

**NOT FOR PUBLICATION WITHOUT THE
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-3218-21**

Estate of R.J.E.,¹

Plaintiff-Respondent,

v.

R.I.E.,

Defendant-Appellant.

Submitted June 7, 2023 – Decided June 15, 2023

Before Judges Enright and Fisher.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Somerset County,
Docket No. FM-18-0336-19.

DeTommaso Law Group, LLC, attorneys for appellant
(Joseph M. Freda, III, of counsel and on the briefs).

Hendricks & Hendricks, attorneys for respondent
(Patricia M. Love, on the brief).

PER CURIAM

¹ We use initials for the parties and others involved in this case to protect the privacy of the parties. R. 1:38-3(d)(10).

This appeal was placed on the court's June 7, 2023 plenary calendar. On June 14, 2023, the court's website advised that an opinion in this appeal would be released the next day. This apparently prompted counsel to advise the clerk's office that, on June 5, 2023 – two days before the calendar date – that the trial court had entered a consent order, which resolved the parties' disputes and stipulated to the discontinuance of this appeal.

We have previously expressed the importance of being notified "when a settlement seems imminent," and that the failure to do so "reflects not only a lack of consideration but a lack of concern for the wasted time and expense thereby incurred." Sessner v. Merck Sharp & Dohme Corp., 435 N.J. Super. 347, 349-50 (App. Div. 2014) (quoting Citizens State Bank v. Schneider, 198 N.J. Super. 518, 519 (App. Div. 1984)); see also Brown v. Pica, 360 N.J. Super. 490, 491 (App. Div. 2003). Just as in Sessner, we were prepared to file today an opinion resolving the issues raised in this appeal when counsel advised late yesterday of their settlement, which was memorialized in a trial court order entered ten days ago.

Like Sessner, we have exercised our discretion and withdrawn our opinion on the merits in accordance with the parties' consent order and stipulation of dismissal. But in so acting, we again remind litigants and the bar of the

obligation to immediately advise the court when a settlement has been reached or is believed imminent.

The appeal is dismissed with prejudice and without costs or attorneys' fees.

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



CLERK OF THE APPELLATE DIVISION