

**NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION**

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-0297-16T4

ROBERT J. TRIFFIN,

Plaintiff-Appellant,

v.

ZURICH AMERICAN INSURANCE  
COMPANY, a/k/a ZURICH and  
CHRISTIAN JEREZ,

Defendants-Respondents.

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Argued December 18, 2017 – Decided January 31, 2018

Before Judges O'Connor and Vernoia.

On appeal from Superior Court of New  
Jersey, Law Division, Camden County,  
Docket No. DC-004242-16.

Robert J. Triffin, appellant, argued  
the cause pro se.

Walter F. Kawalec, III, argued the  
cause for respondent (Marshall Dennehey  
Warner Coleman & Goggin, attorneys;  
Dante C. Rohr, on the brief).

PER CURIAM

In this matter, plaintiff Robert J. Triffin seeks to recover the sum of \$999.39 on an allegedly dishonored check in the amount of \$592.42, which defendant Zurich American Insurance Company (Zurich) had issued to the order of co-defendant Christian Jerez. Plaintiff appeals from an order granting Zurich summary judgment dismissal. Because the order is interlocutory and plaintiff failed to seek leave to appeal as required by Rule 2:2-4, we dismiss.

In his notice of appeal, plaintiff represented there were not any claims against any party that had not been disposed of with finality. However, although the complaint against Zurich had been dismissed with prejudice, the complaint against Jerez was still pending. The clerk had entered default against Jerez because of his failure to appear or file a responsive pleading, see Rule 6:6-2, but plaintiff had not sought the entry of final judgment against him, see Rule 6:6-3.

Only final judgments may be appealed as of right. R. 2:2-3(a). In general, to be a final judgment, an order or judgment must dispose of all claims against all parties. "To have the finality required to create appellate jurisdiction, an order must not only completely dispose of all pleaded claims as to all parties, but all its

dispositions must also be final." Grow Co. v. Chokshi, 403 N.J. Super. 443, 460 (App. Div. 2008) (citing Lawler v. Isaac, 249 N.J. Super. 11, 17 (App. Div. 1991)). If devoid of the required finality, an order is interlocutory and appellate review is available only by leave granted under Rule 2:2-4 and Rule 2:5-6(a).

Moreover, interlocutory review is "limited to those exceptional cases warranting appellate intervention, [and] the sole discretion to permit an interlocutory appeal has been lodged with the appellate courts." Chokshi, 403 N.J. Super. at 458 (citing Brundage v. Estate of Carambio, 195 N.J. 575, 599-600 (2008)). "Interlocutory review is highly discretionary and is to be exercised only sparingly because of the strong policy 'that favors an uninterrupted proceeding at the trial level with a single and complete review . . . .'" Id. at 461 (quoting S.N. Golden Estates, Inc. v. Continental Cas. Co., 317 N.J. Super. 82, 88 (App. Div. 1998)) (citation omitted).

An entry of default judgment constitutes a final disposition but the entry of default does not. Thus, when the notice of appeal was filed the complaint against Jerez had not been disposed of with finality and remained unresolved. Because plaintiff neither sought nor obtained

leave to appeal the order from which he appeals, we must  
dismiss the appeal as interlocutory.

Appeal dismissed.

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



CLERK OF THE APPELLATE DIVISION