SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2534-22

IN THE MATTER OF THE YAEL SILBERBERG 2012 APPOINTED TRUST, ESTABLISHED BY DANIEL WEINGARTEN U/A/D AUGUST 31, 2012.

Submitted May 15, 2024 – Decided June 7, 2024

Before Judges Firko and Vanek.

On appeal from the Superior Court of New Jersey, Chancery Division, Bergen County, Docket No. P-000650-22.

Yael Silberberg and Avi Silberberg, appellants pro se.

Archer & Greiner, PC, attorneys for respondent Thomas J. Herten, Esq., Guardian Ad Litem for the minor children of Yael and Avi Silberberg (Thomas J. Herten, of counsel and on the brief; Matthew Michael Nicodemo and Lilli B. Wofsy, on the brief).

Lowenstein Sandler, LLP, attorneys for respondent Trustee Earl Smith (Jeffrey J. Wild and Craig Laurence Dashiell, on the brief).

Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, PC, attorneys for respondent Daniel Weingarten, join in the brief of respondent Earl Smith.

Lentz & Gengaro, LLP, attorneys for respondents Judy Spero, Shero Tuchman, and Gaya Bernstein, join in the brief of respondent Earl Smith.

PER CURIAM

Yael Silberberg, one of the beneficiaries of the Yael[1] Silberberg 2012 Appointed Trust (Trust), and her husband, Avi Silberberg, appeal from a March 29, 2023 order denying their motion to change venue, and an April 27, 2023 order dismissing Yael's complaint with prejudice seeking to remove Earl Smith as Trustee of the Trust. We affirm both orders under review.

I.

The details underlying the extensive history of this matter are set forth in our prior opinion and back-to-back consolidated appeals and need not be repeated here. See HUNY & BH Assocs. Inc. v. Silberberg, No. A-1696-17 (App. Div. Dec. 27, 2021) and In the Matter of Yael Silberberg 2012 Appointed Trust Established by Daniel Weingarten U/A/D August 31, 2012, Nos. A-0813-22, A-1906-22 (App. Div. Nov. 4, 2022). Daniel Weingarten, Yael's father, is a

[1] We refer to the parties and individuals by their first names for ease of reference because some of them share the same surname. By doing so we intend no disrespect.

wealthy real estate investor, who passed his family's accumulated wealth by means of trusts and fractional interests in real estate. HUNY & BH Assocs., Inc., slip op. at 5. Daniel in turn established trusts for each of his four children—Yael, and sons Hillel, Uri, and Natan Weingarten. Id. at 6. In December 1992, Daniel created the Yael Weingarten Trust using a recycled trust form the family had been using. Ibid.

In March 2004, after Yael was engaged to marry Avi, Daniel requested Avi sign "both religious and secular prenuptial agreements—as others in his extended family had done in the past." Id. at 10. The intent was to protect certain assets during Yael's lifetime and make sure those assets reached the Silberbergs' children, the Weingartens' grandchildren. Ibid. Avi declined to sign the prenuptial agreements and opined that Daniel should instead take the assets out of Yael's name. Ibid. Over the years, Daniel became concerned that Avi, whom he and other family members described as "controlling," would try to interfere with Yael's trust and other family assets. Ibid.

In August 2012, Daniel consulted an attorney and established a new extended Trust. Id. at 11. The new Trust provided for payment to Yael of the net Trust income for life and any other distributions the trustees determined appropriate for her benefit, and designated trusts for her children as residuary

beneficiaries. Ibid. After the former Trustees resigned, in the wake of growing friction between Daniel and Yael and Avi, "Daniel appointed his longtime accountant, Shane Yurman, in their stead." Id. at 12-13. Daniel also appointed Earl, who promptly accepted the Trusteeship. Id. at 13.

Believing there was a gap in the Trusteeship which triggered her right to appoint Trustees, Yael prepared a letter on December 5, 2013, at Avi's request, designating him, his sister Judy Saltzman, and mother Yaffa Silberberg, as the Trustees. Ibid. Yaffa then demanded that Daniel immediately distribute the "entire Trust Fund" to Yael. Ibid. In response, Daniel formally removed the "new purported Trustees." Ibid.

The litigation began in 2014 when HUNY & BH Assocs. Inc., other related Trusts, and Daniel filed suit in the Bergen County Chancery Division seeking declaratory relief regarding (1) ownership of stock in a family corporation and (2) issues related to identification of Trustees and interests in certain Trusts. Judge Menelaos W. Toskos, now retired, was assigned the case pre-trial. Judge Toskos case managed the matter, ordered discovery, and appointed Thomas J. Herten, Esq. as Guardian Ad Litem (GAL) to represent Yael and Avi's children because their interests in the Trust were deemed adverse to those of their parents.

The case was ultimately transferred to the Law Division and assigned to Judge Mary F. Thurber. Prior to trial, Yael and Avi filed their first motion to change venue to the New York Surrogate's Court or to Hudson County on the grounds that Judges Toskos and Thurber purportedly exhibited "extreme bias" against them. The motion to change venue was heard by former Assignment Judge Bonnie J. Mizdol.

Following extensive oral argument, Judge Mizdol found that Yael and Avi had not presented any evidence that they would not receive a fair trial in Bergen County, and their opinions about alleged bias were "not enough to warrant a venue transfer" because "dissatisfaction with the rulings of a judge are not a basis for transfer of venue." Judge Mizdol determined:

> The Silberbergs vigorously sought this transfer. The case is almost three years old, and the trial date has already been adjourned several times. The Silberbergs have moved to transfer venue almost on the eve of trial, and have not provided any meritorious justifications for the transfer aside from their own opinions of alleged biases in the Bergen County Judiciary. Further, a change in venue at this juncture would result in not only a considerable waste of judicial resources, but also in the inevitable delay of yet another firm trial date. For these reasons, the Silberbergs' motion to transfer venue is denied.

On June 8, 2016, a memorializing order was entered.

Following a thirty-day bench trial before Judge Thurber, she issued a final judgment and decision denying all of Yael's and Avi's claims relating to the Trust. Specifically, Judge Thurber held Earl was the duly appointed sole Trustee of the Trust, and Yael could not invade the Trust because she had no legal rights related to the assets of the Trust other than what was expressly stated in the Trust's terms.

Yael and Avi appealed from Judge Thurber's judgment, and we affirmed. They then moved for reconsideration of our opinion and to recuse the panel that decided their appeal from adjudicating the reconsideration motion because of alleged bias. This court denied their motions to recuse and for reconsideration. HUNY & BH Assocs., No. A-1696-17 (App. Div. Feb. 22, 2022) (denying motion for reconsideration). While this appeal was pending, Yael and Ari continued filing motions in the Law Division before Judge Thurber regarding the Trust, primarily attempting to prevent any activity with respect to the Trust, while their appeal was pending.

On April 1, 2022, Judge Thurber entered an order requiring all further applications regarding the Trust be filed in the Chancery Division-Probate Part rather than in the Law Division. Our Supreme Court denied Yael's and Avi's petitions for certiorari, HUNY & BH Assocs., Inc. v. Silberberg, 252 N.J. 262

(2022) (denying Yael's petition); HUNY & BH Assocs., Inc. v. Silberberg, 252 N.J. 260 (2022) (denying Avi's petition).

On December 16, 2022, Yael filed an order to show cause (OTSC) before Judge Edward A. Jerejian, the presiding Chancery judge, seeking to remove Earl as Trustee on the grounds that he was "not the Trustee of the 2012 Trust, nor was he ever the [l]egitmate Trustee." In support of her argument, Yael alleged that in a letter to a Beth Din in Brooklyn, New York, Earl admitted he "merely makes deposits and writes checks as directed," and in a September 9, 2022 email, he used the phrase "directed," to indicate he did not act independently.

Yael contended Earl "was not the [T]rustee, and [was] surely not an independent [T]rustee as required by the 2012 Trust Instrument." Yael claimed Earl failed to inform her when Trust properties were sold and "illegally" used her Trust income to pay capital gains taxes.

The former Trustees moved to dismiss the complaint under Rule 4:6-2(e) for failure to state a claim. Earl filed a cross-motion to dismiss the complaint. Yael did not oppose either motion. Instead, on February 22, 2023, prior to Judge Jerejian's ruling on the OTSC, Yael and Avi filed another motion before Judge Mizdol to transfer venue "to another [c]ounty in New Jersey" on the grounds

that the "bias in the Bergen Vicinage against them prevents their claims from being fairly adjudicated."

In support of their motion to change venue, Yale and Avi again argued that Judges Toskos and Thurber were biased. They also argued that Judge Jerejian was biased because he refused to stay the legal fee proceeding while their contempt action was pending. Yael and Avi also asserted a Bergen County judiciary employee—improperly identified as a judicial law clerk—had conspired against them with opposing counsel by mentioning that Yael submitted a complaint against Earl for the Surrogate's Court to review.

Earl opposed the motion to transfer venue and filed a notice of cross-motion under Rosenblum v. Borough of Closter, 333 N.J. Super. 385 (App. Div. 2000), to bar Yael and Avi from filing any future pleadings or motions relating to the Trust without obtaining prior approval from the Assignment Judge.

On March 29, 2023, Judge Mizdol conducted oral argument on the motions. That same day, the judge issued a twenty-three-page comprehensive written decision denying the motion to transfer venue with prejudice. Judge Mizdol cited to Daniel's brief in her decision:

> It is clear that the Silberbergs have complained that every judge who has touched their cases (Judges Toskos, Thurber, and Jerejian, the three judge appellate panel, and the entire Supreme Court) was prejudiced

> against them. A change of venue will not change anything except the recipients of the charges of bias and prejudice.

Judge Mizdol also granted Earl's cross-motion to preclude Yael and Avi from filing any applications related to the Trust without prior authorization from the Bergen County Assignment Judge. The judge found it was "not only proper, but appropriate to enjoin the Silberbergs from further filings . . . [because their] sheer volume of filings[2] clearly fall into both the categories of, 'us[ing] (or abus[ing]) the judicial process until some trial judge "gets it right" by deciding in [their] favor.'"

On April 26, 2023, Judge Jerejian heard arguments on the former Trustees' motion to dismiss the complaint and Earl's cross-motion to dismiss the complaint. Yael and Avi did not participate in the proceedings. After hearing arguments, Judge Jerejian rendered an oral decision granting the motion and cross-motion to dismiss the complaint with prejudice.

Pertinently, Judge Jerejian found that the claims against the Trust and Earl as the Trustee "have been rejected multiple times by different [c]ourts; [t]rial [c]ourts, [the] Appellate Division, and the Supreme Court." He noted that this

[2] Yael and Avi filed a total of thirty-one motions and four orders to show cause.

was clearly just "a new attempt to replace the [T]rustee . . . with the mother-in-law" and that "there [was] no basis to remove the [T]rustee . . . or any misconduct that would warrant removal of the litigation." The judge found that legal principles such as res judicata and collateral estoppel applied because Judge Thurber already denied all of Yael's and Avi's challenges to Earl's Trusteeship, and "this was fully adjudicated at trial, they were heard on appeal, and there was a filing before the Supreme Court."

Judge Jerejian concluded the complaint failed to show "any proof, much less clear and definitive proof, of any misconduct" by Earl to warrant his removal as Trustee. In addition, the judge determined it was "clear that by this filing it is just a complete repetition of what has already been litigated." He stressed that the continuous filings and legal actions were "draining the resources that really should go for the beneficiary of the [T]rust," and hoped the filings would cease to preserve Trust assets. The judge denied Yael's request for discovery. A memorializing order was entered. This appeal followed.

On appeal, Yael and Avi raise the following arguments for our consideration:

> (1) Judge Mizdol erred in denying their motion to transfer venue;

(2) Judge Jerejian erred in dismissing Yael's complaint seeking to remove Earl as Trustee;

(3) Res judicata does not bar Yael's complaint seeking to remove Earl as Trustee because a new issue is raised unrelated to the underlying litigation;

(4) Earl should be removed as Trustee for his breach of Trust and discovery should have been allowed on this issue; and

(5) Earl should pay at least $2,000,000 in punitive damages to Yael and Avi.

II.

