

HONORABLE ARTHUR BERGMAN, J.S.C.

DISPOSITION LIST

July 20, 2018

Prepared by the Judge's Law Clerks 732-645-4300 x88267; x88247

C-Docket Matters

Case Title	Docket Number	Document Description	Disposition
IMO Carnevale	139-17	Compel Account	Transferred to Judge LeBlon
Fabrykant v. Genusfab LLC, et al.	14-17	Extend Time to File Affidavit of Merit	Adj. to 8/3
Mega Fortis Americas, Inc. v. Liberty Security Seals, LLC, et al.	217-16	Dismiss for Failure to Provide Discovery	Adj. to 8/3
Mega Fortis Americas, Inc. v. Liberty Security Seals, LLC, et al.	217-16	Dissolve Preliminary Restraints and Terminate Employment Restrictions	Adj. to 8/3
MTGLQ Investors, LP v. Perth Amboy Housing Development Corp.	37-18	Cancellation of Mortgage	GRANTED
Wargo v. Maltby, et al.	224-17 /225-17	Partial Summary Judgment/Strike for Failure to Provide Discovery	Adj. to 8/3
United Poles in America Enterprises, Inc. v. United Poles in America Enterprises, Inc. Board Members, et al.	47-18	Compel Compliance with Court Order/For Sanctions	GRANTED in part
United Poles in America Enterprises, Inc. v. United Poles in America Enterprises, Inc. Board Members, et al.	47-18	Motion to Deny Defendants' Motion and Request for New Elections (cross-motion)	DENIED
Upper Class Warehouse, Inc. v. Quentin Realty LLC	71-18	Dismiss/Discharge <i>Lis Pendens</i>	GRANTED in part

FILED

JUL 20 2018

ARTHUR BERGMAN, J.S.C.

PLUESE, BECKER & SALTZMAN, LLC

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Attorneys for Plaintiff

Filing Attorney:

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 - Karlee Martin, Esquire ID #240742018
- File No. 080243Q

MTGLQ INVESTORS, LP
c/o Its Loan Servicing Agent,
Rushmore Loan Management Services

Plaintiff,

v.

PERTH AMBOY HOUSING
DEVELOPMENT CORPORATION

and

U.S. BANK NATIONAL
ASSOCIATION

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY
DOCKET NO. MID-C-000037-18

CIVIL ACTION

**ORDER
TO
CANCEL MORTGAGE LIEN**

THIS MATTER being opened to the Court by Plaintiff, MTGLQ Investors, LP, by and through counsel, Pluese, Becker & Saltzman, LLC, Rob Saltzman, Esq., appearing, and the Court having considered the matter and for good cause shown;

IT IS, on this 20th day of July, 2018, ~~XXX~~ **ORDERED** as follows:

1. The Mortgage given by Rigoberto Rios and Sylvia Rios, Husband and Wife, on

September 27, 1996 to Perth Amboy Housing Development Corporation, a Non-Profit Corporation to secure a loan of Thirty One Thousand Seventy Dollars and No Cents (\$31,070.00), duly recorded in the Middlesex County Clerk's/Register's Office on June 24, 1998 in Mortgage Book Volume 5559 at Page 369, is hereby deemed fully satisfied; and

2. Perth Amboy Housing Development Corporation and its successors (if any) have no further interest in the subject mortgage or the debt secured thereby;

3. The Mortgage given by Rigoberto Rios and Sylvia Rios, Husband and Wife, on March 27, 1998 to U.S. Bank National Association as successor in interest by merger of Fidelity Federal Bank to secure a loan of Twenty Five Thousand Dollars and No Cents (\$25,000.00), duly recorded in the Middlesex County Clerk's/Register's Office on May 29, 1998 in Mortgage Book Volume 5533 at Page 543, is hereby deemed fully satisfied; and

4. Defendant U. S. Bank National Association and its successors (if any) have no further interest in the subject mortgage or the debt secured ther;

5. Plaintiff shall, at its own expense, record a true and correct copy of this Order with the Clerk/Register of Deeds for Middlesex County; and

6. The Clerk/Register of Deeds for Middlesex County is hereby directed to cancel said Mortgage of record pursuant to N.J.S.A. 2A:51-1, *et seq.*; and

7. Service of the within Order shall be made by Plaintiff's counsel upon Defendant(s) and/or their counsel of record (if any), by regular mail within seven (7) days after counsel's receipt of an executed copy of this Order.

Arthur Bergman
~~XXXXXXXXXXXXXXXXXXXX~~
Hon. Arthur Bergman, J.S.C.

 Opposed
 X Unopposed

JUL 20 2018

ARTHUR BERGMAN, J.S.C.

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Attorney for Defendants

UNITED POLES IN AMERICA ENTERPRISES,
INC.

Plaintiff,

vs.

UNITED POLES IN AMERICA ENTERPRISES,
INC. BOARD MEMBERS

and

DANUTA WYSZYNSKI

Defendants.

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY: EQUITY
DIVISION

DOCKET NO.: C-47-18

Civil Action

**ORDER FOR SANCTIONS AND TO
COMPEL DISCOVERY**

This matter having been opened to the Court on July 20, 2018, by

Piotr Rapciewicz, Esq., attorney for the defendants in the within action, the Court having considered the moving papers and for good cause shown;

IT IS on this 20th day of July, 2018

~~ORDERED that the motion is granted, and it is further~~

ORDERED that a sanction of \$ _____ ^{may be} ~~is~~ assessed against the Plaintiff payable

to the Defendants for attorney's fees; and it is further

ORDERED that all evidence, documents, and information as outlined in this Court's previous Order shall be delivered unto defendants' attorney no later than August 6, 2018; and it is further

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 Attorneys for Defendant Quentin Realty LLC

UPPER CLASS WAREHOUSE INC.,

Plaintiff

v.

QUENTIN REALTY LLC

Defendant

**SUPERIOR COURT OF NEW JERSEY
 CHANCERY DIVISION --
 MIDDLESEX COUNTY**

DOCKET NO. MID-C-71-18

ORDER

THIS MATTER having been brought before the Court by Steinmetz, LLC, attorneys for the defendant Quentin Realty LLC, for an Order dismissing Counts I, II, and III of Plaintiff Upper Class Warehouse Inc.'s Verified Complaint and vacating Plaintiff Upper Class Warehouse Inc.'s lis pendens; and the Court having reviewed the papers submitted by movant in support of this motion and all opposing submissions filed by Plaintiff, if any; and the Court having considered the arguments of counsel and good cause appearing therefor,

IT IS on this 20th day of July, 2018,

ORDERED as follows:

II, III, and IV

1. Defendant's motion to dismiss Counts ~~XXXXXX~~ of Plaintiff's verified Complaint is GRANTED;

2. Plaintiff's claim is for money damages only. Accordingly, pursuant to N.J.S.A §2A:15-6 motion to vacate Plaintiff's *lis pendens* is GRANTED;

3. The County Clerk of Middlesex County is ordered to promptly vacate Plaintiff's *lis pendens* currently encumbering 22 Quentin Avenue, New Brunswick, New Jersey 08901 being Block: 596 Lot: 3.02 on the municipal tax map of City of New Brunswick, New Jersey ("Property");

~~4. The Court declares that the Plaintiff is excluded from the remedy of specific performance and~~

4. A copy of this Order shall be served on the Defendants within seven (7) days of the date of its entry.

Arthur Bergman
Hon. Arthur Bergman, J.S.C.

Motion Opposed
 Motion Unopposed