relief", **Rule 4:6-2(e)**, when Plaintiff/Tannia Winston filed the Civil Complaint with Claim for Relief, **Rule 4:5-2**, in the Jersey City Superior Court and filed with both the New Jersey 'State' Tort Claims, Treasury Department of the State of New Jersey (**Pa29-**

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30) and with the New Jersey 'City' Tort Claims, Claims Resolution Corporation (Pa62-76), against the Defendant/Jersey City Public Library/Earl A. Morgan Branch with a statement of facts showing entitlement to relief, a demand for judgment specifying the relief sought, along with seeking monetary damages for Plaintiff's damages of pain and suffering, and aggravation." (Pa62-76)

Moreover, it appeared that during the Court Trial hearing on July 19, 2024, that Plaintiff was not able to or allowed to interject or object and engage into the Court conversation session after Judge D'Elia, JSC, spoke to rebuttal and expound on Plaintiff's statement according to the Transcript as to the Courts proposal of Plaintiff entering "hearsay" (1T P9:L13) into the courts suggested as to being Plaintiff's special exception or exceptional circumstances/extraordinary circumstances (1T P8:17) as to why Plaintiff's 'City' Notice of Tort Claim for the City of Jersey City was filed late? In addition, Plaintiff was not allowed to finish testifying why Plaintiff filed a 'State' Tort Claim with the State of New Jersey (Pa29-30) first instead of filing the correct Notice of Tort Claims with the 'City'? Furthermore, Plaintiff Civil Rights, *Civil Rights Act 1945, New Jersey Civil Rights Act 2004 (NJCRA)*, to a fair trial was violated when the sound of the telephone being hung-up from the Courts, from Judge Anthony V. D'Elia, J.S.C., side that disconnected and ended the call/Court Hearing Session.(1TP10:L10-11) Therefore, Plaintiff was not able to give explanation for the *Rule 4:24-1(c)*, Exceptional Circumstances/Good Cause or to the "hearsay" entering the Courts to explain the exception in the rest of the Court Hearing Session. During the Court Trial hearing as the

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Court Telephone physically hung-up, disconnecting Plaintiff from the Court hearing Session (1TP10:L10-11), Plaintiff was not able to reenter back into the Courtroom by telephone dial-up number #(646) 964-1167 (busy signal), to hear the rest of the Court Trial? Nor did the Court call Plaintiff back by telephone to join back into the hearing? Therefore, these actions of the Court's err affected the outcome of the trial because Plaintiff was not present to oppose final Court Order? *Rule 4:37-2(b). Rule 2:10-2*

Moreover, Plaintiff's Civil Complaint was "Dismissed with Prejudice" on July 23, 2024 (Pa1-2) and on July 26, 2024 when Plaintiff filed a Motion for Reconsideration (Pa101-105 thru Pa106-108)(Pa115-120)(Pa121)(Pa122), pleading that the Courts to reverse the Court Order of Dismissal since Court erred with not allowing Plaintiff to finish testimonial statement as to why Exceptional Circumstances where needed for filing the 'City' Notice of Tort Claim late due to Plaintiff being an ADA person in a wheelchair (Pa155) and with limited mobility and was currently undergoing Medical Treatment for prepping for surgery of Plaintiff's Left Ankle.(Pa157) Since Plaintiff also was currently receiving an Injection in Left Ankle by Dr. Lenny Ramirez, DPM (Pa156) to help make Plaintiff's physical mobility possible without pain this caused severe personal hardship. In addition, to Plaintiff's requesting for an extension of time by filing a Motion for an Extension of Time *Rule 4:6-1(c)*, to file the 'City' Notice of Tort Claim late with the City of Jersey City, Plaintiff's explanation of the Exceptional Circumstances was vital to the outcome of the Court Hearing. Plaintiff also wants to note to the Appellate Courts that Plaintiff first filed the 'State' Notice of Tort Claim (Pa29-30) with the New Jersey Treasury Department in a timely manner on January 12, 2024, with the first understanding

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through research that the Jersey City Public Library was an Autonomous/Autonomy city entity sponsored by the State of New Jersey. Therefore, Plaintiff filed the 'State' Notice of Tort Claim first as the Jersey Public Libraries could fall under either category based on each individual Library, based on funding from State. Hence, Plaintiff concluded base on legal research that this Jersey City Public Library//Earl A. Morgan Branch is considered as a State Entity; therefore, Plaintiff filed a 'State' Notice of Tort Claim on January 12, 2024, within the 90 day(s) Torts Claims Act, Rule to filing *Title 59*, bearing in mind of the exception to immunity of Public entities that can be held liable for dangerous conditions, negligent acts, or failure to enforce laws in certain circumstances in which after the occurrence of another incident in the Jersey City Public Library/Earl A. Morgan on December 15, 2023, that caused Plaintiff harm and damages, the actions were found Tortuous and palpably unreasonable. *N.J.S.A. 2A:53A-7.1b* Based on this criteria, Plaintiff is requesting of the Appellate Courts to Reverse the Court Order of Dismissal with Prejudice of the lower Court because Plaintiff has a valid Civil Complaint based on the merit within the case, in which Plaintiff did "State a Claim" for relief by filing the correct 'City' Notice of Tort's Claim Form (**Pa62-67**) and by demanding Judgment against the Defendant/Jersey City Public Library/Earl A. Morgan Branch for damages together with interest and cost of suit. And, for reasons that Plaintiff filed a Civil Complaint of real grievances against the negligible actions of the Defendant/Jersey City Public Library that caused Plaintiff harm in and on the property of the Jersey City Public Library. **Rule 2:10-2. *Steinberg v. Sahara Sam's Oasis, LLC, 226 N.J. 344 (2016)***

By the New Jersey Superior Court Appellate Division appealing the Plaintiff's case, this will right a wrong and set the precedent for justice to prevail. Not appealing this case will set an undertone to the adversaries, to the Defendant/Jersey City Public Library/Earl A. Morgan Branch that justice is not required to work, and that recklessness and endangerment are rewarded. Therefore, Plaintiff/Tannia Winston is seeking relief from the Court ruling that dismissed Plaintiff's Civil Complaint/case that can also lead to the issuing of a Judgment against the Plaintiff as punishment for being a "Whistleblower" in spite of the Defendant/Jersey City Public Library/Earl A. Morgan Branch breaching their Duty of Care for safety of the Plaintiff, along with the negligible treatment of bias-based harassment and retaliation against and to the Plaintiff for complaining about the conduct of some of the Employees in the Jersey City Public Library/Earl A. Morgan Branch and also as a customer on the Jersey City Public Library property. Shick v. Ferolito, 167 N.J. 7, 20 (2001)

