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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-0191-21**

ZIA SHAIKH,

Plaintiff-Appellant,

v.

LAURA L. GERMADNIG,

Defendant-Respondent.

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Submitted October 24, 2022 – Decided November 9, 2022

Before Judges Currier and Mayer.

On appeal from the Superior Court of New Jersey,  
Chancery Division, Family Part, Ocean County, Docket  
No. FM-15-0500-14.

Zia Shaikh, appellant pro se.

Respondent has not filed a brief.

PER CURIAM

Plaintiff appeals from an August 18, 2021 order denying his motion for reconsideration of a June 11, 2021 order that denied plaintiff's application to file

five civil actions. He also appeals from an August 19, 2021 order deeming his motions for recusal of Assignment Judge Marlene Lynch Ford, transfer of five civil matters to Mercer County, and reconsideration of a July 26, 2021 order marked "received but not filed." We affirm both orders on appeal.

In 2014, plaintiff filed for divorce from defendant in Ocean County. After a bench trial, Judge Ford entered a January 26, 2017 amended final judgment of divorce (FJOD).

Plaintiff appealed from the FJOD. We affirmed the FJOD on May 7, 2019. See Z.S. v. L.G.-S., No. A-2418-16 (App. Div. May 7, 2019). The New Jersey Supreme Court denied plaintiff's petition for certification related to the FJOD. Z.S. v. L.G.-S., 241 N.J. 10 (2020).

Plaintiff continued to file papers in Ocean County related to his divorce action despite our affirmance of the FJOD and the New Jersey Supreme Court's denial of his petition for certification related to the FJOD. Even while appellate review of his divorce action was pending, plaintiff continued to file duplicative and repetitive motions. As a result, Judge Ford found plaintiff to be a "vexatious litigant." Consequently, Judge Ford entered an October 19, 2017 order directing that "any future filings with the Superior Court of New Jersey by . . . [p]laintiff . . . shall be marked received but not filed, and shall be reviewed by the

Assignment Judge as to whether or not [the] filing is duplication of a prior filing; repetitive; nonsensical, or otherwise incomprehensible and thus constituting a vexatious filing." The order stated the "[c]ourt will . . . determine whether or not to accept the documents for filing."

After Judge Ford's October 19, 2017 order, plaintiff filed five separate civil actions in the New Jersey Superior Court, Monmouth County vicinage. The civil actions filed in Monmouth County asserted allegations against individuals who plaintiff perceived to have sided with his former wife in the divorce action or otherwise related to the FJOD.

Plaintiff's civil filings in Monmouth County were dismissed without prejudice by Assignment Judge Lisa Thornton in a November 14, 2018 order. By commencing the civil actions in Monmouth County, Judge Thornton found plaintiff sought to circumvent the restraints imposed under Judge Ford's October 19, 2017 order because plaintiff failed to obtain the court's permission to file those actions.

Two and a half years later, plaintiff belatedly moved for permission to file his five civil actions in Ocean County. On June 11, 2021, Judge Ford denied plaintiff's motion to file the civil actions, determining the matters related to the

divorce action and, therefore, the entire controversy doctrine barred claims that could or should have been raised in the divorce action. See R. 4:30A.

On appeal, plaintiff contends the "orders were defective due to improper venue, lack of jurisdiction, due process not being followed, misconduct of the judge presiding over the case related to conflicts of interest, abuse of judicial authority, and judicial bias." We disagree.

We review orders imposing sanctions against litigants who file frivolous papers for abuse of discretion. Parish v. Parish, 412 N.J. Super. 39, 51 (App. Div. 2010). Rule 1:4-8(c) allows a trial court, on its own initiative, to impose sanctions upon a self-represented party for frivolous filings. An assertion that a filing is frivolous may be reviewed by an Assignment Judge "with an understanding of the results of past litigation and similar allegations which have turned out to be frivolous." Rosenblum v. Borough of Closter, 333 N.J. Super. 385, 391 (App. Div. 2000); see also R. 1:33-4(a). When issuing a sanction order for frivolous litigation, a judge is required to

(1) make[] a finding that past pleadings were frivolous or designed for an abusive purpose; (2) fully scrutinize[] the newly filed pleadings and determine[] them to be repetitive and within the scope of the proscribed vexatious matters; and (3) . . . unsuccessfully attempt[] to abate the abuse by employing sanctions such as those provided by [Rule] 1:10-3 or [Rule] 5:3-7. Additionally, any restraint

entered must be circumscribed, not global, and narrowly focus on the issues shown to warrant restraint.

[Parish, 412 N.J. Super. at 54.]

Restrictions against a litigant's filing of prospective motions, such as Judge Ford's October 17, 2019 order, are appropriate in certain circumstances. See D'Amore v. D'Amore, 186 N.J. Super. 525, 530 (App. Div. 1982) (holding a trial court has the power to enjoin prospective harassing litigation). "However, 'that power must be exercised consistently with the fundamental right of the public to access to the courts in order to secure adjudication of claims on their merits.'" Rosenblum, 333 N.J. Super. at 396 (quoting D'Amore, 186 N.J. Super. at 530). In reviewing whether a paper is frivolous, an Assignment Judge must "do more than conclude [a] plaintiff's prior complaints were frivolous. The Assignment Judge must be assured that more traditional sanctions will not protect against frivolous litigation and must review the new complaint to be assured that a meritorious claim is not suppressed." Ibid.

Having reviewed the record, we discern no abuse of discretion regarding Judge Ford's August 19, 2021 order. The five civil matters plaintiff sought to litigate in Ocean County could and should have been raised in the divorce action under the entire controversy doctrine. Plaintiff's failure to timely raise allegations related to his divorce action rendered his belated and repeated filing

of claims under the matrimonial docket number, after this court and the New Jersey Supreme Court reviewed plaintiff's appeal from the FJOD, to be frivolous. Based on her familiarity with plaintiff's multiple and duplicative court filings since 2014, Judge Ford appropriately determined there were no traditional sanctions that would deter plaintiff from asserting frivolous claims against the court and the individuals who worked with or represented defendant in the divorce action.

We next review the denial of plaintiff's motion for reconsideration. We will not disturb denial of a motion for reconsideration absent a clear abuse of discretion. Pitney Bowes Bank, Inc. v. ABC Caging Fulfillment, 440 N.J. Super. 378, 382 (App. Div. 2015).

"Reconsideration itself is 'a matter within the sound discretion of the [c]ourt, to be exercised in the interest of justice[.]'" Palombi v. Palombi, 414 N.J. Super. 274, 288 (App. Div. 2010) (second alteration in original) (quoting D'Atria v. D'Atria, 242 N.J. Super. 392, 401 (Ch. Div. 1990)). A motion for reconsideration

should be utilized only for those cases which fall into that narrow corridor in which either 1) the [c]ourt has expressed its decision based upon a palpably incorrect or irrational basis, or 2) it is obvious that the [c]ourt either did not consider, or failed to appreciate the significance of probative, competent evidence.

[Ibid. (quoting D'Atria, 242 N.J. Super. at 401).]

Having reviewed the record, we discern no abuse of discretion in the judge's denial of plaintiff's motion for reconsideration. Plaintiff failed to articulate any matters or controlling decisions which the court overlooked or in which the court erred. See R. 4:49-2.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION