

**NOT FOR PUBLICATION WITHOUT THE  
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-3981-16T4

MR. Y. PARK AND LYDIA  
PARK D/B/A PARK CLEAN  
MACHINE INC. and Z-ZONE  
OUTLET, INC.,

Plaintiffs-Appellants,

v.

LINDENWOLD CENTER, LLC,

Defendant-Respondent.

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Argued April 23, 2018 – Decided May 10, 2018

Before Judges Sumners and Moynihan.

On appeal from Superior Court of New Jersey,  
Law Division, Camden County, Docket No.  
L-0156-16.

Jo-Leo W. Carney-Waterton argued the cause for  
appellant.

Adam Nachmani argued the cause for respondent  
(Sirlin Lesser & Benson, PC, attorneys; Adam  
Nachmani, of counsel and on the brief).

PER CURIAM

In this commercial leasing dispute, plaintiffs appeal a Law  
Division order dismissing their motion for reconsideration of an

order granting defendant's motion to dismiss plaintiffs' complaint with prejudice for failure to provide discovery. The crux of plaintiffs' appeal is that the trial judge failed to provide a statement of reasons for his decision as required by Rule 1:7-4(a). The order does not state that the reasons for the decision are set forth on the record.

At argument before us, plaintiff's counsel represented that after learning his reconsideration motion was denied he was advised by the judge's chambers that there was no decision placed on the record detailing the reasons for the denial of his motion. Upon our inquiry, defendant's counsel confirmed he was not aware that the judge placed an oral decision on the record. These representations are mirrored by plaintiff's amended notice of appeal, which provides there was no verbatim record or written decision of the court's decision. We nonetheless sua sponte examined the court's records and learned from a CourtSmart recording that the judge carefully articulated his reasons for denying plaintiffs' motion.

Given the totality of the circumstances, we accept the parties' representations that they were not aware that the judge placed his oral decision on the record. In doing so, we are not critical of the judge's chambers based upon these representations; for all we know it could have been a good faith misunderstanding.

That said, we conclude the best course of action is to dismiss this appeal without prejudice in order to allow plaintiff the opportunity to obtain a transcript of the judge's decision and determine whether they have grounds for an appeal. See R. 2:8-2. To avoid an untimely delay, any new notice of appeal must be filed within forty-five days from the date of this decision.<sup>1</sup>

Dismissed without prejudice. We do not retain jurisdiction.

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



CLERK OF THE APPELLATE DIVISION

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<sup>1</sup> In any new appeal, plaintiff should be mindful to provide a complete record of the papers considered by the trial court as required by Rule 2:5-4(a).