Unknowing to Plaintiff, on the day of December 15, 2023, that the Defendant/Security Guard/"Kadeidra," dressed in a security guard uniform, working at the Jersey City Public Library/Earl A. Morgan Branch location would attempt to hinder Plaintiff/Tannia Winston from walking to a computer station to use the computer. The Defendant/Security Guard/"Kadeidra," abruptly and unexpectedly sprint-walked rushing-up into the Plaintiff's physical body in a threatening and hostile manner, without Plaintiff's awareness, blocking Plaintiff's clear path to walk with walking cane. Preventing Plaintiff from walking forward and causing Plaintiff's walk to have to immediately come to a complete halt by Plaintiff having to quickly lock her/Plaintiff right kneecap to stop the

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momentum of Plaintiff's walk forward to keep Plaintiff from falling forward and coming into contact with the Defendant's/Security Guard's/"Kadeidra" physical body or falling to the floor. This caused Plaintiff harm and pain to Plaintiff's pre-existing medical conditions/disabilities by inflaming surgical tissue that was in the process of healing from prior surgeries of Plaintiff's Right Knee. This was the second time that the same Security Guard's/"Kadeidra" attempted to physically assault Plaintiff physical body "again" by forcing physical unwanted body contact onto/upon Plaintiff. Prior to the incident on December 15, 2023, Plaintiff complained by telephone twice (2) to the Assistant Director Kate Davis at the Jersey City **Main** Public Library/Pricilla Gardner Branch, 427 Jersey Ave, Jersey City, New Jersey 07302, about the same Library employee/Security Guard/"Kadeidra" who actions towards Plaintiff were deliberate and hostile. Plaintiff also complained by telephone two (2) additional times to the Jersey City **Main** Public Library Assistant Director Kate Davis that the Security Guard/"Kadeidra" behavior was invasive because the Security Guard/ "Kadeidra" kept invading Plaintiff's rights to privacy at the Jersey City Public Library/Earl. A. Morgan Branch by constantly harassing the Plaintiff with unwanted and needless attention. Faber u Condecor, Inc.-Invasion of Privacy-Settlement-|1984- Court. Faber vs. Condecor, Inc.-195. N.J. Super 81 (1984)

Also on December 15, 2023, Plaintiff speaking as an Licensed Evangelist for over 25 years, a Published Author of ten (10) Christian Books, a Pianist and Songwriter, of ten (10) Published Youtube Viral Videos of Sermons and Gospel Songs, produced by Amateur Productions, Inc., In addition, Plaintiff was defamed/Slandered, harassed, and threatened by the Supervisor/"Francine" working at Jersey City Public Library/Earl. A. Morgan

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Branch on December 15, 2023, who proceeded to yell out loud at Plaintiff, embarrassed and publicly humiliated Plaintiff as to reprimand or punish Plaintiff in front of/in the presence of the other Library Employees/Patrons/Visitor/Guest at the Jersey City Public Library/Earl A. Morgan Branch as a result of the Security Guard/"Kadeidra" dangerous and reckless actions towards the Plaintiff trying to provoke violence out of Plaintiff and created a hostile environment against the Plaintiff. John C. Depp, II vs. Amber Laura Heard- Stander/Defamation Settlement 2022-Court" & Chaptinsky vs. New Hampshire,315 USA 569 HUD-L-000405-24 2024-05-22 20:40:29.992 Pg 6 of 8 Trans ID: LCV2024130662005/01//2024 8 Pages Total

Plaintiff has never witness this type of misconduct of both the working library employees, the Security Guard/"Kadreida" and the Supervisor/"Francine" as conducting themselves with this type of negative and threatening behavior towards any other library employees or towards any other Patron or Visitor within the Public Library/Earl A. Morgan Branch. Plaintiff as an ADA Patron/Guest visiting the Jersey City Public Library/Earl. A. Morgan Branch on December 15, 2023, was single-out again and taken advantage of as a "physically disabled person, unable to defend herself as she/Plaintiff was deliberately discriminated against, verbally abused, threatened, and harassed by two working Library employees when no one of upper Management/Supervision was watching or monitoring or Supervising as both Library Employees with willful wanton *N.J.S.A. 2A:53A-7.1b*, and disregard for Plaintiff's safety, violated Plaintiffs civil rights to utilize the Library's Public Services without bias and differential treatment (NJLAD). Plaintiff's civil rights were violated. **42 U.S.C. § 1983.**

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“*Rule 60(b)* is the rule that allows relief from an incorrect Judgment.” (Pb-v)

Moreover, this Appeal is premised on the disagreement of Plaintiff Civil Complaint for Court Case Docket# HUD-L-000405-23, TANNIA M. WINSTON V. JERSEY CITY PUBLIC LIBRARY, (Pb-vii) that was “dismissed with prejudice”(Pa1-2) by Judge Anthony V. D'Elia, J.S.C., on July 23, 2024, in the Jersey City Superior Court (Hudson County), 595 Newark Ave, Jersey City, New Jersey 07306. It would appear that the Courts still prematurely issued a final Court decision for a dismissal of Plaintiff's Civil Complaint after the Court by telephone mysteriously hung-up disconnecting Plaintiff from the Court Hearing Session(1T P10:L10-11); in which Plaintiff's full testimony and full inclusion with the actual hearing was wrongfully shortened. Therefore, Plaintiff is requesting the Jersey City Superior Court Appellate Division to review the Jersey City Superior Court Transcript(1T P10:L10-11) of this Court's Trial hearing on July 19, 2024, TANNIA M. WINSTON V. JERSEY CITY PUBLE LIBRARY, Court Case Docket# HUD-L-000405-23, that will disclose and give insight to the Appellate Courts of the conflict that transpired during the Court hearing. Hence, it would appear that the Lower Trial Court trial court abused its discretion and erred in dismissing Plaintiff's Civil Complaint with prejudice because Plaintiff has every civil right to request of the Courts an Extension of Time to file the correct 'City' Notice of Tort Claim as well as filed a civil complaint for damages for relief based on the tortuous and reckless actions of the two working employees of Jersey City Public Library/Earl A. Morgan Branch. Christian vs. Jersey City Free Public Library-Personal Injury-Settlement- 2018- Court

Misleading Conduct of the Defendant:

Note: Defendant/Attorney Ronald Hunt, Esq., attorney for the Defendant/Jersey City Public Library/Earl A Morgan Branch contacted Plaintiff/Pro Se/Tannia Winston by telephone to request and left message on voicemail requesting extension of time to respond/answer to Plaintiff's filed Civil Complaint. Plaintiff allowed the Defendant Attorney Ronald Hunt, Esq., the extended time they needed to address the filed civil claim against the Jersey City Public Library/Earl A. Morgan Branch without discretion considering the platform.

Argument I
(R.2:6-2(a)(6))
(not raised below)

The Jersey City Superior Court Civil Division erred in dismissing Plaintiff's Civil Complaint; a Plaintiff who is ADA/disabled with wheelchair dependency and was currently under medical treatment for surgery as exceptional circumstances to the delay in filing 'City' Notice of Tort Claim Late (**Pa62-76**) & dismissed Plaintiff's civil complaint for failure to state a claim for relief **Rule 4:6-2(e)**. Plaintiff filed two (2) Motions for Extension of Time with the Courts requesting time to respond to the Defense's Attorney, Attorney Ronald C. Hunt, Esq. Answer/Response with the correct filing documents (**Pa45-50**) and filed a Motion for Extension of Time to file the correct 'City' Tort Claim Form late (**Pa92-97**). Both of Plaintiff's Motion were denied by Judge Anthony V. D'Elia, J.S.C.,(**Pa3**)(**Pa4**) In addition, Plaintiff was not given chance to speak without interruption during the Trial on July 19, 2024 to explain these exceptional circumstances; therefore, the Civil Complaint was dismissed. Plaintiff then filed a Motion to Reconsider ruling of Order (**Pa101-105 thru Pa106-108**)(**Pa115-120**) & the Motion was denied.(**Pa5**) Plaintiff was denied a fair trial? **Rule 60**, Scott Vs. Jersey City Free Public Library-Discrimination/NJLAD- Settlement 2017 City Superior Court

Argument II
(R.2:6-2(a)(6))
(not raised below)

The Jersey City Superior Court Civil Division erred in denying Plaintiff's Motion to file 'City' Notice of Tort Claim Late with the City of New Jersey Plaintiff who is ADA/disabled with wheelchair, Courts did not allow Plaintiff to explain exceptional circumstances. *Rule 2:10-2*

The Court Trial erred in dismissing Plaintiff's Civil Complaint with Prejudice based on the Defendant/Attorney Ronald C. Hunt, Esq., believing that Plaintiff was not "Stating a Claim" for Relief, *Rule 4:6-2(e)*. Plaintiff/Tannia Winston first filed a Notice of Tort Claim with the 'State' of New Jersey in a timely manner on January 12, 2024, although Plaintiff was in physical pain and was still self medicating wounded areas from the incident that occurred on December 15, 2025, Plaintiff then requested with filed Motions of the Courts/Judge A. D'elia, J.S.C., for permission to re-file a late Notice of Tort Claims with the 'City' of New Jersey due to exceptional circumstances that caused delay in preparations of the legal forms. The Judge would not allow the Plaintiff to explain circumstances during Court Hearing Session and then the Judge announced the denial of both Plaintiff Motions for Extension as the Judge's voice faded-out as Plaintiff could hear the telephone being hung-up, disconnecting the Court Hearing session(1T P10:L10-11); therefore, Plaintiff was not present in the Court Hearing Session by telephone to rightfully oppose any and all rulings and/or judgments declared in the Courts? *Rule 4:37-2(b), Rule*

“A fair trial is a trial which is "conducted fairly, justly, and with procedural regularity by an impartial judge.” “**The Fourteenth Amendment-** The right to "equal protection of the laws.” *Rule 2:10-2*

Argument III
(R.2:6-2(a)(6))
(not raised below)

The Jersey City Superior Court Civil Division erred in dismissing Plaintiff's Civil Claim with Prejudice on 07/23/2024, due to Defendant's claim of sovereignty/immunity as a Public Library, as a public entity of the State/City and is presumed innocent based on that immunity. According to the Civil Rights Act, **42 U.S.C. § 1983**, sovereignty/immunity can be waived by the Defendant/Jersey City Public Library/Earl A. Morgan Branch and even by the Courts on the misconduct and negligible actions of the two (2) working public library employees not conducting themselves within the premise of sovereignty and should not be protected on the legal basis of the State/City entities operating "under color of law" to deprive individuals of their rights. On those grounds, Plaintiff filed a civil complaint against this type of criminal misconduct in the Civil Division for Relief, **Rule 4:5-2**, monetary damages and injunctive relief to stop ongoing violations. *Toussaint vs. Jersey City Public Library-Civil Rights Eastern District of New York, 2022*

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Argument IV
(R.2:6-2(a)(6))
(not raised below)

Plaintiff requested relief from the Courts, **Rule 60**, as Plaintiff made a good-faith effort in first filing a 'State' Notice of Tort Claim with the State of New Jersey (**Pa29-30**) in a timely manner according to the Torts Claims Act, **Title 59** on January 12, 2024 within the (90) days, instead of filing a 'City' Notice of Tort Claim (**Pa62-76**) for Relief, **Rule 5:6-2** based on Plaintiff's research and first findings on the Jersey City Public Library as a 'State' entity being funded by the 'State.' *American Library Association (ALA) v. Sonderling 1:25-cv-01050 | U.S. District Court for the District of Columbia*
Filed Date: April 7, 2025

The Court Hearing erred in dismissing Plaintiff's Civil Complaint with Prejudice because Plaintiffs clerical error in processing both 'State' and 'City' Tort Forms does not negate the facts and merits within this civil complaint that Plaintiff brought forth to the Courts as an alarming tortuous actions that caused Plaintiff harm and damages. **Rule 2:10-2** *Estate of Khiev v. South Jersey Transportation Authority*,

Discovery: Let the Record Show: Technically, the Transcribed Transcript for the Court Hearing Session on July 19, 2025, for case Docket# HUD-L-000405-24, does not have a recording/did not record, nor literally transcribed Judge Anthony V. D'Elia, J.S.C., as verbally decreeing the dismissal of the Civil Complaint with a “dismissal with prejudice?” Although it may have been “implied” that the Civil Complaint was dismissed because the civil case was closed in the New Jersey Civil Judicial Electronic Digital System (JEDS), it would appear that only the Motions that Plaintiff/Tannia Winston filed

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were “denied” by the Judge but no actual “dismissal” of the Civil Complaint was recorded or transcribe on recording of Court Hearing Session on July 19, 2025. Since Plaintiff was hung-up on from the Court Hearing Session, Plaintiff has no record of it? Please review Transcript.

Argument IV
(R.2:6-2(a)(6))
(not raised below)

The Jersey City Superior Court Civil Division erred in denying Plaintiff's Motion to Reconsider Order for Plaintiff's dismissed Civil Complaint due to the fact that the Defendant/Attorney Ronald C. Hunt, Esq., filed a Motion of Opposition to dismiss Plaintiff's Motion to Reconsider with filing the Court Hearing Transcript that recorded on July 19, 2024, that featured some of Plaintiff statements and testimonies incorrectly?: **(TRANSCRIPT Recording of Plaintiff last incorrect statement)>>> Plaintiff/Tannia Winston “I did”... “I did”. Both of those statements are incorrect and should have been transcribed as “I didn't”.... “I didn't” (1T P10:L10-11)**

Moreover, the gross error in correctly transcribing the Court's Hearing depicted Plaintiff's indiscernible verbiage as volunteering to deliberately admit wrongdoings within the filing and processing of Plaintiff's civil complaint, by the Court's Transcriber being unable to transcribing indiscernible statements made by Plaintiff during the Court Session? Plaintiff also believes this was also a weighing factor in which the Courts dismissed Plaintiff's Motion to Reconsider Court Order as Plaintiff was subjected to malfeasance within the Civil Court Department and Courts Transcription Unit. Plaintiff is asking of the Appellate Courts to note the fallacy within the Transcript as not binding against Plaintiff but grammatical error of the transcriber based on what it may have “sounded” like or cut-off? **Rule 60**

Conclusion

“Mistrial: A Trial that is rendered void and of no legal effect because of some serious procedural error or irregularity or because of the inability of the jury to reach a verdict.”

New Jersey Law Against Discrimination(NJLAD)

According to Guidance on the New Jersey Law Against Discrimination, “This enforcement guidance¹ explains how the New Jersey Office of the Attorney General and the Division on Civil Rights (DCR) will apply the New Jersey Law Against Discrimination (LAD) to prohibit discrimination by places of **Public Accommodations**: “Businesses and services open to the public must treat everyone equally” following the U.S. Supreme Court. The LAD prohibits places of public accommodation— that is, places open to the public—from discriminating on the basis of actual or perceived sexual orientation, gender, gender identity, gender expression, race, color, national origin, ancestry, religion, disability, and other protected characteristics.

“Rule 4. Appeal as of Right—When Taken (a) Appeal in a Civil Case. (1) *Time for Filing a Notice of Appeal*. “(A) In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.”

“Rule 5. Appeal by Permission (a) PETITION FOR PERMISSION TO APPEAL.(1) To request permission to appeal when an appeal is within the court of appeals’ discretion, a party must file a petition with the circuit clerk and serve it on all other parties to the district-court action.” “Despite the apparent limitations of the Eleventh Amendment,

individuals may, under certain circumstances, bring constitutional and statutory cases against states. In some of these cases, the state's sovereign immunity has either been waived by the state or abrogated by Congress. In other cases, the Eleventh Amendment does not apply because the procedural posture is such that the Court does not view them as being against a state." *Belfond v Petosa, A.D.3d [1st Dept 2021] Appellate Division, First Department*

Stating Relief Sought:

"ArtIII.S2.C2.4 Supreme Court Appellate Jurisdiction Article III, Section 2, Clause 2: In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

While it would appear that Pro Se's are being held in the same high regards as Attorneys/Lawyers/Legal Representatives when it comes to presenting and representing the Laws, Statutes, Rights, Rules and Regulations, etc., that governs over our society in the State of New Jersey, as a reminder, Pro Se's are not Attorney, Lawyers or Legal Representatives who have Degrees in Law nor studies the Law but are Self Litigants that are often forced to have to defend themselves against law breakers of the State.

While the Jersey City Superior Court Appellate Division is at liberty to decree or declare any judicial decision they deem is just and fair for all and all Court cases,

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Plaintiff/Tannia Winston/Pro Se would like the Appellate Court Division to take into consideration that Plaintiff still has the burden of Proof to present to the Lower Court and still is seeking relief from Plaintiff's Civil Complaint by the Jersey City Superior Court Appellate Division considering Plaintiff case for a retrial by a Reversal of The Court Order **(Pa1-2)** of the Lower Court.

Moreover, this is not a demand on the ears of the Courts by any means, but simply a suggestion about relief sought.

Tannia Winston, Pro Se

/s/Tannia Winston



THE LAW FIRM OF
HUNT, HAMLIN & RIDLEY
COUNSELLORS AT LAW



FOUNDING PARTNERS
RONALD C. HUNT
RAYMOND L. HAMLIN

TERRY RIDLEY
1956-2012

NEWARK OFFICE
MILITARY PARK BUILDING
60 PARK PLACE, 16TH FLOOR
NEWARK, NJ 07102

PATERSON OFFICE
418 GRAND STREET
PATERSON, NJ 07505

OF COUNSEL
VIELKA VELAZQUEZ
NOELLE VAN BAAREN

ALL REPLIES TO THE NEWARK OFFICE

‡ALSO ADMITTED IN NY

TEL: (973) 242-4471
TELEFAX: (973) 242-8295
E-MAIL: Ronald.Hunt@HuntHamlinRidley.com
WEB SITE: www.HuntHamlinRidley.com

October 8, 2025

New Jersey Superior Court
Appellate Division
R.J. Hughes Justice Complex
25 West Market Street, P.O. Box 006
Trenton, NJ 08625

Re: Tannia Winston v Jersey City Public Library

Appellate Division, Docket No.: A-001285-24
Respondent's Brief

Complaint No. HUD-000405-24
Judge Sitting Below: Honorable Anthony V. D'Elia, J.S.C.

Dear Honorable Appellate Division Judges:

This firm represents Respondent/Defendant Jersey City Public Library in connection with the aforementioned matter. Please accept this letter brief that is being submitted on behalf of Jersey City Public Library in opposition of Tannia

Winston’s (Appellant/Plaintiff) appeal of the Trial Court’s denial of the Plaintiff’s Motion to File a Late Notice of Tort Claim; its granting of Defendant’s Motion to Dismiss; and the denial of Plaintiff’s Motion for Reconsideration.

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PROCEDURAL HISTORY/STATEMENT OF FACTS¹

On or about January 26, 2024, Tannia Winston (pro se Appellant/Plaintiff) filed a complaint alleging that Jersey City Public Library's (Respondent/Defendant) personnel slandered, discriminated, harassed, and engaged in other wrongful acts. *Pa 21-23*. Attached to the complaint was also an Initial Notice of Claim for Damages against the State of New Jersey signed January 12, 2024, alleging a date of loss of the alleged misconduct of December 15, 2023. *Pa29*. The Plaintiff answered "N/A" as to other parties who may be responsible for her injuries or damages. *Pa30*. The Respondent answered the complaint on or about March 28, 2024. *Pa36-43*.

On or about June 12, 2024, the Plaintiff filed a Motion To Extend Time to File A Notice of Tort Claim noting that that she found out that Jersey City Public Library is a "city/municipal" entity instead of a "State/Autonomous" entity and sought additional time for to file the notice of tort claim to the Defendant instead of the State. *Pa92-97*. The motion included a Notice of Claim with the City of Jersey City's Office of Risk Management dated April 28, 2024. *Pa110-111*. On July 11, 2024, the

¹ "1T" is the Transcript of the Oral Argument of July 19, 2024.

Respondent opposed the motion and filed a cross motion to dismiss the complaint. *Pa83-91*.

On July 19, 2024, the Honorable Anthony V. D' Elia, J.S.C., heard oral argument on the motions and denied the Appellant's motion finding that the Plaintiff failed to show extraordinary circumstances "that would justify her failing to be able to identify Jersey City as the operator of the Jersey City Public Library" to permit the court to allow her to file her notice of tort claim as within one year of the occurrence as required under required under N.J.S.A. 59:8-9. 1T6:25-7:12. The Court failed to see how the Plaintiff could reasonably confuse a "city" public library being connected to the State of New Jersey as the Plaintiff claimed. *Id* at 1T7:13-22.

On July 23, 2023, the Court denied Plaintiff Motion to Extend and Granted Defendant's Cross Motion to Dismiss for Failure to State a Claim. *Pa4*. On August 20, 2024, Appellant filed a Motion to Reconsider that was also denied by Judge D' Elia. *Pa5*. The Appellant filed a Notice of Appeal dated October 10, 2024. *Pa125*.

LEGAL ARGUMENT

Rule 4:6-2(e) permits the dismissal of a complaint for "failure to state a claim upon which relief can be granted." *Id.* In assessing whether a complaint should be dismissed pursuant to Rule 4:6-2(e), a court must "search the complaint 'in depth and with liberality to ascertain whether the fundament of a cause of action may be gleaned even from an obscure statement of claim, opportunity being given to amend if necessary.'" *Banco Popular N. Am. v. Gandi*, 184 N.J. 161, 165 (2005) (quoting *Printing Mart-Morristown v. Sharp Elecs. Corp.*, 116 N.J. 739, 746 (1989)). "[I]f the complaint states no basis for relief and discovery would not provide one, dismissal is the appropriate remedy." *Id.* at 166 (citing *Pressler, Current N.J. Court Rules*, cmt. 4.1 on R. 4:6-2 (2005)).

An appellate court will review a grant of a motion to dismiss a complaint for failure to state a cause of action de novo, applying the same standard under Rule 4:6-2(e) that governed the motion court. *Frederick v. Smith*, 416 N.J. Super. 594, 597 (App. Div. 2010). Furthermore, "[a] trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." *Manalapan Realty, L.P. v. Tp. Comm. of Manalapan*, 140 N.J. 366, 378 (1995).

An appellate court will review a motion for reconsideration under an abuse of discretion standard. *Cummings v. Bahr*, 295 N.J. Super. 374, 384 (App. Div. 1996). A court abuses its discretion "when a decision is 'made without a rational explanation, inexplicably departed from established policies, or rested on an impermissible basis.'" *Pitney Bowes Bank, Inc. v. ABC Caging Fulfillment*, 440 N.J. Super. 378, 382 (App. Div. 2015)(quoting *Flagg v. Essex Cty. Prosecutor*, 171 N.J. 561, 571 (2002)).

I. THE TRIAL COURT CORRECTLY DENIED THE APPELLANT'S MOTION TO FILE A LATE NOTICE OF CLAIM UNDER THE NEW JERSEY TORT CLAIMS ACT

It is the Respondent's contention that the trial court correctly determined that a late claim notice could not be filed. Pursuant to the New Jersey Tort Claim Act, a plaintiff may not bring suit against a public entity or public employee unless the plaintiff presented the public entity or public employee with a written notice of claim prior to the filing of the complaint. N.J.S.A. 59:8-3; *Velez v. City of Jersey City*, 358 N.J. Super. 224, 238 (App.Div.2003), *affirmed*, 180 N.J. 284 (2004). The notice of tort claim must be served upon the entity no later than ninety days after the accrual of the cause of action. N.J.S.A. 59:8-8.

The trial court correctly found that Plaintiff's notice to the State of New Jersey did not constitute notice to local public entities under the Tort Claims Act.

Epstein v State, 311 N.J. Super. 350, 355-356 (App. Div.), *certif. denied*, 155 N.J. 589 (1998). In the Appellant's case, she sent a tort claim notice to the State of New Jersey dated January 12, 2024, referencing the Defendant's employee but did not send an individual notice to Jersey City Public Library. Thus, no notice was received by the Jersey City Public library within 90 days of the incident as required by as required under N.J.S.A. 59:8-8. The incident allegedly occurred on December 15, 2023, which would result in a notice being timely submitted by March 14, 2024. Appellant failed to file a tort claim notice as required under N.J.S.A. 59:8-7, within 30 days from the accrual of the cause of action as required under N.J.S.A. 59:8-8.

In its brief, as well as in her motion to the trial court, the Appellant failed to provide any support for her belief that the Jersey City Public Library was a state entity. *Pb8*. In addition, and as discussed separately herein, Appellant's alleged medical condition has nothing to do with her belief as to whether the Respondent was a city or state entity which led to her late filing. *Id.* at 7.

Accordingly, the trial court's decision to deny the Plaintiff's Motion to Fail A Late Tort Claim Notice and granting Respondent's Cross Motion to Dismiss were correct and the Appellant's appeal should be denied.

II. RECONSIDERATION OF THE COURT'S ORDER IS INAPPROPRIATE IN THIS CASE

The trial court did not abuse its discretion in denying the Appellant's Motion for Reconsideration as the Plaintiff failed to meet the requirements of R. 4:49-2 that would support reconsideration of its July 23, 2024 Orders. The Appellant failed to state "the basis on which [reconsideration] is made, including a statement of the matters or controlling decisions which counsel believes the court has overlooked or as to which it has erred." R. 4:49-2. That is, the Appellant did not present any case law that would support that the trial court erred in its interpretation of the New Jersey Tort Claim Act and the Act's requirements as to the reporting of claims to public entities. Thus, the Appellant has failed to show that the trial court decision was based on a "palpably incorrect or irrational" basis. *Cummings, supra* 295 N.J. Super. at 384.

In her appeal, the Appellant references circumstances that allegedly caused, or contributed to, the Plaintiff's late tort claim filing. *Pb7-8*. The trial court did not abuse its discretion in determining that there was no correlation of her alleged medical issues with her purported mistaken belief that the library was a state entity, and these alleged medical concerns were not presented in her documents supporting her initial motion.

Further, the trial court did not abuse its discretion in disregarding the Appellant's attempt to proffer "new" facts for her alleged failure to timely file her notice of tort claim that were not made in her initial motion. *IT9:9 –10:9*. Indeed, the Appellant currently seeks introduce the same (or similar) arguments in this appeal and the Respondent respectfully contends that her contentions should be similarly rejected. *Pb17-21*.

Accordingly, the Appellant failed to show that the trial court's decision was ""made without a rational explanation, inexplicably departed from established policies, or rested on an impermissible basis." *Pitney Bowes Bank, Inc*, 440 N.J. Super. at 382 (quoting *Flagg*, 171 N.J. at , 571).

III. APPELLANT FAILED TO RAISE HER CLAIMS BEFORE THE TRIAL COURT AND THESE CLAIMS SHOULD NOT BE ADDRESSED IN THIS APPEAL

Appellant raised several issues for the first time on appeal including her apparent claim under the New Jersey Law Against Discrimination. *Pb20-21*. Our appellate courts will not entertain issues that were not raised below or not properly presented on appeal when the opportunity for presentation was available. *J.K. v. N.J. State Parole Bd.*, 247 N.J. 120, 138 n.6 (2021); *Nieder v. Royal Indem. Ins. Co.*, 62 N.J. 229, 234 (1973).

In addition, as the Appellant filed a notice of tort claims under the NJTCA; did not reference the NJLAD in its complaint, made claims of assault and other criminal acts by Defendant employees, and this alleged "error or omission [should] be disregarded by the appellate court" as it was not "of such a nature as to have been clearly capable of producing an unjust result," and should not be noticed by this Court, in the interests of justice..." R. 2:10-2.

CONCLUSION

Based on the arguments herein, Respondent/Defendant Jersey City Public Library respectfully contends that the motion court's rulings were correct and should be affirmed by this Court.

Respectfully Submitted

HUNT, HAMLIN & RIDLEY

/s/ Ronald C. Hunt

Ronald C. Hunt, Esq.
Attorney for Respondent/
Defendant Jersey City
Public Library

APPELLANT'S REPLY-BRIEF REPLY Docket No. A-001285-24/HUD-L-000405-24 i

October 28, 2025

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-001285-24T3

TANNIA WINSTON,

Plaintiff-Appellant,

CIVIL ACTION

v.

ON APPEAL FROM
SUPERIOR COURT, LAW DIV.
HUDSON COUNTY

JERSEY CITY PUBLIC LIBRARY

Defendant-Respondents,

Honorable Judge Anthony D'Elia, J.S.C.
Sat below

TANNIA WINSTON V. JERSEY CITY PUBLIC LIBRARY
Docket No. A-001285-24T3

BRIEF-REPLY BRIEF
FOR
APPELLANT TANNIA WINSTON
Brief-Reply Brief Intro Pages Pbi – PbiX
Brief-Reply Brief Pages Pb1 – Pb11
Brief-Reply Brief Total Pages 21

RECEIVED
APPELLATE DIVISION
NOV 07 2025
SUPERIOR COURT
OF NEW JERSEY

TANNIA WINSTON
APPELLANT
1995 JOHN F. KENNEDY BLVD
APT #16
JERSEY CITY, NEW JERSEY 07305
(201) 710-0682
keeperofjoy@yahoo.com
(R.2:9-6(a))

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Jersey City, New Jersey 07306

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Jersey City Superior Court Docket No. HUD-L-000405-24

Court Proof Hearing Date: **July 19, 2024**

Trial Court Judge: Anthony V. D'Elia, J.S.C.

Jersey City Superior Court

595 Newark Ave

Jersey City, New Jersey 07306

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Plaintiff(s):

- 1.) Tannia Winston
1995 John F. Kennedy Blvd

Apt #16

Jersey City, New Jersey 07305

(201)-360-2477

Plaintiff's Attorney:

- 1.) Tannia Winston- Pro Se
1995 John F. Kennedy Blvd

Apt #16

Jersey City, New Jersey 07305

(201)-360-2477

Defendants/Respondents:

- 1.) Jersey City Public Library (Earl A. Morgan Branch)(Adversaries)
1841 Kennedy Blvd

Jersey City, New Jersey 07305
- 2.) Jersey City Main Public Library (Priscilla Gardner Branch)

Terry Hill, Director

472 Jersey Ave

Jersey City, New Jersey 07302

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(201) 547 - 4501

Defendant's/Respondent's Attorney:

1.) Attorney Ronald C. Hunt, Esq.

60 Park Place, 16th Floor

Newark, New Jersey 07102

(201) 547 - 4553

Judge(s)/Respondent(s):

1.) Judge Anthony V. D'Elia, J.S.C.

Jersey City Superior Court (Hudson County)

595 Newark Ave

Newark, New Jersey 07306

(201) 748-4400

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Brief-Reply Brief Procedural History/Statement of Facts

(R. 2:6-2(a)(4)

(R. 2:6-8)

1 On January 31, 2024, Plaintiff/Tannia Winston (Pro Se) commenced a six (6) count civil complaint, *Harassment/Discrimination/NJLAD-15 U.S. Code § 1692d, Attempted Assault-N.J.S.A.2C:12-1(b), Slander N.J. Stat. § 2A:14-3, Verbal Abuse/harassment N.J.S.A.2c:33-4, Public Humiliation(Publicly shamed/Harassment, Intimidation, and Bullying-Anti-Bullying Bill of Rights Act (ABR), Invasion of Privacy/charge 8.50 - section 2c:14-9 end section 2A:58D-1(unauthorized recording or disclosure of intimate images.)* against the Respondent/Jersey City Public Library/Earl A. Morgan Branch, 1841 Kennedy Blvd, Jersey City, New Jersey 07305, **(Pa21-23)** seeking compensation for harm and damages inflicted on Plaintiff based on an incidents that occurred on December 15, 2023, within the Jersey City Public Library/Earl A. Morgan Branch, as a result of and due to the negligence, recklessness, and endangerment by the Respondent/New Jersey City Public Library/Earl A. Morgan Branch (2) two working Library employees: “Kadeidra” (Library Female Security Guard) and “Francine” (Library Female Supervisor). **(Pa18-20)**

In good faith, Plaintiff filed the “State” Notice of Tort Claim Form on January 12, 2024; however, Plaintiff/Pro se made a clerical error **Rule 2:10-2**, by answering “N/A” as to other parties who may be responsible for Plaintiff’s injuries or damages and emotional duress on the first incorrect filed Tort, which should be considered as moot.

1.) Procedural History and Statement of Facts put together because closely related

2.) “1T”--Transcript 1

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(Pa29-30) Upon Plaintiff concluding based on further research that the Jersey City Public Library was/is a 'city' entity instead of a 'state' entity, Plaintiff chose to file the 'City' Notice of Tort Claim late by Email with the Claim Resolution Corp. Inc., (City Office of Risk Management) on May 22, 2024 (Pa62-76) and on June 12, 2024, Plaintiff further filed a Motion with the Courts to Extend Time *Rule 1:3-4* to file the City Notice of Tort Claim late.(Pa92-97) Therefore, Plaintiff is seeking relaxation of the courts, *NJ Rule 1:1-2*, for permission to deviate from a procedural requirement that's normally mandatory under the unusual circumstances.

