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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-1882-19T3**

ANGELO ARENA,

Plaintiff-Appellant,

v.

PAWEL WROBLEWSKI,

Defendant-Respondent.

Submitted December 1, 2020 – Decided December 17, 2020

Before Judges Haas and Natali.

On appeal from the Superior Court of New Jersey, Law
Division, Hudson County, Docket No. SC-001567-19.

Angelo Arena, appellant pro se.

Ehrlich Gayner LLP, attorneys for respondent (Charles
J. Gayner, on the brief).

PER CURIAM

In a two-count complaint alleging a private nuisance and negligence,
plaintiff Angelo Arena sought punitive and compensatory damages from

defendant Pawel Wroblewski, who lived in a residence below his apartment. Plaintiff claimed that defendant spat on his door, an event purportedly captured on video.

Judge Mary K. Costello presided over a non-jury trial and after considering the parties' testimony and the documentary and video evidence, dismissed plaintiff's complaint in a January 3, 2020 order. In her accompanying oral decision, Judge Costello accepted defendant's version of events that he merely approached plaintiff's door to explore a noise disturbance emanating near plaintiff's apartment and did not spit on his door. The court explained:

I see absolutely no evidence of anything tortious, . . . or illegal, I don't see a trespass. I don't see any damage to property. I don't see anything but a man who walks up, looks up at the keyhole, looks down and walks away.

For that reason[,] I'm dismissing your complaint. You have failed to prove any cause of action cognizable in any court in New Jersey

On appeal, plaintiff challenges the court's factual findings and legal conclusions and also claims the court conducted the proceedings contrary to the Rules of Court. We have reviewed the record, including the video evidence, and conclude that plaintiff's arguments are without sufficient merit to warrant discussion in a written opinion, R. 2:11-3(e)(1)(E), and affirm for the reasons expressed in Judge Costello's January 3, 2020 oral decision.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION