SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3298-14T3

OAK KNOLL VILLAGE CONDOMINIUM
OWNERS ASSOCIATION, INC.,

Plaintiff-Respondent,

v.

CHRIS ANN JAYE,

Defendant-Appellant.

Submitted March 7, 2017 – Decided March 30, 2017

Before Judges Fasciale and Sapp-Peterson.

On appeal from the Superior Court of New Jersey, Law Division, Mercer County, Docket No. DC-5300-14.

Chris Ann Jaye, appellant pro se.

Brown Moskowitz & Kallen, P.C., attorneys for respondent (Steven R. Rowland, of counsel and on the brief).

PER CURIAM

Defendant, Chris Ann Jaye, a condominium owner at Oak Knoll Village, in Clinton Township, appeals from the trial court order entering judgment in favor of plaintiff, Oak Knoll Village Condominium Association, Inc. ("Oak Knoll"). The judgment, in the amount of $15,000, represents unpaid 2013-2014 condominium assessments and legal fees. We affirm.

In May 2014, plaintiff filed a complaint against defendant seeking payment of the outstanding condominium assessments. Rather than file an answer, defendant moved to dismiss the complaint. The court treated defendant's motion to dismiss as her responsive pleading and denied the motion. The court then scheduled this matter for trial on October 27, 2014, but due to a lack of notice, defendant failed to appear.

The court rescheduled the trial for December 3, 2014. Plaintiff's counsel notified defendant of the new trial date. Plaintiff requested an adjournment claiming that the judiciary's Automated Case Management System (ACMS) listed the December trial date as postponed. In correspondence dated November 26, 2014, plaintiff's counsel advised the court that defendant "has repeatedly been apprised of the trial date both by counsel and the court, and has actual knowledge that the date has not been cancelled or postponed." In an email sent to defendant on November 26, 2014, plaintiff's counsel advised defendant that he had been

informed by court staff that her adjournment request had been denied.

In an email dated December 2, 2014, defendant advised the court that she had commenced an action in federal court, naming, among others, as the defendants, the trial judge scheduled to hear the matter and plaintiff's counsel. She also advised the court that she had been prescribed medication that day and had "no intention of driving anywhere tomorrow morning for [her] safety and plan[ned] on shutting my phone off within the next fifteen minutes." She further indicated that if the court or any court staff wanted to speak to her they would have to "do so another day."

On December 3, 2014, the trial court, satisfied that defendant had actual notice of the trial date, treated her failure to appear as an act of voluntarily absenting herself from the proceeding. Trial commenced with plaintiff putting forth its proofs. At the conclusion of the proceeding, the court found that plaintiff established, by the preponderance of the evidence, defendant failed to pay her 2013-2014 assessments. The court found the assessments and counsel fees exceeded the jurisdictional limit for the Special Civil Part. Therefore, the court entered judgment in favor of plaintiff for $15,000.

The following month, the court permitted defendant the opportunity to present any proofs or arguments demonstrating that the court had erred in its findings and entry of final judgment. Defendant appeared for this proceeding. Concluding defendant failed to demonstrate any error, the court entered an order on January 28, 2015, denying relief to defendant. Thereafter, defendant filed yet another motion seeking to vacate the judgment, which the court denied on March 12, 2015. The present appeal followed.

On appeal, defendant contends reversal is warranted because the final judgment was not certified as final, her civil rights were violated and she was denied due process. Additionally, defendant maintains reversal is also required because plaintiff lacked standing to bring the cause of action against her, engaged in fraudulent conduct, and committed perjury. Finally, defendant urges that the judgment entered should be reversed because the Supremacy Clause of the United States Constitution trumps state law. We reject each of these contentions.

We find no error in the court's denial of defendant's adjournment request, proceeding with the trial on December 3, 2014, or the subsequent entry of final judgment. A trial court has the authority to control its calendar and to prevent trial delays. State v. Coolack, 43 N.J. 14, 16 (1964); State v. Johnson,

274 N.J. Super. 137, 147-48 (App. Div.), certif. denied, 138 N.J. 265 (1994); State v. Furguson, 198 N.J. Super. 395, 402 (App. Div.), certif. denied, 101 N.J. 266 (1985). "Absent an abuse of discretion, denial of a request for an adjournment does not constitute reversible error." State v. Smith, 87 N.J. Super. 98, 105 (App. Div. 1965).

Adjournment requests "implicate[] a trial court's authority to control its own calendar and is reviewed under a deferential standard." State v. Miller, 216 N.J. 40, 65 (2013), cert. denied, ___ U.S. ___, 134 S. Ct. 1329, 188 L. Ed. 2d 339 (2014). "[B]road discretion must be granted trial courts on matters of continuances[.]" Ibid. (quoting Morris v. Slappy, 461 U.S. 1, 11-12, 103 S. Ct. 1610, 1616, 75 L. Ed. 2d 610, 620 (1983)).

Indeed, "New Jersey long has embraced the notion that [a request] 'for an adjournment is addressed to the discretion of the court, and its denial will not lead to reversal unless it appears from the record that the defendant suffered manifest wrong or injury.'" State v. Hayes, 205 N.J. 522, 537 (2011) (quoting State v. Doro, 103 N.J.L. 88, 93 (E & A. 1926)). "It is peculiarly within the sound discretion of the trial court to deal with problems of this sort[,] and an appellate court should not interfere unless it appears an injustice has been done." Allegro

v. Afton Vill. Corp., 9 N.J. 156, 161 (1952) (citations omitted). We must adhere to this standard of review.

We find no such exceptional circumstances, abuse of discretion, or injustice here. Defendant sought adjournment of the trial merely because she claimed the notice of the December 3, 2014 trial date came from plaintiff's counsel. Whether due process requirements have been met requires, at a minimum, fair notice and the opportunity to be heard. In re C.A., 146 N.J. 71, 94 (1996). It is undisputed that defendant was fully aware of the December trial date as evidenced by her statement in the pro se complaint she filed in federal court on December 2, 2014, in which she acknowledged that plaintiff's counsel advised her that trial "was to take place on December 3, 2014[.]"

Consequently, accepting as true defendant's claim that she never received notice of the December trial date from the court, the notice from plaintiff's counsel provided defendant with fair notice and the opportunity to be heard at the December trial. Moreover, the following month, the court afforded defendant the opportunity to present any evidence demonstrating that the court had erred in entering judgment in favor of plaintiff. Defendant appeared at that proceeding, but offered no evidence from which the court could conclude that it erred in reaching any of its findings.

Likewise, we discern no error in the court's decision to proceed with the trial in defendant's absence on December 3, 2014. The court was satisfied defendant had notice of the trial date, but voluntarily absented herself. This finding is amply supported by the record.

As for the remaining issues raised, which we have not addressed, we conclude they lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E). We have carefully reviewed the entire record in this matter and we are satisfied that the judgment of the trial court is based on findings of fact which are adequately supported by the evidence. R. 2:11-3(e)(1)(A).

Affirmed.