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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-2958-16T3

MICHAEL BANDLER,

Plaintiff-Appellant,

v.

EVELYN MELILLO,

Defendant.

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Argued telephonically March 29, 2018 –  
Decided April 13, 2018

Before Judges Simonelli and Haas.

On appeal from Superior Court of New Jersey,  
Law Division, Atlantic County, Docket No.  
L-1859-12.

Michael Bandler, appellant, argued the cause  
pro se.

Respondents, Karing with Kindness, Inc., and  
Kathleen Kenny, have not filed a brief.

PER CURIAM

Plaintiff Michael Bandler appeals from the Law Division's  
February 17, 2017 order denying his motion for sanctions against

respondents Karing With Kindness, Inc., and its principal Kathleen Kenny (collectively respondents). We affirm.

We incorporate the essential procedural history of this matter as set forth in our earlier opinions in Bandler v. Melillo, (Bandler I), 443 N.J. Super. 203 (App. Div. 2015), and Bandler v. Karing with Kindness, Inc. (Bandler II), No. A-0335-15 (App. Div. Dec. 29, 2016). In 2012, plaintiff filed this action under Docket No. L-1859-12, and named Evelyn Melillo as the only defendant. Bandler II, slip op. at 1. After Melillo defaulted, the trial court granted plaintiff a default judgment against her. Ibid. In an attempt to collect the judgment, plaintiff subsequently served a wage execution order against Melillo's earnings upon respondents, who employed Melillo. Ibid. Respondents did not withhold any amounts from Melillo's wages. Ibid.

As set forth in the trial court's February 17, 2017 written opinion in this matter, plaintiff sought sanctions against respondents on at least two occasions for failing to respond to his discovery requests during the course of his litigation against Melillo. The court denied these motions. After Melillo filed for

bankruptcy, the court dismissed plaintiff's action against her. Bandler I, 443 N.J. Super. at 206.<sup>1</sup>

In a separate action he filed under Docket No. L-1770-14, plaintiff sought damages against respondents based upon their failure to withhold any of Melillo's wages pursuant to the terms of the wage execution order. Bandler II, slip op. at 1. The court granted respondents' motion for summary judgment and dismissed plaintiff's complaint against them, finding that "plaintiff failed to demonstrate that the . . . wage execution order was ever delivered to a sheriff or other qualifying court officer, that a writ of execution was ever issued, or that a writ of execution was served upon [respondents] by a sheriff or other qualifying court officer." Id. at 2. On appeal, we affirmed the dismissal of plaintiff's action against respondents. Id. at 2.

We now turn to the order that is the subject of his current appeal. In January 2017, plaintiff filed a motion against respondents under Docket No. L-1859-12, seeking to impose sanctions against them for failing to provide written discovery or attend depositions in connection with his attempt to execute

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<sup>1</sup> In Bandler I, plaintiff unsuccessfully sought relief from Melillo's former husband based on his failure to provide information about Melillo's assets. Bandler I, 443 N.J. Super. at 206.

upon Melillo's wages. On February 17, 2017, Judge Noah Bronkesh denied plaintiff's motion.

In his accompanying written opinion, Judge Bronkesh explained that respondents were not parties to plaintiff's complaint against Melillo under Docket No. L-1859-12, and the matter had already been dismissed. In addition, the judge found that plaintiff's demand for sanctions was barred by the entire controversy doctrine and res judicata because the court had previously denied plaintiff's requests for sanctions against respondents for alleged discovery violations. This appeal followed.

On appeal, plaintiff argues that "the trial court abused [its] discretion" by denying his motion for sanctions against respondents. We conclude that plaintiff's argument is without sufficient merit to warrant discussion in a written opinion, R. 2:11-3(e)(1)(E), and affirm substantially for the reasons set forth by Judge Bronkesh in his cogent written opinion.

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION