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**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2508-21**

RICHARD HONE,

Plaintiff-Appellant,

v.

NEVEN TADROS,

Defendant-Respondent.

Argued April 19, 2023 – Decided May 2, 2023

Before Judges Firko and Natali.

On appeal from the Superior Court of New Jersey, Law
Division, Essex County, Docket No. L-9485-21.

Richard Hone, appellant, argued the cause pro se.

Respondent has not filed a brief.

PER CURIAM

Plaintiff Richard Hone appeals from the Law Division's March 4, 2022 order denying two motions for reconsideration of that court's February 11, 2022 order, which dismissed plaintiff's complaint due to his failure to comply with

the terms of a Rosenblum¹ order, barred him from filing complaints in Essex County, directed any attempted filings by plaintiff in Essex County be transferred to Ocean County to review for merit by the Ocean County Assignment Judge, and denied his cross-motion for discovery. We affirm.

I.

The record before us is lacking largely as a result of plaintiff's failure to include relevant orders within his appendix and other materials addressing the issues presented. Nevertheless, we discern the following facts from the motion court record, as well as those detailed in our recent and related opinion in In re Hone, No. A-1524-21 (App. Div. Feb. 15, 2023) (slip op. at 1).

As we noted in our recent unpublished opinion, plaintiff and defendant had a child together in January 2015. Defendant was granted custody of the parties' child and plaintiff has since attempted to modify the custody arrangement. Along the way, he has filed dozens of complaints in both federal and state court against various state entities and officials connected to the custody matter, many of them dismissed for either lack of prosecution or immunity grounds, in addition to the voluminous filings he has made in the custody matter itself.

¹ Rosenblum v. Borough of Closter, 333 N.J. Super. 385 (App. Div. 2000).

Against this backdrop, on August 21, 2020 Judge Marlene Lynch Ford,² then the Assignment Judge of Ocean County, moved sua sponte to consider whether restraints should be imposed on plaintiff as a vexatious litigant under Rosenblum. Following a hearing on the matter, she issued an order finding plaintiff had unfairly burdened the court system with an inundation of frivolous civil suits, had been verbally offensive to court staff, restraining orders had been futile in curbing his behavior, and monetary sanctions would likely prove equally unsuccessful in light of his indigency status. Consequently, she ordered any pending or future civil filings in any vicinage be reviewed by the Assignment Judge for that vicinage for a preliminary determination as to whether they should be dismissed as frivolous prior to service on any party.

On September 21, 2020, Judge Lynch Ford issued a thorough written opinion further explaining her decision under Rosenblum. She explained that over the three-year period immediately prior to the order, plaintiff filed over forty meritless lawsuits against private litigants, judges, court's staff, government officials, and deputy attorneys general across multiple counties.

Judge Lynch Ford further concluded the imposition of more traditional sanctions for frivolous litigation would not act as a barrier against plaintiff and

² Judge Lynch Ford retired from the judiciary as of February 1, 2023.

his frivolous lawsuits, as evidenced by his pattern of "repetitious" filings as well as his hostile and abusive attitude toward the court, including his meritless threats of incarceration and prosecution. The judge further determined plaintiff's behavior illustrated a "clear intent" to act in "bad faith, for purposes of harassment and not for purposes of adjudicating a legal right or claim." As to any future filings by plaintiff, Judge Lynch Ford explained any new complaint by plaintiff would be reviewed, and he would be able to pursue any legitimate claims going forward. Plaintiff did not appeal from the August 21, 2020 order.

Despite Judge Lynch Ford's order, over the course of 2021, plaintiff submitted more than five hundred documents through the Judiciary Electronic Document Submission (JEDS) system in an attempt to relitigate issues that had previously been decided in Ocean County. As a result, Judge Lynch Ford issued a December 13, 2021 order restraining plaintiff from submitting any documents through JEDS, and requiring him to serve her with new complaints to determine if they should be filed. In re Hone, No. L-1803-20 (Law Div. Dec. 13, 2021) (slip op. at 1-2). Further, Judge Lynch Ford's order required "all applications relating to custody, parenting time and child support" to be filed under the parties' ongoing custody matter in Ocean County. Id. at 2. Plaintiff appealed

the December 13, 2021 order, which we denied in an unpublished opinion. In re Hone, No. A-1524-21 (Feb. 15, 2023) (slip op. at 1).

In our opinion, we evaluated Judge Lynch Ford's issuance of the Rosenblum order as well as her December 13, 2021 order, and affirmed her "well-reasoned opinion" after determining it properly "reviewed the constitutional and public policy implications of limiting [plaintiff's] filings" as "permissible and necessary" given plaintiff's history. Id. at 10. We also acknowledged plaintiff's "repeated filings and requests for recusal and changes of venue demonstrate[d] a pattern of frivolous and meritless litigation designed to harass the court and its staff." Ibid. Further, we rejected plaintiff's arguments that Judge Lynch Ford did not review plaintiff's submissions on their merits, as evidenced by her acceptance of certain filings and her rejection of others. Id. at 10-11. Plaintiff filed a motion for reconsideration of our decision, which we subsequently denied. See In re Hone, No. A-1524-21 (App. Div. Mar. 9, 2023) (slip op. at 1).

Turning to the matter before us, despite Judge Lynch Ford's order and the pending Ocean County Family Part litigation, on December 2, 2021, plaintiff filed a complaint in Essex County against defendant and on December 21, 2021, served defendant his complaint without approval from the Assignment Judge.

As best we can discern, plaintiff alleged defendant "brainwashed" their child through her words and actions, interfered with Skype calls between the child and plaintiff, and refused to bring the child to court ordered parenting time, in violation of their custody agreement. As a result of these allegations, plaintiff sought termination of the custody agreement, \$1,000,000 in compensatory and punitive damages, a new custody agreement, and immediate unsupervised visitation.

On January 5, 2022, defendant filed a motion to dismiss and certified "plaintiff [was] subject to Rosenblum restraints" and he failed to state a claim upon which relief can be granted, attaching Judge Lynch Ford's August 21, 2020 order, the judge's September 21, 2020 written amplification of her decision under Rosenblum, and an August 4, 2017 permanent restraining order issued against plaintiff for stalking, which followed his guilty plea and sentence for that offense, see N.J.S.A. 2C:12-10.1.

On January 25, 2022, plaintiff amended his complaint, limiting his relief to termination of the custody agreement, request for a new custody agreement, and \$1,000,000 in compensatory and punitive damages.³

³ Plaintiff also submitted numerous filings prior to his amended complaint including: (1) a motion for additional discovery; (2) a challenge to defendant's

On February 11, 2022, Judge Sheila Venable, the Assignment Judge of Essex County, granted defendant's motions, stating plaintiff "failed to comply with the Rosenblum Order" by serving defendant "with process prior to the Assignment Judge determining whether [p]laintiff's [c]omplaint was meritorious or not." In addition, Judge Venable ordered any complaints filed by plaintiff to be "transferred to Ocean County to be reviewed as to merit by the Assignment Judge of Ocean County before litigation may commence."⁴

As noted, plaintiff filed two motions for reconsideration in response to Judge Venable's decision. According to Judge Venable in her statement of reasons, plaintiff also filed separate complaints against Judge Venable, her law clerk, and Judge Lynch Ford alleging civil rights violations.

On March 4, 2022, Judge Venable issued an order denying both motions, refusing his recusal request, and amending the February 11, 2022 order to prohibit plaintiff from "filing any further pleadings, motions or other

fee waiver; (3) two separate requests for an immediate hearing regarding defendant's fee waiver; (4) a cross-motion to defendant's motion to dismiss; and (5) request for oral argument on his cross-motion.

⁴ Plaintiff failed to provide this order in the record on appeal. We take judicial notice, however, of that order under N.J.R.E. 201(b)(4), which permits a court to take judicial notice of "records of the court in which the action is pending and of any other court of this state or federal court sitting for this state."

applications in Essex County," and further stating if plaintiff attempted to do so, the court would "instruct [him] to file in Ocean County" for review for merit by that Assignment Judge. In her attached written decision, the judge explained plaintiff violated the terms of the existing Rosenblum order. In addition, Judge Venable concluded plaintiff's complaint lacked merit, relying on both our Rules and established case law. Specifically, she concluded "the [m]otion [r]ecord and the face of the [c]omplaint demonstrate[d] [p]laintiff [sought] to relitigate settled issues, harass [d]efendant, and wreak havoc on the [j]udiciary." As noted, the judge refused to recuse herself from the present matter, asserting to do so would bolster plaintiff's "distorted litigation strategy." This appeal followed.

II.

