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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-0859-15T3

BIANCA KARTERON,

Plaintiff-Appellant,

v.

NEW JERSEY DEPARTMENT OF HUMAN
SERVICES, OFFICE OF LICENSING and
STATE OF NEW JERSEY DEPARTMENT OF
LABOR AND WORKFORCE DEVELOPMENT,
ONE STOP CAREER CENTER,

Defendants-Respondents.

Argued March 2, 2017 – Decided May 11, 2017

Before Judges Hoffman and Whipple.

On appeal from Superior Court of New Jersey,
Law Division, Cumberland County, Docket No.
L-0146-15.

Bianca Karteron, appellant, argued the cause
pro se.

Jaclyn M. Frey, Deputy Attorney General,
argued the cause for respondents (Christopher
S. Porrino, Attorney General, attorney; Lisa
A. Puglisi, Assistant Attorney General, of
counsel; Akeel A. Qureshi, Deputy Attorney
General, on the brief).

PER CURIAM

Self-represented plaintiff Bianca Karteron appeals from two Law Division orders entered on September 18, 2015, one granting defendants' motion to dismiss plaintiff's complaint with prejudice pursuant to Rule 4:6-2(e), and the other denying plaintiff's motion to "have a trial." For the reasons that follow, we affirm.

On March 2, 2015, plaintiff filed a complaint with the Law Division, requesting judgment for damages against defendants, Department of Human Services, Office of Licensing (Office of Licensing), and Department of Labor and Workforce Development, One Stop Career Center (One Stop). Although unclear from plaintiff's complaint, she appeared to allege the Office of Licensing improperly authorized her former employer, SODAT of New Jersey, Inc. (SODAT), to operate without employment contracts between the corporation and its employees. Plaintiff also alleged she has a "bad reputation" and was unable to obtain new employment in her field, presumably due to improper conduct by defendants. Plaintiff also alleged One Stop failed to advertise information regarding the Conscientious Employee Protection Act (CEPA), and One Stop personnel failed to inform her of this law.¹

On July 27, 2015, defendants filed the motion to dismiss under review. Defendants interpreted plaintiff's allegations as

¹ Plaintiff appears to have redacted or altered portions of her complaint in her appendix on appeal.

consisting of "tort claims and civil rights violations against the State Defendants in relation to their purported inaction with regards to alleged grievances [plaintiff] had against her former employer, [SODAT]." Defendants presented four arguments in support of their motion to dismiss: they were entitled to sovereign immunity; they were not "persons" amenable to suit under the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 to -2, and the Federal Civil Rights Act, 42 U.S.C.A. § 1983; plaintiff failed to file notice of her tort claims under the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 to 12-3; and plaintiff failed to state a claim upon which relief could be granted.

Plaintiff filed opposition to defendants' motion on July 31, 2015. On August 26, 2015, she filed a motion to "have a trial." Plaintiff detailed her claims, alleging, in part, "The Labor Law[] Conscientious Employment Act was avoided in [plaintiff's] firing."

On September 18, 2015, following oral argument, Judge Richard J. Geiger rendered an oral opinion, dismissing plaintiff's complaint with prejudice. Judge Geiger's opinion fully explained his reasons for granting defendants' motion:

With regard to any allegations of negligence or negligent supervision, those claims would fall within the New Jersey Tort Claims Act[,], which has a clear requirement that a Claimant must provide a timely Notice of Tort Claim to the State in order to ultimately proceed in a lawsuit against the State under that statute.

Here[,] no Tort Claim Notice was given. At best, the last incident would have occurred in July 2014. We're now [fourteen] months past that date. The law is clear under the statute that the maximum extension that could be given to a Claimant for filing a late Tort Claim Notice is within one year of the accrual of the action.

Normally, it must be filed within [ninety] days. And if filing late, you have to seek approval of the Court and show extraordinary circumstances.

Here[,] we're beyond the one-year maximum time period, well beyond it. No Tort Claim Notice has been given. No extraordinary circumstances have been shown in any event. And, therefore, under the terms of the Tort Claims Act, all claims for negligence, negligent supervision[,] or under other claims that would be brought under the Tort Claims Act are barred.

Secondly, the State argues that it is entitled to sovereign immunity with respect to the State and its agencies, that the State is the real party in interest in this matter, that the Defendant agencies are clearly an arm of the State, are State entities, and that any judgment against those Defendant agencies would be paid from the fiscal resources or Treasury of the State. And, therefore, immunity exists from Federal claims.

The court agrees, the case law is clear.

Third, the State argues that the State agencies are not, quote, "persons," end quote, amenable to suit under Section 1983 of the Federal Civil Rights Act, or under the New Jersey Civil Rights Act, which is modeled after Section 1983.

The State and State officials and State agencies, and particularly State officials

acting within their official capacities are clearly under the case law not persons amenable to suit within the meaning of Section 1983 or the New Jersey Civil Rights Act.

And, therefore, dismissal with prejudice is appropriate as to the [d]efendants under both Section 1983 or the New Jersey Civil Rights Act.

The fourth ground asserted by the [defendants] is that the Complaint fails to allege within its four corners a cause of action against the Defendants.

I quite agree. I understand that [plaintiff] is not an attorney, and the Court looks perhaps . . . less strictly upon pro se Complaints. But with all due respect, the Complaint simply doesn't set out a cause of action, and you can't even glean one from what's set forth. It's very difficult to understand. It's not really coherent. And it doesn't set forth a viable cause of action.

. . . .

This is a situation where [plaintiff] was an employee of [SODAT], which is a contractor that provides addiction, substance abuse therapies[,] and counseling, et cetera, to people with those needs. She wasn't a State employee.

It may be that she either waived, signed away, agreed not to sue [SODAT]. Fine. That doesn't create liability on the part of these [d]efendants. Moreover, any allegation that somehow the One-Stop Career Center failed to advise her of her potential CEPA claims or didn't have literature available explaining those claims['] rights under CEPA, that doesn't state a cause of action, even if the Complaint had said it.

And moreover, the fact that she may not have had a written Employment Contract with her employer, [SODAT], doesn't create liability on the part of the Office of Licensing.

This appeal followed. "On appeal, we apply a plenary standard of review from a trial court's decision to grant a motion to dismiss pursuant to Rule 4:6-2(e)." Rezem Family Assocs., LP v. Borough of Millstone, 423 N.J. Super. 103, 114 (App. Div.), certif. denied, 208 N.J. 366, 368 (2011). "[W]e owe no special deference to a trial judge's legal interpretations in deciding any motion." Giannakopoulos v. Mid State Mall, 438 N.J. Super. 595, 600 (App. Div. 2014), certif. denied, 221 N.J. 492 (2015).

"In reviewing a complaint dismissed under Rule 4:6-2(e) our 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 essential test is simply 'whether a cause of action is "suggested" by the facts.'" Green v. Morgan Props., 215 N.J. 431, 451 (2013) (quoting Printing Mart-Morristown, supra, 116 N.J. at 746)). Reviewing courts must "search[] the complaint in depth 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." Printing Mart-Morristown, supra,

116 N.J. at 746 (quoting Di Cristofaro v. Laurel Grove Memorial Park, 43 N.J. Super. 244, 252 (App. Div. 1957)).

Applying this standard of review, following our review of plaintiff's arguments in light of the record and applicable law, we affirm the Law Division's orders substantially for the reasons set forth in Judge Geiger's comprehensive and well-reasoned oral opinion.

Any argument raised by plaintiff not explicitly addressed in this opinion lacks 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