Yael and Avi contend Judge Mizdol abused her discretion in denying their motion to change venue. They claim her decision is premised on logic that is "wrong and biased." Yael and Avi primarily argue two points: (1) Judge Jerejian's refusal to stay GAL's motion for fees until Yael's motion "to show [the GAL] and [Earl's attorney] were in contempt for attempting to give [the GAL] his costs without court approval, was purposely done and is unfathomable"; and (2) Judge Jerejian's "[clerk] . . . has violated all legal and ethics rules" by updating the GAL and [Earl's] attorney about any application, motion, or complaint they make.[3]

[3] In their statement of facts, Yael and Avi also try to argue a separate ethical complaint against Judge Thurber; however, as Judge Mizdol properly observed,

Rule 4:3-3 governs venue changes in the Superior Court. A change in venue may be granted by the Assignment Judge in the following circumstances:

> (1) if the venue is not laid in accordance with R[ule] 4:3-2; or (2) if there is a substantial doubt that a fair and impartial trial can be had in the county where venue is laid; or (3) for the convenience of parties and witnesses in the interest of justice[.]
>
> [R. 4:3-3(a).]

"[I]f the motion is made pursuant to [Rule] 4:3-3(a)(2) or (3), the movant has the burden of demonstrating good cause for the change." Pressler & Verniero, Current N.J. Court Rules, cmt. on R. 4:3-3 (2024). The word "may" indicates the court has discretion to grant or deny the motion depending on the particular circumstances. R. 4:3-3(a). Thus, we review for abuse of discretion. State v. Carter, 91 N.J. 86, 106 (1982); see also R. 4:3-3(a).

Applying this standard of review, we discern no abuse of discretion in the entry of Judge Mizdol's order denying Yael's and Avi's motion to change venue. The judge issued a well-reasoned opinion that reviewed the tenets of Rule 4:3-3 and ultimately concluded Yael's and Avi's claim was based on "[u]nfounded allegations of bias and prejudice." Their claim that multiple judges and court

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"any ethics complaint filed against Judge Thurber has no relevance to the within court proceeding."

staff in the Bergen County Vicinage conspired with adversary counsel against them is untethered to any evidence in the record. Yael and Avi failed to sustain their burden of demonstrating good cause to change venue on the basis "there is substantial doubt that a fair and impartial trial" could be held in Bergen County. Rule 4:3-3(a)(2). The record lacks any evidence of improper conduct to warrant a transfer of venue. The allegations of misconduct are bald claims lacking in detail or support by objective evidence to meet the good cause standard to change venue.

III.

We next address Yael's and Avi's argument that Judge Jerejian erred in dismissing Yael's complaint seeking to remove Earl as Trustee and replace him with Yaffa. Yael and Avi contend that Earl is not the Trustee of the 2012 Trust, which validates Yael's appointment of Yaffa as Trustee on November 17, 2020. In her complaint, Yael reiterates her allegation that Earl is a "puppet [T]rustee." She asserts that Earl conceded in an email that he takes orders from others and is not an independent Trustee.

The Trustee and GAL argue that the issue of whether Earl is a legitimate Trustee and whether he should be removed are barred by res judicata because Yael and Avi already litigated the same issues, and in 2017, Judge Thurber found

Earl—not Yaffa—was the sole valid Trustee of the Trust, and we affirmed that ruling on December 27, 2021.

"The application of res judicata is a question of law[]" that we review "de novo." Walker v. Choudhary, 425 N.J. Super. 135, 151 (App. Div. 2012) (quoting Selective Ins. Co. v. McAllister, 327 N.J. Super. 168, 173 (App. Div. 2000) (first)); (quoting Manalapan Realty, LP v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995) (second)). "Res judicata prevents relitigation of a controversy between the parties." Brookshire Equities, LLC v. Montaquiza, 346 N.J. Super. 310, 318 (App. Div. 2002). "The rationale underlying res judicata recognizes that fairness to the defendant and sound judicial administration require a definite end to litigation." Velasquez v. Franz, 123 N.J. 498, 505 (1991) (citing Restatement (Second) of Judgments § 19 cmt. a (Am. L. Inst. 1982)).

For res judicata to apply, there must be "(1) a final judgment by a court of competent jurisdiction, (2) identity of issues, (3) identity of parties, and (4) identity of the cause of action." Brookshire Equities, 346 N.J. Super. at 318. Application of the doctrine is "a question of law 'to be determined by a judge in the second proceeding after weighing the appropriate factors bearing upon the

issue.'" Selective Ins. Co., 327 N.J. Super. at 173 (quoting Colucci v. Thomas Nicol Asphalt Co., 194 N.J. Super. 510, 518 (App. Div. 1984)).

Yael and Avi try to avoid res judicata by arguing the issues now raised are completely different as Judge Thurber's rejection of their claim was based on the fact that Shane—the prior Trustee before Earl—never accepted the Trusteeship. According to Yael and Avi, "the cause of action to declare Earl was never [T]rustee . . . is not a repetition of the first cause of action, in which we challenged [Shane's] acceptance of [T]rusteeship, on his death bed." Their position is incorrect.

The record clearly shows that from 2014 onward, Yael and Avi clearly stated they were seeking "a judgment declaring that Shane and Earl were not rightful [T]rustees of the Yael Silberberg 2012 Trust." (Emphasis added). Moreover, in their merits brief, Yael and Avi again reiterate that they seek "a [d]eclaratory judgment that [Earl] is not the Trustee of the 2012 Trust, nor was he ever the [le]gitimate trustee." Yael and Avi also try to prevent the application of res judicata by noting, "this new petition is based on [Earl's] own admission in [an] email that he takes orders from Uri, and hence, [Earl] by his own words wasn't the [T]rustee of the [T]rust."

We are satisfied that Yael and Avi raised these claims and tried them to a decision in a court of competent jurisdiction. As Judge Jerejian emphasized, the subject complaint was merely a "spin" and "a new attempt to replace the [T]rustee . . . with the mother-in-law" and is the "same relief . . . that has been rejected in this protracted litigation." Moreover, the production of an additional email does not change the fact that a declaratory judgment was sought to determine Earl is not the legitimate Trustee. Thus, Judge Jerejian correctly found res judicata applied.

Yael and Avi also contend that Earl "breached his duty of 'loyalty' he owes to [Yael], the beneficiary, by taking orders from Uri, who was appointed by the settlor . . . who is loyal to his father," not Yael. Although Yael and Avi argue Earl is not a Trustee, they alternatively argue that as Trustee, he breached his duty of loyalty. We are unpersuaded.

As pointed out by Judge Mizdol in her March 29, 2023 order, Yael and Avi have been doing everything in their power to reverse Judge Thurber's finding that Earl is the legitimate Trustee. Yael and Avi also fail to offer any credible evidence to prove Earl breached his duty of loyalty to her.

Judge Jerejian concluded that dismissal was warranted under Rule 4:6-2(e) because this issue "was fully adjudicated at trial [with Judge Thurber], they

were heard on appeal, and there was a filing before the Supreme Court." Moreover, Judge Jerejian found the complaint alleged "no proofs" of any misconduct, embezzlement, waste, or "any sort of abuse" regarding the Estate.

"On appeal, we apply a plenary standard of review from a trial court's decision to grant a motion to dismiss pursuant to Rule 4:6-2(e)." Rezem Family Assocs., LP v. Borough of Millstone, 423 N.J. Super. 103, 114 (App. Div. 2011). "[W]e owe no special deference to a trial judge's legal interpretations in deciding any motion." Giannakopoulos v. Mid State Mall, 438 N.J. Super 595, 600 (App. Div. 2014).

"In reviewing a complaint dismissed under Rule 4:6-2(e) our inquiry is limited to examining the legal sufficiency of the facts alleged on the face of the complaint." Printing Mart-Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989). "The essential test is simply 'whether a cause of action is "suggested" by the facts.'" Green v. Morgan Props., 215 N.J. 431, 451 (2013) (quoting Printing Mart-Morristown, 116 N.J. at 746). Reviewing courts must "search[] the complaint in depth and with liberality to ascertain whether the fundament of a cause of action may be gleaned even from an obscure statement of claim, opportunity being given to amend if necessary." Printing Mart-Morristown, 116

N.J. at 746 (quoting Di Cristofaro v. Laurel Grove Mem'l Park, 43 N.J. Super. 244, 252 (App. Div. 1957)).

Applying this standard of review and Yael's and Avi's arguments in light of the record and applicable law, we affirm the April 27, 2023 order dismissing Yael's complaint with prejudice seeking to remove Earl as Trustee. We note that the Trust authorizes Earl to consult with individuals of his own choosing in his role as Trustee and that he communicated with others in the course of his duties as Trustee. There was no evidence proffered to support Earl's removal as Trustee and res judicata applies to bar Yael's claims.

IV.

Finally, Yael and Avi assert that they are owed at least two million dollars in punitive damages due to Earl's "prolonged reckless harmful actions." In particular, they contend Earl "was aware that serious harm would arise from his severe conduct of 'faking' to be a [T]rustee, and pretending to be loyal to [Yael], when in reality, [Earl] was taking orders from the Settlor, Daniel and his son, Uri." Yael and Avi also aver that Earl never inquired into her financial well-being and Yael's pleas for Trust income and principal so she could feed her children and provide for their basic needs.

The purpose of punitive damages is "the deterrence of egregious misconduct and the punishment of the offender." Quinlan v. Curtiss-Wright Corp., 204 N.J. 239, 273-74 (2010) (quoting Herman v. Sunshine Chem. Specialties, Inc., 133 N.J. 329, 337 (1993)). The New Jersey Punitive Damages Act, N.J.S.A. 2A:15-5.9 to -5.17, was enacted in 1995 to "establish more restrictive standards with regard to the awarding of punitive damages." Pavlova v. Mint Mgmt. Corp., 375 N.J. Super. 397, 403 (App. Div. 2005).

> The New Jersey Punitive Damages Act permits recovery of punitive damages only if the plaintiff proves, by clear and convincing evidence, that the harm suffered was the result of the defendant's acts or omissions, and such acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.
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> [N.J.S.A. 2A:15-5.12(a).]

Liability is reserved for intentional wrongdoing that is "especially egregious." Quinlan, 204 N.J. at 274 (quoting Rendine v. Pantzer, 141 N.J. 292, 313 (1995)). It requires "intentional wrongdoing in the sense of an 'evil-minded act,' or an act accompanied by a wanton and willful disregard of the rights of another." Smith v. Whitaker, 160 N.J. 221, 241 (1999) (quoting Nappe v. Anschelewitz, Barr, Ansell & Bonello, 97 N.J. 37, 49 (1984)). It also requires proof of "actual malice," Quinlan, 204 N.J. at 274, which may be the same type

of fraudulent motive, or deliberate act or omission with knowledge of the likely harmful consequences, that a jury would need in order to find tortious interference or fraud. See Nappe, 97 N.J. at 48-51. We review for abuse of discretion. Tarr v. Bob Ciasulli's Mack Auto Mall, Inc., 390 N.J. Super. 557, 565 (App. Div. 2007).

Yael and Avi have attempted to pursue punitive damages against Earl since the commencement of this litigation more than a decade ago. For example, in Yael's and Avi's third amended answer, which included third-party claims and counterclaims, filed in 2014, they sought punitive damages from Earl for his "concealment, conversion, fraud, and conspiracy to defraud Yael . . . of her past income and principal and for their fraudulent decanting[.]"

When the matter was pending before Judge Toskos, he construed Yael's and Avi's argument as alleging the designation of Earl as Trustee was invalid; therefore, "punitive damages in the amount of [five] million [dollars] are warranted by his actions." In addition, Judge Toskos noted an award of punitive damages required a showing of intent and should be resolved at the time of trial. Moreover, following a lengthy trial, Judge Thurber denied Yael's and Avi's claim for punitive damages against Earl, and we affirmed.

Unsatisfied with the results, Yael and Avi continue to seek punitive damages against Earl, and in their newly minted argument, aver they are owed "at least" two million dollars for the harm caused by him "faking to be a [T]rustee" and pretending to be "loyal."

Yael's and Avi's claim for punitive damages is barred by res judicata. And, their factual allegations do not have evidentiary support and are without merit and fail to demonstrate actual malice, wanton or willful disregard, or intentional wrongdoing that is "especially egregious." See Quinlan, 204 N.J. at 274. Nothing has been presented to us on this appeal to convince us otherwise. For these reasons, the denial of punitive damages was not an abuse of discretion.

To the extent we have not addressed arguments Yael and Avi raised on this appeal, it is because they lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.