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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-3354-15T3

HOLY NAME MEDICAL CENTER,

Plaintiff-Respondent,

v.

EUGENE VILLARREAL,

Defendant-Appellant.

Submitted December 19, 2017 – Decided January 11, 2018

Before Judges Yannotti and Mawla.

On appeal from Superior Court of New Jersey,
Law Division, Bergen County, Docket No. L-
8966-12.

Eugene Villarreal, appellant pro se.

Andrea Visgilio-McGrath, LLC, attorney for
respondent (Andrea Visgilio-McGrath, on the
brief).

PER CURIAM

Defendant Eugene Villarreal appeals from an order entered by
the Law Division on February 22, 2016, which granted summary

judgment to plaintiff Holy Name Medical Center, finding that defendant owed plaintiff \$32,843.33, plus interest. We affirm.

Plaintiff rendered medical treatment and hospital services to defendant on two separate occasions in 2011. Defendant refused to pay for the charges, and plaintiff filed suit against defendant and his spouse.

After conclusion of discovery, plaintiff filed a motion for summary judgment against defendant and his wife. Plaintiff supported its motion with a certification of Richard Van Eerde, Vice President of Finance for Holy Name Medical Center. Van Eerde's certification detailed the dates on which services were rendered to defendant, and the amounts charged and paid on account. Van Eerde's certification attached plaintiff's billing records corroborating his representations.

Defendant opposed summary judgment, and argued he did not receive hospital care and that the records plaintiff relied upon were inauthentic. Defendant also argued there was no evidence of a demand for payment from plaintiff and a refusal to pay by defendant. Defendant challenged Van Eerde's certification, arguing Van Eerde did not have authority to act on behalf of plaintiff. Defendant also challenged plaintiff's authority to do business in New Jersey, claiming it was not a corporate entity.

The motion judge found little merit in defendant's arguments in opposition to summary judgment. He concluded defendant had offered only "general denials of the plaintiff's statement of material facts" and no "factual support" of his claim that he did not receive services from plaintiff. The judge also found defendant had presented no evidence to rebut the reliability of plaintiff's business records and bills attached to Van Eerde's certification. Finally, the judge rejected defendant's argument that no demand for payment had been made, finding the lawsuit itself to be such a demand.¹ This appeal followed.

Our review of an order granting summary judgment is de novo. Graziano v. Grant, 326 N.J. Super. 328, 338 (App. Div. 1999). "[W]e review the trial court's grant of summary judgment . . . under the same standard as the trial court." Templo Fuente De Vida Corp. v. Nat'l Union Fire Ins. Co. of Pittsburgh, 224 N.J. 189, 199 (2016). The court considers all of the evidence submitted "in the light most favorable to the non-moving party," and determines if the moving party is entitled to summary judgment as a matter of law. Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995). The court may not "weigh the evidence and

¹ The motion judge's order denied summary judgment against defendant's wife and dismissed her from the case because plaintiff's pleadings did not address her liability. This aspect of the decision is not subject to this appeal.

determine the truth of the matter. . . ." Ibid. (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986). If the evidence presented "show[s] that there is no real material issue, then summary judgment should be granted." Walker v. Atl. Chrysler Plymouth, 216 N.J. Super. 255, 258 (App. Div. 1987) (citing Judson v. Peoples Bank & Tr. Co. of Westfield, 17 N.J. 67, 75 (1954)). "[C]onclusory and self-serving assertions by one of the parties are insufficient to overcome" summary judgment. Puder v. Buechel, 183 N.J. 428, 440-41 (2005).

On appeal, defendant argues the trial court erred by: (1) granting an ex parte default to plaintiff; (2) denying defendant time to file an answer after the motion to dismiss was filed; (3) not dismissing the matter for lack of prosecution; (4) failing to dismiss the complaint pursuant to Rule 4:37-2(a); (5) forcing defendant to arbitration prematurely; and (6) granting summary judgment to plaintiff without credible evidentiary proof. We only address the order granting plaintiff summary judgment because defendant's other arguments pertain to interlocutory orders, which were rendered moot once defendant filed for a de novo trial pursuant to Rule 4:21A-6(c).

As to summary judgment, defendant repeats the arguments made to the motion judge. He asserts plaintiff presented "no credible proof of the debt, no proof of who owned the debt," and that

plaintiff lacked the authority to collect the debt. Defendant repeats his challenge to the authenticity of Van Eerde's certification and the exhibits attached to it.

As we noted, the motion judge found defendant's challenge to the evidence unsupported by facts. The motion judge determined the proofs presented by plaintiff objectively demonstrated services were rendered to defendant, and defendant refused to pay. Defendant's arguments have not persuaded us otherwise, and lack sufficient merit to warrant discussion in a written opinion. 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