SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1930-21

ROBERT J. TRIFFIN,

Plaintiff-Appellant,

v.

GARDEN STATE PAIN CONTROL CENTER, P.A., (SUCC. IN INT. TO) GARDEN STATE ANESTHESIA ASSOCIATES, P.A.,

Defendant-Respondent,

and

GULVIANA ORTEGA,

Defendant.

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Argued September 13, 2023 – Decided September 19, 2023

Before Judges Haas and Puglisi.

On appeal from the Superior Court of New Jersey, Law Division, Essex County, Docket No. DC-019724-19.

Robert J. Triffin, appellant, argued the cause pro se.

Respondent has not filed a brief.

PER CURIAM

Plaintiff Robert J. Triffin appeals from the January 11, 2021 order dismissing his complaint after a bench trial, in which the court found plaintiff failed to establish liability for the face amount of a dishonored check he had purchased. We affirm substantially for the reasons expressed in the court's comprehensive oral decision issued that same date.

The dishonored check was dated February 24, 2017, made payable to defendant Gulviana Ortega[1] in the amount of $436, and issued by defendant Garden State Anesthesia Associates, P.A. (Garden State) from its Morgan Stanley bank account. The check was dishonored and marked "REFER TO MAKER" on March 8, 2017.

During the virtual trial, Pankaj Sinha, Garden State's administrator, testified the company's Morgan Stanley bank records reflected the check was cashed on February 27, 2017. The court entered into evidence a bank statement

[1] The court dismissed the complaint against Ortega because she was not served with the complaint. The court also dismissed the complaint against defendant Neil Sinha prior to trial because plaintiff failed to introduce any evidence proving liability as to him individually. Plaintiff does not challenge these rulings on appeal.

page containing a copy of the front and back of the canceled check, which had also been attached to the answer filed by Garden State and defendant Sinha. The back of the check indicated that it contained security features, one of which is the phrase "ORIGINAL DOCUMENT" scrolled underneath the signature box. The back of the check was endorsed by "GOrtega" and the top of the statement indicated, "Check Amount: $436 Check #: 8191 Posted Date: 2017-02-27" and the account and reference numbers.[2]

The court rejected plaintiff's argument that Garden State was required to provide the original canceled check, finding the copy admissible under N.J.R.E. 1003. Based on the testimony and bank record, the judge found Garden State's bank had already paid on the check on February 27, 2017 and therefore it had no obligation to pay a second time to plaintiff.

On appeal, plaintiff asserts the judge erred in his decision, and presents the following issues on appeal:

> I. THE TRIAL JUDGE COMMITTED PREJUDICIAL AND REVERSIBLE ERROR, WHEN HE FAILED TO APPREHEND: THE AUTHORITY OF NEW JERSEY JUDGES IN N.J.R.E. 101(a) TO RELAX THE RULES OF EVIDENCE DOES NOT

[2] Plaintiff's appendix contains a different copy of the check, which he did not introduce at trial and therefore the court did not enter it into evidence. Because the document in plaintiff's appendix is not properly part of the appellate record, we do not consider it.

EQUATE TO AUTHORITY TO ASSUME MATERIAL FACTS NOT IN EVIDENCE.

II. THE TRIAL COURT COMMITTED PREJUDICIAL AND REVERSIBLE ERROR WHEN IT HELD, AND WITHOUT ANY ADMISSIBLE EVIDENCE IN THE RECORD: THAT GSA'S CHECK DRAWN UPON UMB BANK WAS PAID BY "MORGAN STANLEY" ON FEBRUARY 27, 2017, IS NOT SUPPORTED WITH ANY ADMISSIBLE TESTIMONY, OR EVIDENCE IN THE TRIAL RECORD.

We review the factual findings made by a trial judge to determine whether they are "supported by adequate, substantial and credible evidence." Rova Farms Resort, Inc. v. Investors Ins. Co. of Am., 65 N.J. 474, 484 (1974). Such findings made by a judge in a bench trial "should not be disturbed 'unless they are so wholly insupportable as to result in a denial of justice.'" Id. at 483-84 (quoting Greenfield v. Dusseault, 60 N.J. Super. 436, 444 (App. Div. 1960)). However, "[a] trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." Manalapan Realty, LP v. Twp. Comm., 140 N.J. 366, 378 (1995).

Applying these standards, we discern no basis for disturbing the judge's well-reasoned decision, and we are satisfied that plaintiff's arguments are

without 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