Moreover, during the Court hearing on July 19, 2024, Courts did not allow Plaintiff to continue to fully explain extraordinary circumstances before being interrupted by the Judge irrational ruling that the case was going to be dismissed since Respondent had filed a Motion to dismiss Plaintiff's civil Claim *Winston v. Jersey City Public Library J.C. Super, Court. New Jersey (Civ. Div.). Dismissed. 2024* (Pa83-91) and then the Courts telephone abruptly hung-up in the Plaintiff's ear? In other words, Plaintiff was not only transcribed with a misquoted statement as saying a wrongful admission of guilt: **Miss. Winston:** "I did..." "I did..."{1T10:L11} which was incorrect transcribing. It should have transcribed: **Miss. Winston:** "I didn't...." "I didn't...." Plaintiff was then disconnected from the Court hearing by someone hanging up the Court telephone and from that point on in the Transcript{1T10:L11}, Plaintiff did not hear or know of or was not "entitled" (*New Jersey Civil Rights Act 2004, NJCRA*) to be present during the rest of the Court hearing and proceeding with the Judge's final rulings or the Defendant's final rebuttal argument of

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a summary judgment; in addition to the dismissal of the civil claim until after the Court Order was posted in Jersey City Superior Court JEDS?

On July 26, 2024, Plaintiff filed a Motion for Reconsideration (Pa101-105) with the Courts for the Judge to reconsider the “dismissal with prejudice” Order that fully explained extraordinary circumstances and reminded the Courts that Plaintiff was still the victim of a malicious attack by two (2) employees of the Jersey City Public Library and Judge Anthony V. D'Elia, J.S.C. denied the Motion on August 20, 2024. (Pa5)

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Appellant Legal Argument

(R.2:6-2(a)(6))

Plaintiff filed a civil complaint against a public entity along with a Notice of Tort Claim, N.J.S.A. 59:8-8, *Torts Claims Act, Title 59*, stating the claim for relief *Rule 4:5-2*, for injuries, damages, and emotional duress that appeared to have been caused by threats, coercion, manipulation, and abuse of authority by two (2) Jersey City Public Library Employees; however, Plaintiff's civil complaint was dismissed due to the Courts stated that Plaintiff failed to state a claim for relief. *Rule 4:6-2(e) N.J.S.A. 2A:53A-29*, Printing Mart-Morristown v. Sharp Electronics Corp., 116 N.J. 739 (1989)

Plaintiff was responsible for having the burden of Proof to the Courts for the claim; however, since Plaintiff erred and filed the Tort Claim with the State first and the City second due to a delayed discovery of Public entity's establishment (determining City or State funding), Plaintiff was not allowed to Amend the refiling of the correct Tort Claim or Motion the Courts for an Extension of Time to file the correct Tort Claim late with the City in which expanded the interpretation of "extraordinary circumstances" under N.J.S.A. 59:8-9, to be able to state the claim for relief.

Moreover, it was not Plaintiff's intentions to *not* state the claim for relief due to unawareness or because of the ambiguity of an uncertain meaning of the Public entity's role but based on the Judge's ruling of not allowing Plaintiff to Amend *Rule 4:9-1*, the Notice of Tort Claim, Plaintiff didn't get a chance to state the claim for a legal relief. Estate of Khiev v. Southern Jersey Transportation Authority, 2024 WL 607735 (N.J. Super. Ct. App. Div. 2024),

APPELLANT'S REPLY-BRIEF REPLY Docket No. A-001285-24/HUD-L-000405-24 5**I. THE TRIAL COURT COMMITTED A REVERSAL ERROR BY DENYING THE APPELLANT'S MOTION TO FILE A LATE NOTICE OF CLAIM UNDER THE NEW JERSEY TORT CLAIMS ACT**

Plaintiff made a clerical error by mailing the wrong Notice of Tort Claims with the State first; however, Plaintiff did correctly file the Tort Claim in a timely manner on January 12, 2024 according to the Tort Claims Act to file the Claim within the ninety (90) days. In addition, on February 20, 2024, the Plaintiff properly served the Civil Action Summons, Civil Complaint, and State Notice of Tort Claim upon the Respondent/Defendant Jersey City Public Library – Priscilla Gardner Main Branch, addressed to **Terry Hill, Director**, at 472 Jersey Avenue, Jersey City, NJ 07302, by the Jersey City Sheriff's Office. This service was executed in accordance with the procedural requirements of the New Jersey Tort Claims Act N.J.S.A. 59:8-4. Subsequently, on March 14, 2024, the Plaintiff received a Proof of Service by Affidavit from the Jersey City Sheriff's Office, confirming that the documents were duly served. (Pa34–Pa35) As a result, the Trial Court committed a reversal error by denying the Appellant's Notice of Claim under the New Jersey Tort Claims Act due to the fact that the Plaintiff complied with the filing prerequisites with the Courts ~~White~~ having the Defendant served and properly notified. This sequence satisfies the requirements of N.J.S.A. 59:8-4, which mandates timely written notice to the appropriate public entity.^{42 U.S.C. § 1983} The Plaintiff's actions demonstrate diligence and procedural compliance, and there is no evidence that the public entity suffered prejudice from the timing or method of service. Accordingly, Respondent's Brief Argument I fails to justify denial of the Plaintiff's late filing of the City Notice of Tort Claim. The Plaintiff's request to amend or refile the notice was legally

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sound and aligned with the statutory framework, thereby stating a valid claim for relief, warranting reversal on appeal. Estate of Khiev v. South Jersey Transportation Authority, L-1523-22, N.J. (2024)

Moreover, Plaintiff was not informing the Courts of Plaintiff's actual physical limited mobility as an excuse for the delayed discovery in between the months of January 2024 to May 2024 when Plaintiff discovered that this Public Entity was a City Funded entity. Plaintiff had reasoned without a doubt that the Library was a State-funded entity based on the findings within the legal research. But it was because Plaintiff was being medically treated by a Medical Surgeon with Injections and prepping for surgery on Plaintiff's person that did not pertain to this civil claim. Henceforth, in certain treatment time frames, it demanded Plaintiff's immediate attention to be physically present for all medical follow-ups of treatments, thus delaying Plaintiff's reaction time to the discovery. In which Plaintiff informed the Courts of Plaintiff's physical medical concerns with proof when Plaintiff filed the Motion to Reconsider dismissal Court Order. Jeffrey v. State of New Jersey, 468 N.J. Super. 52 (App. Div. 2021)

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II. RECONSIDERATION OF THE COURT'S ORDER IS APPROPRIATE IN THIS CASE

