SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2480-21

MOSHE BURSZTYN,

Plaintiff-Appellant,

v.

KAYLA BURSZTYN,

Defendant-Respondent.

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Submitted November 1, 2022 – Decided December 14, 2022

Before Judges Geiger and Berdote Byrne.

On appeal from the Superior Court of New Jersey, Chancery Division, Family Part, Ocean County, Docket No. FM-15-0274-15.

Moshe Bursztyn, appellant pro se.

Kayla Bursztyn, respondent pro se.

PER CURIAM

In this appeal, we consider whether the trial court erred by entering an order prohibiting plaintiff from filing certain criminal complaints against his

former spouse in Lakewood Township Municipal Court. Because we find the trial court committed no error, we affirm.

Plaintiff Moshe Bursztyn appeals from a Family Part order entered by the trial court finding no probable cause for the complaints he attempted to file against defendant Kayla Bursztyn, alleging she committed harassment, interference with custody, false reports to law enforcement, and perjury. The court had previously entered Rosenblum[1] restraints and expanded those restraints to include municipal court filings on October 12, 2021, due to what it deemed vexatious, repetitive litigation.

The trial court found: (1) plaintiff is a vexatious litigant who had made a series of applications to the court that were without merit or procedurally defective; (2) plaintiff continued to submit repetitious motions and applications raising the same issues; (3) plaintiff harassed defendant to an extent that the court took the extraordinary measure to restrain him from filing applications or complaints with the Superior Court of New Jersey unless reviewed and approved for filing by the Assignment Judge; (4) plaintiff resorted to filing serial complaints against defendant; (5) other sanctions had been unsuccessful in

[1] Rosenblum v. Borough of Closter, 333 N.J. Super 385, 391-92 (App. Div. 2000).

preventing plaintiff from submitting repeated, vexatious, harassing, incomprehensible, and meritless applications with the court; and (6) the criminal matters had come to a final resolution in the Family Part. The trial court denied plaintiff's application for a stay of its ruling. This appeal followed.

Plaintiff is self-represented and his failure to file a coherent brief renders our review limited by the facts he has supplied.[2] The criminal complaints he attempted to file in Lakewood Municipal Court involve issues related to a 2017 matrimonial consent agreement between the parties made in Rabbinical court in Montreal following arbitration in that court and establishing that court's jurisdiction for claims relating to that agreement, his limitations on contact with the parties' children pursuant to a temporary restraining order entered against him in 2018,[3] and several post-judgment agreements relating to visitation between the parties. On appeal, plaintiff asks: "The Appellate Court charge def. with all the charges asap, & that the [Assignment Judge] should be recused entirely from being involved or ruling on my cases. And that the entire case should be before the Appellate Court."

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[2] The facts set forth herein have been gathered from various family part orders, best interest evaluations, and other documents filed by plaintiff ranging in date from 2015 to 2021.

[3] The record is not clear as to whether a final restraining order was entered.

The Appellate Division of the Superior Court does not charge individuals with criminal complaints. Our function is limited to reviewing trial court orders and judgments; we do not try cases or generally exercise original jurisdiction. State v. Micelli, 215 N.J. 284, 293 (2013); N.J. Const. art. VI, § V, ¶ 3; R. 2:10-5. Plaintiff has similarly failed to provide any legal rationale for the Assignment Judge's recusal other than disagreement with her decisions. Because mere disagreement with a court's ruling is insufficient grounds for recusal, we decline to order the Assignment Judge's recusal.

To the extent plaintiff seeks relief from the Family Part, defendant was awarded sole legal and physical custody of the children. Three of the four children have reached the age of majority, rendering the trial court without jurisdiction to order reunification therapy between them and plaintiff in the Family Part. See N.J.S.A. 9:17B-3. The remaining child appears to live with defendant in Rhode Island. It is unclear to us whether the Family Part made a determination pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), N.J.S.A. 2A:34-66(a), that the Family Part continues to maintain exclusive, continuing jurisdiction regarding custody of the remaining minor child after entering an order allowing defendant to relocate with the children to Rhode Island on August 22, 2019. However, a subsequent

June 4, 2020, consent order between the parties terminated all child support, voided all arrears, and closed the child support Probation Department account. The Assignment Judge found all issues have "come to a final resolution" in the Family Part and plaintiff presents no evidence to refute that finding.

In fact, the fragmented record before us suggests defendant remarried and has resided in Rhode Island, not Lakewood, New Jersey, since at least the Fall of 2019. It is unclear why plaintiff seeks to file municipal complaints against her in Lakewood as the municipality lacks jurisdiction over her. See R. 7:1, State v. Sylvia, 424 N.J. Super. 151, 156 (App. Div. 2012) ("[T]he jurisdiction of 'a municipal court of a single municipality [is] over cases arising within the territory of that municipality. A municipal court is a court of limited jurisdiction established by statute.") (citations omitted) (quoting N.J.S.A. 2B:12-16). We therefore affirm the order of the trial court.

To the extent we have not addressed them, any remaining arguments raised by plaintiff lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.