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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-1333-15T3

RPM DEVELOPMENT, LLC,  
GRAND CENTRAL SENIOR HOUSING,  
LP, CENTRAL ORANGE VILLAGE II,  
LLC, ORANGE CONDOMINIUM URBAN  
RENEWAL LP, and RPM PARTNERS  
XXIX, LLC,

Plaintiffs-Respondents/  
Cross-Appellants,

v.

JEFFREY S. FELD,

Defendant/Third-Party  
Plaintiff-Appellant/  
Cross-Respondent,

v.

THE CITY OF ORANGE TOWNSHIP,  
MAYOR DWAYNE D. WARREN, CITY  
ATTORNEY DAN S. SMITH, DEPUTY  
CITY ATTORNEY JAMES S. WOLFE III,  
ASSISTANT CITY ATTORNEY  
AVRAM WHITE, DEPUTY BUSINESS  
ADMINISTRATOR WILLIS EDWARDS III,  
FINANCE DIRECTOR ADRIAN MAPP,  
CHIEF FINANCIAL OFFICER  
JOY LASCARI, COUNCIL PRESIDENT  
DONNA K. WILLIAMS, LAMB KRETZER LLC,  
ALDO J. RUSSO, ESQ., ROBERT KRETZER,  
ESQ., ZETLIN & DECHIARA, LLP,  
LORYN RIGGIOLA, ESQ., MCMANIMON,  
SCOTLAND & BAUMANN, LLC, LERCH, VINCI

& HIGGINS, LLP, and DIETER P. LERCH,

Third-Party Defendants-Respondents.

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Argued February 7, 2018 — Decided March 26, 2018

Before Judges Fuentes, Koblitz, Suter.

On appeal from Superior Court of New Jersey,  
Law Division, Essex County, Docket No. L-3258-  
14.

Jeffrey S. Feld, appellant/cross-respondent,  
argued the cause pro se.

Loryn P. Riggiola argued the cause for  
respondents/cross-appellants (Zetlin & De  
Chiara, LLP, attorneys; Loryn P. Riggiola,  
Alana T. Sliwinski, and Alexander F.  
Spilberg, on the briefs).

Joseph M. Wenzel argued the cause for  
respondents City of Orange Township, Mayor  
Dwayne D. Warren, City Attorney Dan S.  
Smith, Deputy City Attorney James S. Wolfe  
III, Assistant City Attorney Avram White,  
Deputy Business Administrator Willis Edwards  
III, Finance Director Adrian Mapp, Chief  
Financial Officer Joy Lascari, and Council  
President Donna K. Williams (Joseph M.  
Wenzel, on the brief).

Robyn Silvermintz argued the cause for  
respondents Lamb Kretzer, LLC, Aldo J.  
Russo, and Robert D. Kretzer (Winget,  
Spadafora and Schwartzberg, LLP, attorneys;  
Robyn Silvermintz, on the brief).

Demetrice R. Miles argued the cause for pro  
se respondents McManimon, Scotland & Bauman,  
LLC.

Andrew W. Schwartz argued the cause for  
respondents Lerch, Vinci & Higgins, LLP, and  
Dieter P. Lerch (Sills Cummis & Gross,

attorneys; Joseph B. Fiorenza, on the brief).

PER CURIAM

Jeffrey S. Feld appeals from October 17, 2014, February 20, 2015, March 20, 2015, September 18, 2015 and November 4, 2015 orders denying him various reliefs and dismissing with prejudice his counterclaims and third-party complaint against RPM Development LLC (RPM), the City of Orange Township (Orange) and various other entities, as well as professionals engaged by those parties. RPM cross-appeals the dismissal of its complaint and denial of sanctions, but represented at oral argument that it did not seek relief requiring a remand unless a remand was ordered based on Feld's claims. We affirm the dismissal of Feld's filings and therefore dismiss the cross-appeal.

Feld, on behalf of himself and his parents' businesses, has been in litigation with Orange and various redevelopers for years. In a previous unpublished case we commented on his mode of litigation, which applies equally here. Feld v. City of Orange Twp. (Feld VI and VIII), Nos. A-3911-12 and A-4880-12 (App. Div. Mar. 26, 2015) (slip op. at 1-4). After being sued for defamation by RPM for comments he purportedly made online and at council meetings claiming, among other things, that RPM did not make all

appropriate payments in lieu of taxes,<sup>1</sup> Feld took the opportunity to retaliate through litigation re-hashing prior claims of collusion, lack of transparency, the passage of an improper CY2014 budget, and alleging RICO, N.J.S.A. §§ 2C:41-1 to -6.2, and civil rights violations. Feld has abandoned the RICO and civil rights claims as he did not address their dismissal in his appeal. See Gormeley v. Wood-El, 218 N.J. 72, 95 n.8 (2014). With regard to the various other claims put forth in his voluminous counterclaims and third-party complaint, the trial court properly dismissed Feld's claims with prejudice and we affirm substantially for the reasons given by the trial judge.

We recognize that a motion to dismiss under Rule 4:6-2(e) should ordinarily be granted without prejudice. See Banco Popular N. Am. v. Gandi, 184 N.J. 161, 165 (2005). But here the judge exercised appropriate discretion in dismissing the claims with prejudice. A motion to dismiss pursuant to Rule 4:6-2(e) should be based on the pleadings, with the court accepting the facts alleged as true. See Rieder v. State, 221 N.J. Super. 547, 552 (App. Div. 1987). The motion should be granted if even a generous reading of the allegations does not reveal a legal basis for recovery and discovery would not provide one. Pressler & Verniero,

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<sup>1</sup> After RPM demonstrated it had made all such payments, Feld was given an opportunity to withdraw his claims to resolve the litigation. He declined.

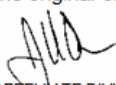
Current N.J. Court Rules, cmt. 4.1 on R. 4:6-2 (2017); Camden Cty. Energy Recovery Assocs. v. N.J. Dep't of Env'tl. Prot., 320 N.J. Super. 59, 64 (App. Div. 1999).

Where Feld has briefed his arguments on appeal, the dismissed claims involve allegations of illegality of municipal action relating to the Tony Galento Project, where Feld lacks standing, Feld VI and VIII, at page 4-13, as well as other claims he previously brought unsuccessfully in prior litigation. Principles of res judicata and collateral estoppel prevent his attempt at relitigation. For those reasons, and others expressed by the motion judge, we affirm.

Any other arguments not addressed lack sufficient merit to warrant discussion in a written opinion, R. 2:11-3(e)(1)(E), or were not raised before the motion judge and therefore we do not consider, Zaman v. Felton, 219 N.J. 199, 226-27 (2014). Given that we affirm the direct appeal, at the request of RPM we do not address the cross-appeal, which, if successful, would require a remand for further court proceedings.

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION