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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-4021-21**

W.P., JR.,¹

Plaintiff-Appellant,

v.

C.C.,

Defendant-Respondent.

Submitted October 11, 2023 – Decided October 20, 2023

Before Judges Sumners and Rose.

On appeal from the Superior Court of New Jersey, Law
Division, Ocean County, Docket No. L-0684-22.

W.P., Jr., appellant pro se.

Ronan, Tuzzio & Giannone, attorneys for respondent
(John M. Hockin, Jr., of counsel and on the brief;
Robert G. Maglio, on the brief).

PER CURIAM

¹ We use initials to protect plaintiff's privacy in view of his psychiatric records implicitly referenced herein. See R. 1:38-3(a)(2).

Plaintiff W.P., Jr., appeals pro se from the summary judgment dismissal of his Law Division complaint against defendant C.C., a psychiatrist who allegedly treated plaintiff during his involuntary commitment at Monmouth Medical Center (MMC) between December 13, 2019 and December 14, 2019. Because the causes of action loosely pled in plaintiff's complaint were time-barred or otherwise insufficiently pled, we affirm the July 12, 2019 order under review.

We summarize the facts from the motion record in a light most favorable to plaintiff as the non-moving party. See R. 4:46-2(c); Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995). On March 29, 2022 – two years and three months after he was discharged from MMC – plaintiff filed a pro se complaint against defendant.

In the first of three enumerated paragraphs, plaintiff generally asserted defendant "violated the law by recklessness, defamation, false imprisonment, coercion, and fraud." In the third paragraph, plaintiff claimed the harm suffered "as a result of defendant's acts include[d]: [(1)] physical, mental, emotional, and spiritual detriment"; [(2)] "opportunity-cost of every creative life"; and [(3)] "foregone income, life, liberty, and pursuit of happiness."

Plaintiff sought judgment terminating defendant's employment and revoking her license. He further alleged:

The person is a fraud, showing no interest in justice, rather in formal submission only, then omission or transmogrification, but continuing to operate under public awareness.

The person deliberately does[]not disclose fault nor ethical conclusion, to material advantage.

The person is not trustable to private practice as itself a public-trust position which would be inaware [sic] to incoming patients.

In the "additional pages" annexed to his complaint, plaintiff asserted the "statute of limitations per medical malpractice does[]not apply" because "the occurrence [was] not limited to medical malpractice while the greater violation is judicial malpractice." He further claimed, "Two years is too short to reconfigure the deliberate course necessary for discovery to legal action."

In June 2022, defendant filed an answer and asserted defenses, including expiration of the applicable statute of limitations. Shortly thereafter, defendant moved for summary judgment on that basis, arguing plaintiff "failed to establish incompetence due to insanity," which would otherwise toll the governing statutes of limitations. See N.J.S.A. 2A:14-1. Plaintiff cross-moved for summary judgment.

During argument before the motion judge, plaintiff argued that "numerous hardships" and defendant's contact "through a third party" in May 2020 tolled the statutes of limitations. In response to the judge's inquiry about the May 2020 contact, plaintiff stated:

There was a third-party from the hospital who came regarding . . . my billing that I sent to the doctor to represent for the doctor but without the doctor who came to my personal residence with a police escort to diminish anything more. But it was a contact that directly and only referenced the doctor and the matter in December 2019. And it occurred [o]n May 7, 2020. It was unprovoked. I did not make any contact for it.

Following oral argument, the motion judge reserved decision and thereafter issued a cogent written decision accompanying the order, granting defendant's motion and denying plaintiff's cross-motion. The judge squarely addressed the issues raised² in view of the governing legal principles. Accordingly, the judge found all "causes of action pled, except for fraud, [we]re barred by the statute[s] of limitations." See N.J.S.A. 2A:14-2 (providing a two-year limitations period for medical negligence and false imprisonment claims);

² In his decision, the judge noted plaintiff's motion was not accompanied by "a legal brief or proposed order outlining the issues on which he [wa]s seeking summary judgment." See R. 4:46-2(a). Nonetheless, the judge thoroughly addressed plaintiff's contentions.

N.J.S.A. 2A:14-3 (providing a one-year limitations period for defamation claims).

Although plaintiff's fraud claim was timely filed within the applicable six-year statute of limitations pursuant to N.J.S.A. 2A:14-1, the judge recognized it was not pled with the required specificity under Rule 4:5-8(a). Indeed, the judge found plaintiff pled "no specifics" and "nothing that can be gleaned from the complaint that would give rise to a cause of action for fraud (or coercions for that matter) as it pertains to conduct that occurred in December 2019." This appeal followed.

On appeal, plaintiff raises nine points for our consideration:

POINT I

REBUTTAL TO DEFENDANT['S] LEGAL ARGUMENT.

POINT II

A FAILURE OF DECISION BY OWN STANDARD.
(Could[]not raise below)

POINT III

A FAILURE OF DECISION.
(Could[]not raise below)

POINT IV

INADEQUACY OF STATUTE OF LIMITATIONS
AND STATUTE OF LIMITATIONS.

(Not raised below)

POINT V

SELF-CONFLICT.

(Not raised below)

POINT VI

FAILURE TO HONOR INHERENT STATION.

(Not raised below)

POINT VII

DEFICIENCY OF CAUSE.

(Not raised below)

POINT VIII

TECHNICALITY OF DISPUTE – ONLY
CONTINGENCY TO DECISION.

POINT IX

MISUSE.

(Not raised below)

After de novo review, see Samolyk v. Berthe, 251 N.J. 73, 78 (2022), we reject plaintiff's reprised arguments. We affirm the July 12, 2022 order substantially for reasons stated in the judge's accompanying written decision. Having employed the same standard as the motion judge, Templo Fuente De Vida Corp. v. Nat'l Union Fire Ins. Co. of Pittsburgh, 224 N.J. 189, 199 (2016),

we likewise conclude plaintiff's causes of actions were time-barred under the applicable statutes of limitations; plaintiff failed to establish an exception that would toll any of those claims; and plaintiff failed to plead his fraud claim with the requisite specificity. Plaintiff raises no new issues on appeal that warrant further discussion. 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