Reconsideration of the Court's prior order is warranted under *Rule 59(e)* or *Rule 60(b)*, depending on jurisdiction as the motion satisfies the applicable legal standards. The interests of justice require that the Court revisit its ruling in light of overlooked facts. Reconsideration is an extraordinary remedy, appropriate when there is need to correct a manifest of injustice or a clear error of fact in which evidence was discovered before the Court hearing. And although Plaintiff is just a Pro se who was defending civil case, Plaintiff respectfully presented the civil claim as an officer of the Courts and as an officer of the Courts, Plaintiff respectfully allowed the Respondent extended time to file their Response/Answer to the civil claim in the Jersey City Superior Court when their law firm requested. Plaintiff also allowed the Respondents to file their Appellate Reply Brief late with the Appellate Division upon request. Twice the Plaintiff has allowed the Respondent/Defendant "Extensions of Time" in this civil claim process without filing motions, demonstrating fairness in the civil process to stay civilized in the Justice system. For the Courts and the Respondents/Defendants to condone this paradox appears to be unjustified? *D'Atria v. D'Atria*, 242 N.J. Super. 392 (Ch. Div. 1990), *Cummings v. Bahr*, 295 N.J. Super. 374 (App. Div. 1996), *APRILE GREENIDGE v. HUSSEIN M. MAREY* (2020), *Reardon v. New Jersey* (2020)

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**III. APPELLANT DID NOT HAVE CHANCE TO RAISE HER CLAIMS
BEFORE THE TRIAL COURT AND THESE CLAIMS SHOULD BE ADDRESS
IN THIS APPEAL**

The Appellant could not clearly presented her claims during the Court hearing through pleadings and motions due to the abrupt interrupting and irrational ruling, those claims should be preserved and addressed in this appeal. The Appellate court should not disregard them simply because they are now being reasserted.

Again, On January 31, 2024, Plaintiff/Tannia Winston (Pro Se) did filed a six (6) count civil complaint in which NJLAD was also claimed (Pa21-23). However, these issues were not raised in the appeal for consideration but for presentation of all legal matters pertaining to the civil claim. Plaintiff was not allow to elaborate or expound on any of the charges filed or issues because the court hearing was cut short based on the ruling around the late Notice of Tort Claim filing. More importantly, when a civil claim implicates fundamental rights or matters of public policy, Appellate courts may exercise discretion to review the issue even if it was not properly raised before the trial court. This is a narrow exception to the general rule that issues not raised below are waived on appeal. New Jersey courts have recognized that Appellate review may be appropriate in exceptional circumstances, particularly when the issue involves constitutional or fundamental rights, such as due process, equal protection, or access to the courts or if the matter raises important public policy concerns that transcend the interests of the parties, despite procedural deficiencies. The failure to consider the issue would result in a manifest injustice. *Nieder v. Royal Indemnity Co.*, 62 N.J. 229, 234 (1973), *State v. Arthur*, 184 N.J.

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307, 327 (2005), State v. Robinson, 200 N.J. 1, 20 (2009), Zaman v. Felton, 219 N.J. 199,
226 (2014)

Under the circumstances, Plaintiff filed the 'State' Tort Claim, *Torts Claims Act, Title 59* for a claim for relief (**Pa29-30**) in good faith, not deliberately trying to make the layperson error as a Pro se in the distinction between the State and City entity with the intentions to harm Plaintiff's own case, but based on Plaintiff's own ambiguity of the legal literary research and investigation. In which Judge Anthony V. D'Elia, J.S.C. dismissed Plaintiff's civil claim with Prejudice due to Plaintiff not properly pronouncing clearly or legally explaining the extraordinary circumstances as to how Plaintiff came to the conclusion that The Jersey City Public Library was/is being supported by both the City and the State funding. {1T 9:L4-8} State v. Robinson, 200 N.J. 1, 19 (2009)

[*SIDEBAR NOTE*] Plaintiff/Tannia Winston had a prior accident case Mediation hearing before Judge Anthony V. D'Elia, J.S.C. in the same Superior Court, sitting in Plaintiff's prescribed Wheelchair (ADA) on May 22, 2021 (**Pa155**) due to an accident that Plaintiff had experienced prior in 2017; in which Plaintiff arrogated that Judge Anthony V. D'Elia, J.S.C. remembered or knew who Plaintiff was and knew that Plaintiff was still physically disabled and had limited mobility. [★ END NOTE ★]

Furthermore, Plaintiff filed the civil complaint and Tort Claim according to Plaintiff's researched knowledge about the Public Entity. Afterwards, Plaintiff filed a Motion to Reconsider on July 26, 2024 (**Pa101-105**) due to the dismissal of the civil claim based on a clerical error, with efforts to clarify or to be more specific about extraordinary circumstances, Plaintiff presented the List of Exhibits to the Courts of Plaintiff's current

APPELLANT'S REPLY-BRIEF REPLY Docket No. A-001285-24/HUD-L-000405-24 10
medical prescriptions for needed surgery on June 20, 2024 (Pa157) and received two (2)
physical injections on May 23, 2024 (Pa156) while the preparing of the Jersey City Public
Library case: HUD-L-000405-24, Tannia Winston vs. Jersey City Public Library was
being scheduled for the hearing on July 19, 2024 and Plaintiff's Motion to Reconsider was
also denied. (Pa5) *Rule 60(a) Brennan v. Orban, 145 N.J. 282, 289 (1996)*

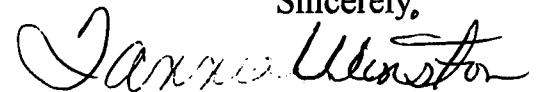
In all honesty, Plaintiff/Pro se attempted to remain forthcoming with the limited
legal knowledge of the New Jersey Law before the Judge about all that pertained to what
Plaintiff had to endure to process the civil claim for a claim of relief as a result of being
forced to have to bring about justice for the Plaintiff as a self-litigating Pro se after being
subjected to an unforeseen malicious attack by two (2) Jersey City Public library
employees. Needless to say, it would appear that the main concern the Respondent
conveyed during the Court hearing was how law suits against a Public Entity could
bankrupt the city{1T6:L2} instead of concerns for Plaintiff's safety or the hostile
environment or the ongoing malicious behavior that is reoccurring within a public facility
such as the Jersey City Public Library? *Nieder v. Royal Indemnity Co., 62 N.J. 229, 234
(1973)*

Conclusion

While it has been said, that Pro Se's are being held in the same regards as Attorneys/Lawyers/Legal Representatives, Pro Se's are not Attorney, Lawyers or Legal Representatives who have Degrees in Law or studies the Law but are Self-Litigants that are often forced to have to defend themselves against law breakers of the State.

Based on the arguments herein, Plaintiff/Tannia Winston/Pro se is seeking relaxation of the courts, *NJ Rule 1:1-2*, for permission to deviate from a procedural requirement that's normally mandatory under the unusual circumstances and respectfully contends that the reversal error of the Court's rulings were unreasoning and should be reversed and granted in Appellant's favor by this Appellate Court of Appeals.

Sincerely,



Tannia Winston/Pro se

October 28, 2025