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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-2239-16T1

UNIFUND CCR, LLC,

Plaintiff-Respondent,

v.

SHARON R. RODRIGUES,

Defendant-Appellant.

Submitted April 9, 2018 – Decided April 25, 2018

Before Judges Ostrer and Rose.

On appeal from Superior Court of New Jersey,
Law Division, Special Civil Part, Middlesex
County, Docket No. DC-003366-14.

Sharon R. Rodrigues, appellant pro se.

Barron & Newburger, PC, attorneys for
respondent (Mitchell L. Williamson, on the
brief).

PER CURIAM

This appeal arises out of a collection action. As assignee of Citibank, NA, plaintiff Unifund CCR, LLC obtained summary judgment on April 16, 2015, in the amount of \$3621.21, plus costs and disbursements, against defendant Sharon R. Rodrigues, based

on an unpaid credit card debt. The court denied defendant's motion for reconsideration by order entered June 30, 2015. Over a year later, on or about September 21, 2016, defendant filed a motion to vacate the summary judgment order (although she referenced the date of the reconsideration order). The court denied the motion on November 4, 2016, and denied plaintiff's motion for reconsideration on December 20, 2016. She appeals from those latter two orders.

Defendant contends, on various grounds, that the trial court erred in granting summary judgment. She denies she possessed the credit card account related to the debt; and challenges the admissibility of plaintiff's evidence of the debt and Citibank's assignment of it.

Defendant's appeal lacks sufficient merit to warrant extended discussion in a written opinion. R. 2:11-3(e)(1)(E). Her motion to vacate the summary judgment order was untimely. She seeks relief from a judgment, which is governed by Rule 4:50-1. Defendant does not cite the Rule or the specific reasons provided by the Rule for relief. However, before the trial court, she contended she was entitled to relief from the judgment based on: (1) newly discovered evidence; (2) insufficient documentation of the debt and allegedly false and fraudulent affidavits, which rendered the judgment "void"; and (3) fraud, consisting of the

allegedly false affidavits. Thus, defendant's grounds for relief ostensibly fall within subsections (b), (c) and (d) of Rule 4:50-1, which provides for relief from a judgment based on:

(b) newly discovered evidence which would probably alter the judgment or order and which by due diligence could not have been discovered in time to move for a new trial under R. 4:49; (c) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; [and] (d) the judgement or order is void

A motion for relief from a judgment "shall be made within a reasonable time, and for reasons . . . (b) and (c) of R. 4:50-1 not more than one year after the judgment, order or proceedings was entered or taken." R. 4:50-2. Thus, defendant's claim for relief on those grounds was barred.

The one-year limit does not govern a request for relief for the reason a judgment is "void." However, we need not concern ourselves with whether defendant brought her motion within a "reasonable time," which still governs a voidness-based motion for relief. R. 4:50-2. Defendant mischaracterized her claim for relief as one based on voidness.


A judgment is "void" if the court lacked the power to render the judgment; not that the evidence was subject to challenge. See James Moore, 12-60 Moore's Federal Practice – Civil § 60.44 (2018) (noting that, under Fed. R. Civ. P. 60(b)(4) – the analog to Rule

4:50-1 – "a judgment is void only if it is totally beyond a court's power to render"). Thus, a judgment is void under Rule 4:50-1(d) if the court lacked jurisdiction over the subject matter, see, e.g., Bank v. Kim, 361 N.J. Super. 331, 339 (App. Div. 2003), or the parties, see, e.g., Jameson v. Great Atl. & Pac. Tea Co., 363 N.J. Super. 419, 425 (App. Div. 2003). But, even gross errors of law do not render a judgment void. Hendricks v. A.J. Ross Co., 232 N.J. Super. 243, 248-49 (App. Div. 1989).

As defendant's request for relief was untimely, we need not reach the merits of her substantive arguments challenging the summary judgment order.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION