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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-3425-15T1

ROBERT STEPHENS,

Plaintiff-Appellant,

v.

COUNTY OF UNION, UNION COUNTY
BOARD OF CHOSEN FREEHOLDERS
and UNION COUNTY DEPARTMENT
OF PARKS AND COMMUNITY RENEWAL,

Defendants-Respondents.

Submitted April 25, 2017 – Decided May 16, 2017

Before Judges Reisner and Mayer.

On appeal from the Superior Court of New
Jersey, Law Division, Union County, Docket No.
L-1293-14.

Rinaldo and Rinaldo Associates, attorneys for
appellant (Matthew T. Rinaldo and Tiana
Gimbrone, on the briefs).

Robert E. Barry, Union County Counsel,
attorney for respondents (Moshood Muftau,
Second Deputy Counsel, on the brief).

PER CURIAM

Plaintiff appeals from a March 4, 2016 order granting summary judgment dismissing his age discrimination complaint against Union County, filed under the Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49.

Having reviewed the record de novo, we find that plaintiff's complaint was correctly dismissed on summary judgment for the reasons stated by the motion judge. See Davis v. Brickman Landscaping, 219 N.J. 395, 405-06 (2014); Turner v. Wong, 363 N.J. Super. 186, 198-99 (App. Div. 2003). We also conclude that plaintiff's appellate arguments are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E). We add these brief comments.

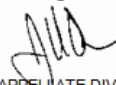
Plaintiff, the assistant manager of a County-owned ice rink, was laid off from his job. He claimed the lay-off was due to his age. The County produced legally competent evidence that the lay-off was due to budget cuts that required a reduction in force. In an oral opinion issued on March 4, 2016, Judge Camille M. Kenny found that plaintiff failed to produce legally competent evidence that the County's legitimate non-discriminatory reason for the lay-off was a pretext for age discrimination. See O'Brien v. Telecordia Tech., Inc., 420 N.J. Super. 256, 263 (App. Div. 2011), certif. denied, 210 N.J. 479 (2012). The judge also found that

plaintiff's motion opposition failed to rely on any legally competent evidence, with the possible exception of some materials that plaintiff had never disclosed during discovery. The judge declined to consider the previously-undisclosed material and deemed defendant's statement of material facts to be undisputed. See R. 4:46-2(b); Polzo v. Cty. of Essex, 196 N.J. 569, 586 (2008). However, she also noted that the alleged new evidence did not relate to a relevant time period, because plaintiff was laid off in 2012 and his alleged new evidence related to the hiring of younger employees in 2016. We agree with Judge Kenny's factual and legal analysis.¹

We also observe that plaintiff's appellate brief does not properly cite to record evidence in support of his statement of facts. See R. 2:6-2(a)(5). While we review the record de novo, it is not our role to hunt through the appendices in search of support for plaintiff's purported evidence, and we decline to do so. See Spinks v. Twp. of Clinton, 402 N.J. Super. 465, 474-75 (App. Div. 2008), certif. denied, 197 N.J. 476 (2009).

Affirmed.

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


CLERK OF THE APPELLATE DIVISION

¹ In light of our conclusions as to the LAD claim, we need not address whether the County Freeholders and the County Parks and Community Renewal Department are entitled to immunity from suit.