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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2848-15T1

DENNIS W. WEDDERBURN,

Plaintiff-Appellant,

v.

RUTH ANDREW,

Defendant-Respondent.

Argued March 7, 2017 – Decided March 20, 2017

Before Judges Reisner and Sumners.

On appeal from the Superior Court of New Jersey, Law Division, Bergen County, Docket No. L-321-14.

David M. Wasserman argued the cause for appellant (Haddad Law Offices, P.C., attorney; Mr. Wasserman, on the brief).

Thomas A. Morrone argued the cause for respondent (Chasan Lamparello Mallon & Cappuzzo, P.C., attorneys; Mr. Morrone, of counsel and on the brief; Richard W. Fogarty, on the brief).

PER CURIAM

Plaintiff Dennis Wedderburn appeals from a February 3, 2016 order, denying his motion to re-open discovery and to adjourn the scheduled trial date of his automobile negligence case against

defendant Ruth Andrew.¹ Finding no abuse of discretion, we affirm substantially for the reasons stated by Civil Presiding Judge Robert L. Polifroni in his oral opinion issued on February 3, 2016. See Bender v. Adelson, 187 N.J. 411, 428 (2006).

Plaintiff's appellate arguments are without sufficient merit to warrant further discussion, beyond the following brief comments. R. 2:11-3(e)(1)(E). In January 2014, plaintiff filed a complaint alleging that he was injured in an accident that occurred in February 2012. His claim was based on injuries to his neck and back. In January 2015, a year after the complaint was filed, plaintiff disclosed to his attorney that he was injured in a prior auto accident, for which he had sought damages. At his deposition, plaintiff confirmed that the prior injuries were to his neck and back. However, he claimed he could not recall the names of the doctor who treated him for those injuries or the lawyer who represented him in connection with his prior claim.


Plaintiff's counsel did not file a motion to extend discovery prior to the September 6, 2015 discovery end date. He did not serve any medical expert report until after the case had been

¹ On February 16, 2016, the trial court dismissed plaintiff's complaint with prejudice, for lack of an expert report establishing that he had suffered a permanent injury. See N.J.S.A. 39:6A-8. On this appeal, plaintiff does not challenge the February 16, 2016 order.

scheduled for trial, the parties had attended mandatory arbitration, and his adversary had served a demand for a trial de novo. We agree with Judge Polifroni that there were no extraordinary circumstances warranting a discovery extension or a trial adjournment. See R. 4:24-1(c); Szalontai v. Yazbo's Sports Cafe, 183 N.J. 386, 397 (2005).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION