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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-1481-21**

PAUL KRAVITS,

Plaintiff-Appellant,

v.

**PRINCETON BLUE, INC.,
THE BANK OF NEW YORK
MELLON CORPORATION,¹
PRAMOD SACHDEVA,
GREGORY SLACK, ANTHONY
GANDOLFO, DAVID MORAN,
THOMAS DEROSA, JOSEPH
COUDRIET, and SRIDHARAN
JAGADEESAN,**

Defendants-Respondents.

Argued August 29, 2023 – Decided September 26, 2023

Before Judges Gilson and DeAlmeida.

On appeal from the Superior Court of New Jersey,
Mercer County, Law Division, Docket No. L-1172-21.

Paul L. Kravits, appellant, argued the cause pro se.

¹ Improperly pled as BNY Mellon, Inc.

Daniel S. Sweetser argued the cause for respondents Princeton Blue, Inc., The Bank of New York Mellon Corporation, Pramod Sachdeva, Gregory Slack, Anthony Gandolfo, David Moran, Thomas DeRosa, and Joseph Coudriet (Szaferman, Lakind, Blumstein & Blader, PC, attorneys; Daniel S. Sweetser, of counsel and on the brief).

PER CURIAM

Plaintiff Paul Kravits appeals from two December 1, 2021 orders of the Law Division dismissing his complaint with prejudice for failure to state a claim upon which relief can be granted. We reverse.

I.

On May 31, 2021, Kravits filed a complaint in the Law Division against defendants Princeton Blue, Inc. (Princeton Blue), The Bank of New York Mellon Corporation (BNY), Pramod Sachdeva, Gregory Slack, Anthony Gandolfo, David Moran, Thomas DeRosa, Joseph Coudriet (collectively, the Princeton/BNY defendants), and Sridharan Jagadeesan. The complaint contained twenty-four counts, including breach of contract, tortious interference with contractual relations, conspiracy, fraudulent inducement, fraudulent concealment, fraud, invasion of privacy, computer hacking, wire fraud, transmission of stolen goods across state lines, receipt of stolen goods, intentional misconduct, sexual orientation discrimination, harassment, bullying,

hostile work environment, negligent supervision, intentional infliction of emotional distress, coercion, extortion, and civil racketeering violations.²

The allegations in the complaint are difficult to decipher. The legal basis for many of the claims is not clear. Some claims appear to be based on criminal statutes. In many instances, individual defendants are not named in the various counts, which makes it confusing to determine which defendants are allegedly liable for which claims. The claims alleged against the Princeton/BNY defendants arise from Kravits's four-month employment with Princeton Blue in 2015. During that time, Kravits, pursuant to a contract with Princeton Blue, provided services to BNY, a Princeton Blue client. The claims alleged against Jagadeesan, Kravits's one-time neighbor and friend who has no connection to the other defendants, appear to be based on Kravits's belief that Jagadeesan monitored his on-line activity and intentionally interfered with his wireless router during a meeting of Princeton Blue and BNY employees.

The Princeton Blue/BNY defendants moved pursuant to Rule 4:6-2(e) to dismiss the complaint. They argued that most of Kravits's claims were time barred and the others failed to state a claim upon which relief could be granted.

² Although the complaint purports to allege twenty-five counts, count sixteen is missing.

Jagadeesan also moved to dismiss the complaint, arguing that none of the allegations made against him, even if true, constituted a claim upon which relief could be granted.

On October 25, 2021, the court heard oral argument on the motions. Kravits conceded that after reading the moving papers he realized that his complaint was "a hot mess." He requested an opportunity to file an amended complaint and requested a deadline for doing so of November 19, 2021.

The court issued an oral opinion, which, in its entirety, provided:

I'm going to grant the two motions. I'll dismiss the complaint. It'll be dismissed without prejudice. I mean, clearly, the defendant[s'] motion . . . has merit in terms of reading the briefs and looking at the complaint.

Even under a 4:6-2 standard, reading the complaint indulgently, it fails to state a claim, number one. And, number two . . . defense counsel's right that many of these claims are barred by the statute of limitations as they're alleged in the complaint.

So that means, Mr. Kravits, if you were to make the same allegations again with the same timeline again, you'll get the same result.

So . . . I'll grant the application. It'll be a dismissal without prejudice. I'll give you until November 19th, as you've requested, to file an amended complaint. If you don't do so by that date, I will allow defense counsel to send me . . . without a motion, just a form o[f] order dismissing it with prejudice.

Two October 25, 2021 orders memorialize the trial court's decision.

Kravits failed to file an amended complaint by the November 19, 2021 deadline. On November 26, 2021, seven days after the deadline and after defendants requested entry of an order dismissing the complaint with prejudice, Kravits filed an amended complaint.

On November 29, 2021, Kravits submitted a letter to the court in which he represented that he was suffering from migraine headaches and other ailments in the days prior to November 19. He requested that the court not dismiss the amended complaint and set forth legal arguments supporting his contention that the amended complaint stated claims upon which relief could be granted.

On December 1, 2021, the trial court issued an oral opinion dismissing the original complaint with prejudice because Kravits had not filed an amended complaint on or before November 19, 2021. The court did not consider Kravits's explanation for the late filing or examine the allegations in the amended complaint. The court noted that defendants' motions to dismiss the complaint had been given "extensive adjournments" at the request of Kravits. Two December 1, 2021 orders memorialize the court's decision.

This appeal follows. Kravits argues that the trial court erred because: (1) its finding that defendants' motion to dismiss the complaint had been extensively

adjourned at his request was erroneous; and (2) it abused its discretion by not accepting the late-filed amended complaint, given his medical conditions.

II.

We apply a de novo standard of review to trial court's order dismissing a complaint under Rule 4:6-2(e). See Stop & Shop Supermarkets Co. v. Cty. of Bergen, 450 N.J. Super. 286, 290 (App. Div. 2017) (quoting Teamsters Loc. 97 v. State, 434 N.J. Super. 393, 413 (App. Div. 2014)). Under the rule, we owe no deference to the motion judge's conclusions. Rezem Fam. Assocs., LP v. Borough of Millstone, 423 N.J. Super. 103, 114 (App. Div. 2011). "[O]ur inquiry is limited to examining the legal sufficiency of the facts alleged on the face of the complaint." Printing Mart-Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989). "The complaint must be searched thoroughly 'and with liberality to ascertain whether the fundament of a cause of action may be gleaned even from an obscure statement of claim, opportunity being given to amend if necessary.'" Baskin v. P.C. Richard & Son, LLC, 246 N.J. 157, 171 (2021) (quoting Printing Mart, 166 N.J. at 746). However, "[a] pleading should be dismissed if it states no basis for relief and discovery would not provide one." Rezem Fam. Assocs., 423 N.J. Super. at 113.

We have carefully reviewed the record and conclude that the trial court mistakenly exercised its discretion when it entered the December 1, 2021 orders solely on the basis of Kravits having filed his amended complaint seven days late. While we recognize the trial court's authority to set a deadline for submission of an amended complaint, it entered the December 1, 2021 orders without making any findings with respect to, or apparent consideration of, Kravits's claim that the late filing should be excused because he suffered from medical conditions that prevented him from meeting the November 19, 2021 deadline. The court's failure to consider Kravits's proffered explanation for the late filing is compounded by the absence of any demonstration of harm to the defendants as a result of the seven-day delay in submission of the amended complaint.

In addition, because the court did not consider the allegations in the amended complaint, our review of the December 1, 2021 orders necessitates consideration of the reasons stated by the court for dismissal of the original complaint. The October 25, 2021 oral opinion of the court, however, does not address any of the allegations set forth in the complaint. Apart from the general, conclusory statements that defendants' motion "has merit in terms of reading the briefs and looking at the complaint" and that "many of these claims are barred

by the statute of limitations," the trial court provided no detailed analysis of each count alleged in the complaint as to each defendant.

According to Rule 1:7-4(a), a court shall "find the facts and state its conclusions of law . . . on every motion decided by a written order that is appealable as of right" "[A]n articulation of reasons is essential to the fair resolution of a case." Schwarz v. Schwarz, 328 N.J. Super. 275, 282 (App. Div. 2000). Effective appellate review of a trial court's decision requires examination of the findings of fact and conclusions of law on which the trial court relied. Raspantini v. Arocho, 364 N.J. Super. 528, 534 (App. Div. 2003). Because we do not know the basis for the trial court's dismissal of the complaint, we cannot effectively review the substantive basis for December 1, 2021 orders.

The December 1, 2021 orders are reversed and the matter is remanded for further proceedings consistent with this opinion. On remand, the amended complaint is to be accepted for filing. We offer no view with respect to whether the allegations in the amended complaint state claims on which relief can be granted or should be dismissed under the statute of limitations. We leave that decision to the trial court in the first instance should defendants move to dismiss the amended complaint.

Reversed and remanded. We do not retain jurisdiction.

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



CLERK OF THE APPELLATE DIVISION