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APPROVAL OF THE APPELLATE DIVISION

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

LUCIA KUI,

Plaintiff-Appellant,

v.

BERGEN COUNTY PROSECUTOR'S
OFFICE,

Defendant-Respondent.

March 5, 2014

Before Judges Simonelli, Fasciale and Haas.

On appeal from the Superior Court of New Jersey, Law Division, Bergen County, Docket No. L-9266-10.

Joseph J. Fusella argued the cause for appellant.

John L. Shahdanian II argued the cause for respondent (Chasan Leyner & Lamparello, P.C., attorneys; Mr. Shahdanian, of counsel and on the brief).

PER CURIAM

In this employment matter, plaintiff Lucia Kui appeals from the May 3, 2013 Law Division order, which denied her motion for reconsideration of the March 22, 2013 order granting summary judgment to defendant Bergen County Prosecutor's Office and dismissing the complaint with prejudice. We reverse and remand.

Plaintiff, an Asian-American female, is an investigator employed by defendant. She alleged in her complaint that from 1998 to 2010, she was subjected to workplace discrimination, harassment, and retaliation in violation of the New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-1 to -49.

Defendant filed a motion for summary judgment to dismiss the complaint pursuant to the two-year statute of limitations. See Montells v. Haynes, [133 N.J. 282](#), 292 (1993) (holding that the statute of limitations for all NJLAD claims is two years). Plaintiff countered that her claims were timely under the continuing violation doctrine. On March 22, 2013,

the judge granted the motion and dismissed plaintiff's complaint with prejudice.

Plaintiff filed a motion for reconsideration and submitted new evidence she claimed was unavailable at the time of the summary judgment motion, including the deposition transcripts of two fact witnesses. The judge denied the motion. In a May 3, 2013 oral opinion, the judge made no factual findings or legal conclusions. He merely stated:

I've read the papers and heard the arguments of counsel. Although the [deposition] transcripts were not supplied when I heard [the summary judgment] motion originally, the gist of the [deposition] transcripts were included in . . . plaintiff's . . . papers [opposing summary judgment], and made references to same. Now simply because the [deposition] transcripts are available it's not as if nothing was brought out in the prior papers concerning this last-minute discovery on a case that's been going on for so long, and I don't know why at the last minute these depositions have taken place. However, they were cited in the original moving papers, although the transcripts were not attached.

I still rely upon my decision in the prior motion. I rely upon [[Roa v. Roa, 200 N.J. 555 \(2010\)](#)]. I do not think plaintiff has established, according to the case law, according to the facts before me, anything on this [continuing violation doctrine]. I think it's too broad, I think there's too many gaps. I'm stating that just because the transcripts are now available, the transcripts do not show anything that was not relied upon or

mentioned in the prior briefs. Therefore, I do not feel that this is satisfying the requirements of reconsideration. I'm going to deny the motion.

Judges must make findings of fact and conclusions of law on motions decided by a written order that is appealable as of right. R. 1:7-4. This requires judges to articulate "specific findings of fact and conclusions of law." Pressler & Verniero, Current N.J. Court Rules, comment 1 on R. 1:7-4 (2014); see also Raspantini v. Arocho, 364 N.J. Super. 528, 532 (App. Div. 2003). "Failure to perform that duty 'constitutes a disservice to the litigants, the attorney, and the appellate court.'" Raspantini, supra, 364 N.J. Super. at 533 (quoting Curtis v. Finneran, 83 N.J. 563, 569-70 (1980)).

Given the absence of any factual findings or legal conclusions regarding the new evidence plaintiff produced on remand, meaningful review is impossible. On this record, we are unable to discern to what extent, if any, the new evidence has on plaintiff's contention that her NJLAD claims are timely under the continuing violation doctrine. We, therefore, reverse and remand this matter to the trial court.



Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.