In his appeal plaintiff initially raised three points before us:

POINT I: THIS COURT MUST GRANT PLAINTIFF/APPELLANT'S MOTION FOR LEAVE TO APPEAL IN THE INTEREST OF JUSTICE AND THEREUPON REVERSE THE ORDER OF THE COURT BELOW DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION TO RECUSE [JUDGE] VENABLE, NOT ESSEX COUNTY [sic].

POINT II: THIS COURT MUST GRANT PLAINTIFF/APPELLANT'S MOTION FOR LEAVE TO APPEAL IN THE INTEREST OF JUSTICE AND THEREUPON REVERSE THE ORDER OF THE

COURT BELOW DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION ON THE MERITS OF THE LAWSUIT [sic].

POINT III: THIS COURT MUST GRANT PLAINTIFF/APPELLANT'S MOTION FOR LEAVE TO APPEAL IN THE INTEREST OF JUSTICE AND THEREUPON REVERSE THE ORDER OF THE COURT BELOW DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION THAT ALL ESSEX VENUE MATTERS TO BE TRANSFERRED TO SERIAL CIVIL RIGHTS VIOLATOR [JUDGE] LYNCH FORD IN OCEAN COUNTY [sic].

On March 30, 2023, plaintiff submitted a certification to the court formally withdrawing two of these arguments, specifically to "RECUSE [JUDGE] VENABLE, NOT ENTIRE ESSEX COUNTY LAW DIV. [sic]" (Point I) and "ALL ESSEX VENUE MATTERS TO BE TRANSFERRED TO SERIAL CIVIL RIGHTS VIOLATOR [JUDGE] LYNCH FORD IN OCEAN COUNTY [sic]" (Point III) explaining plaintiff will "deal with [Judge] [V]enable via criminal complaints and the current Civil Rights lawsuit [sic]" against her. Within the certification plaintiff maintained he would only be arguing "RECONSIDERATION ON THE MERITS OF THE LAWSUIT [sic]" (Point II) explaining the "ESX judge NEVER reviewed the complaint per Rosenblum and simply dismissed it because [Judge] [M]arlene [L]ynch [F]ord called her and told her to [sic]."

As best we can discern, the gravamen of plaintiff's sole remaining argument before us is that Judge Venable failed to properly review his complaint on the merits, but instead "purposefully and maliciously" dismissed it. Plaintiff asserts the judge's March 4, 2022 decision was an act of "pure retaliation" as she failed to "take into account any of the [f]acts" of plaintiff's complaint and "paid no attention to how Rosenbaum works or what a 'Review' actually is [sic]." Finally, plaintiff argues nothing in the judge's opinion stated the reasons for her dismissal. We disagree.

III.

We review the denial of a motion for reconsideration to determine whether the trial court abused its discretion. Cummings v. Bahr, 295 N.J. Super. 374, 389 (App. Div. 1996). "A court abuses its discretion when a decision 'is made without a rational explanation, inexplicably departed from established policies, or rested on an impermissible basis.'" Terranova v. Gen. Elec. Pension Tr., 457 N.J. Super. 404, 410 (App. Div. 2019) (quoting U.S. Bank Nat'l Ass'n v. Guillaume, 209 N.J. 449, 467 (2012)).

"Reconsideration cannot be used to expand the record and reargue a motion." Capital Fin. Co. of Delaware Valley, Inc. v. Asterbadi, 398 N.J. Super. 299, 310 (App. Div. 2008). A motion for reconsideration is meant to "seek

review of an order based on the evidence before the court on the initial motion . . . not to serve as a vehicle to introduce new evidence in order to cure an inadequacy in the motion record." Ibid.

For these reasons, reconsideration should only be granted in "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[.]" Cummings, 295 N.J. Super. at 384 (quoting D'Atria v. D'Atria, 242 N.J. Super. 392, 401-02 (Ch. Div. 1990)). Therefore, we have held that "the magnitude of the error cited must be a game-changer for reconsideration to be appropriate." Palombi v. Palombi, 414 N.J. Super. 274, 289 (App. Div. 2010). The party seeking reconsideration "must initially demonstrate that the [c]ourt acted in an arbitrary, capricious, or unreasonable manner, before the [c]ourt should engage in the actual reconsideration process." D'Atria, 242 N.J. Super. at 401.

