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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-4610-15T2

ALI ABDI,

Plaintiff-Appellant,

v.

JONATHAN R. MEHL, and
JONATHAN R. MEHL, PC,

Defendants-Respondents.

Submitted October 11, 2017 – Decided December 12, 2017

Before Judges Fasciale and Sumners.

On appeal from Superior Court of New Jersey,
Law Division, Bergen County, Docket No.
L-9786-11.

Ali Abdi, appellant pro se.

Tompkins, McGuire, Wachenfeld & Barry, LLP,
attorneys for respondents (Grant W. McGuire,
of counsel and on the brief).

PER CURIAM

In accordance with our remand,¹ the trial court issued its findings of fact and conclusions of law on May 5, 2016,² regarding its January 17, 2014 order granting defendants' summary judgment motion dismissing plaintiff's claims of legal malpractice, malicious prosecution, abuse of prosecution, and harassment based upon religion. In its written explanation, the court noted that the self-represented plaintiff did not file opposition to the motion, and found there were no facts to support any of his claims. As to the legal malpractice claim, the court reasoned that, despite the opinion of plaintiff's expert to the contrary, the record revealed plaintiff was well aware of the Special Civil Part's \$15,000 monetary jurisdictional limit, and thus, there was no proof that defendants negligently advised him of the limitations of the relief available in that court. We affirm substantially for the reasons stated in the court's written findings of fact and conclusions of law. We add following comments.

Appellate review of a ruling on a motion for summary judgment is de novo, applying the same standard governing the trial court. Davis v. Brickman Landscaping, Ltd., 219 N.J. 395, 405 (2014). Thus, we consider, as the motion judge did, "whether the competent

¹ Ali Abdi v. Jonathan R. Mehl, and Jonathan R. Mehl, PC, No. A-3449-13 (App. Div. April 20, 2016).

² Incorporated by reference in the court's order of May 27, 2016.

evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party." Id. at 406 (quoting Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995)). "If there is no genuine issue of material fact, an appellate court must then decide whether the trial court correctly interpreted the law." DepoLink Court Reporting & Litig. Support Servs. v. Rochman, 430 N.J. Super. 325, 333 (App. Div. 2013) (citation omitted). We accord no deference to the trial judge's legal conclusions. Nicholas v. Mynster, 213 N.J. 463, 478 (2013) (citing Zabilowicz v. Kelsey, 200 N.J. 507, 512-13 (2009)).

Plaintiff appeals contending that, following remand, the trial court ignored his request to obtain counsel; did not allow him to submit opposition to the summary judgment motion; did not respond to his request that the court recuse itself; and did not entertain his objection that defendant provided insufficient discovery responses. We previously rejected these same arguments in our decision ordering remand. Moreover, our remand did not direct the court to allow plaintiff the opportunity to retain counsel or present opposition to the summary judgment motion given our conclusion that his self-representation and his lack of opposition to the motion was due to his own choosing. Remand was

solely limited to allowing the court to issue findings of fact and conclusions of law regarding its summary judgment decision as required by Rule 1:7-4.

Plaintiff additionally argues the court's findings of facts and conclusions of law are mistaken because it only considered defendant's position. However, he fails to set forth any specific fault with the court's decision.

In light of the undisputed material facts presented in defendants' motion, the trial court's reasoning to grant summary judgment is legally unassailable. Plaintiff's appellate arguments are without sufficient merit to warrant further discussion. R. 2:11-3(e)(1)(E).

Affirmed.

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


CLERK OF THE APPELLATE DIVISION