We have carefully reviewed plaintiff's contentions in light of the record and the applicable law and are satisfied Judge Venable did not abuse her discretion in denying plaintiff's reconsideration applications. We initially observe plaintiff has not, in this appeal, challenged the validity of the

Rosenblum order, nor does he assert he complied with that order. Rather, as noted, he argues, despite the Rosenblum order in place, Judge Venable failed to comply with Rosenblum and address the merits of his claims. We disagree.

Plaintiff indisputably violated the Rosenblum order imposed by Judge Lynch Ford when he served his complaint upon defendant without prior approval from an Assignment Judge and he has provided no explanation for his clear violation of that requirement of the order. In any event, plaintiff's contention Judge Venable failed to consider the merits of his complaint is entirely belied by the record. It is clear from the judge's March 4, 2022 opinion, which references both Judge Lynch Ford's August 21, 2020 order and her September 21, 2020 amplification, that Judge Venable was familiar with plaintiff's ongoing custody litigation in Ocean County. Accordingly, the judge recognized plaintiff's claims filed in Essex County, which sought relief related to that dispute, were duplicative of issues in that pending matter. Simply put, plaintiff's claims on their face clearly relate "to custody, parenting time and child support," and he was therefore required to file those claims under the parties' ongoing custody matter in Ocean County. In re Hone, No. A-1524-21 (Feb. 15, 2023) (slip op. at 2).

Further, Judge Venable did not "merely cite[] to plaintiff's prior history of filing frivolous complaints," but instead determined his complaints were meritless, Rosenblum, 333 N.J. Super. at 390, specifically noting "the [m]otion [r]ecord and the face of the [c]omplaint demonstrate[d] [p]laintiff [sought] to relitigate settled issues, harass [d]efendant, and wreak havoc on the [j]udiciary." We are satisfied Judge Venable's conclusions were supported by a "rational explanation," and her determination that plaintiff's claims therefore lacked merit rested on a permissible basis. See Terranova, 457 N.J. Super. 410.

Furthermore, the judge's dismissal of plaintiff's complaint was entirely consistent with the principles undergirding the entire controversy doctrine, which "express[es] our long-held preference that related claims and matters arising among related parties be adjudicated together rather than in separate, successive, fragmented, or piecemeal litigation." Kent Motor Cars, Inc. v. Reynolds & Reynolds Co., 207 N.J. 428, 443 (2011); see also Dimitrakopoulos v. Borrus, Goldin, Foley, Vignuolo, Hyman and Stahl, P.C., 237 N.J. 91, 98 (2019) ("The entire controversy doctrine 'seeks to impel litigants to consolidate their claims arising from a single controversy.'") (quoting Thornton v. Potamkin Chevrolet, 94 N.J. 1, 5 (1983)). Accordingly, we discern no abuse of discretion in the judge's denial of plaintiff's application for reconsideration.

Additionally, plaintiff's conclusory allegations Judge Venable blindly dismissed his complaint without review of the merits failed to comply with his obligations under Rule 4:49-2 to "state with specificity the basis on which" his motion for reconsideration was made, "including a statement of the matters or controlling decisions that counsel believes the court has overlooked or as to which it has erred." See Venner v. Allstate, 306 N.J. Super. 106, 110 (App. Div. 1997) (explaining a plaintiff's status as a pro se litigant does not relieve his obligation to comply with the court rules). Plaintiff does not provide legal authority to support any assertion he was entitled to bring his complaint in light of the pending Ocean County litigation that was currently addressing custody-related issues. Nor can we discern from plaintiff's brief before us what facts or matters he alleges Judge Venable overlooked in dismissing his complaint.

In sum, plaintiff has not demonstrated "the [c]ourt acted in an arbitrary, capricious, or unreasonable manner," as required under D'Atria. 242 N.J. Super. at 401. We stress plaintiff has explicitly withdrawn, both in his communications to us and at oral argument, any claims regarding Judge Venable's recusal or her order prohibiting plaintiff from filing pleadings, motions or other applications in Essex County, and directing any attempted filings by plaintiff be transferred to the Assignment Judge in Ocean County. As such, we do not address those

issues in our opinion. We simply note, consistent with Judge Lynch Ford's August 21, 2020 order and Rosenblum, the Assignment Judge of any vicinage is obligated to review on the merits any complaint proposed by plaintiff prior to service to preclude frivolous pleadings. Rosenblum, 333 N.J. Super. at 387.

To the extent we have not addressed any of plaintiff's remaining arguments it is because we have specifically concluded they are entirely without 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