SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3444-21

JERMAINE CURRY,

Plaintiff-Appellant,

v.

NEW JERSEY STATE PRISON and STATE OF NEW JERSEY DEPARTMENT OF CORRECTIONS,

Defendants-Respondents,

and

GLENN TRAHAN, ANTONIO CAMPOS, CALVIN BRYANT, VICTOR HORNE and STEPHEN JOHNSON,

Defendants.

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Argued January 31, 2024 – Decided June 24, 2024

Before Judges Accurso, Vernoia, and Gummer.

On appeal from the Superior Court of New Jersey, Law Division, Mercer County, Docket No. L-1590-18.

Ayesha Krishnan Hamilton argued the cause for appellant (Hamilton Law Firm, PC, attorneys; Ayesha Krishnan Hamilton, of counsel and on the briefs).

William Patrick Flahive argued the cause for respondents (Flahive Mueller Attorneys at Law, LLC, attorneys; William Patrick Flahive, on the brief).

PER CURIAM

Plaintiff Jermaine Curry, a former senior corrections police officer, appeals from an order granting the summary-judgment motion of defendants State of New Jersey Department of Corrections (DOC) and New Jersey State Prison (NJSP)[1] as to his claim under the Conscientious Employee Protection Act (CEPA), N.J.S.A. 34:19-1 to -14, and an order denying his reconsideration motion. The motion judge found plaintiff had failed to establish the elements of a CEPA claim or any genuine issues of material fact. We agree and affirm.

I.

We take these material facts from the summary-judgment record, viewing the evidence in a light most favorable to plaintiff, the non-moving party, and

[1] The motion judge granted the motion also as to defendants Victor Horne and Stephen Johnson and plaintiff's claim based on New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 to -50. Plaintiff did not appeal from those aspects of the order.

drawing all reasonable inferences in his favor. See Crisitello v. St. Theresa Sch., 255 N.J. 200, 218 (2023).

Plaintiff began to work for the DOC in 2011 and was assigned to NJSP. Disciplinary charges were sustained against him in 2015, 2018, and 2019. On September 4, 2019, a Final Notice of Disciplinary Action (FNDA) was issued, terminating plaintiff's employment.

Plaintiff's first disciplinary sanction was a sixty-day suspension. That sanction was imposed in a September 21, 2015 FNDA after a hearing officer found plaintiff had engaged in conduct unbecoming of an employee and had misused his authority when, on March 26, 2015, while assigned as the kitchen officer of NJSP, he had locked Assistant Food Service Supervisor Glen Trahan against his will in a room in the prison's "Cookhouse." Plaintiff previously had filed special custody reports (SCRs) alleging civilian employees were not following DOC's internal management procedures, including procedures regarding inmate use of kitchen utensils, in the Cookhouse and complaints against Cookhouse staff, including Trahan, with the DOC Equal Employment Division (EED). During a disciplinary appeal hearing regarding the March 26, 2015 incident, plaintiff admitted he had "secure[d]" Trahan in the room and had locked him in there for about six minutes. According to plaintiff, he locked

Trahan alone in the room after Trahan had cursed at him and continued to open cans in the presence of inmates after plaintiff told him to stop. Plaintiff appealed the suspension to the New Jersey Office of Administrative Law; an administrative law judge affirmed it on February 9, 2018.

Plaintiff's second disciplinary sanction was a 120-day suspension, which was issued in a May 24, 2018 FNDA after a hearing officer found plaintiff on May 5, 2017, had engaged in conduct unbecoming of a public employee and "[i]nsubordination, [i]ntentional disobedience or refusal to accept an order or resisting authority, disrespect or use of insulting or abusive language to a supervisor." The hearing officer concluded that on that day, plaintiff had received orders from multiple supervisors, including Lieutenant Victor Horne, to report to a particular area in the prison or to contact his supervisors by telephone but had been "defiant" and had failed to comply with the orders. The hearing officer found plaintiff had not denied he failed to report or to call his supervisors but instead contended he had refused to do so based on his feeling he was being harassed by them; had made "inappropriate, unprofessional, and disrespectful comments toward [them]"; and had admitted he left the inner security perimeter of the prison without their permission.

On May 5, 2017, after he had refused to report to his supervisors as ordered, plaintiff submitted an SCR, stating he was "under a feeling of sudden duress, anxiety, and harassment," citing the orders and pages he had received from his sergeant and Horne. Two days later, he submitted a supplemental SCR, in which he stated he feared for his livelihood and job position since complaining about Horne; asserted he had "anxiety and depression . . . due to work-related prejudice and retaliation," and accused Horne and his "cronies [of being] in the process of initiating a psychological driver against this officer for a major, mental breakdown." According to NJSP's assistant superintendent, due to plaintiff's "strongly worded statements regarding his mental health status and the concerns they raised," NJSP referred plaintiff to the Employee Advisory Service, removed his "weapons card," and restricted him from working any armed posts. Plaintiff was subsequently administratively cleared to have his weapons privileges reinstated, and his weapons card was reissued on February 11, 2019.

He also filed a complaint with the EED on May 5, 2017. He accused Horne of discriminating against him on the basis of age, sexual orientation, color, and race and engaging in sexual harassment and retaliation. Plaintiff had not previously filed any complaints about Horne with the EED. On August 8,

2018, the EED director issued a letter to plaintiff, stating that based on its investigation of his complaint, the EED had concluded plaintiff's allegations against Horne were not substantiated and that plaintiff had engaged in conduct violative of the DOC's policy against discrimination in the workplace. On the same day, the director of the EED's office of legal and regulatory affairs issued a memorandum to NJSP's associate administrator, advising him the EED had determined a "letter of counseling" should be issued to plaintiff based on a crude comment the EED found plaintiff had made regarding Horne.[2] The "letter of counseling," dated December 28, 2018, was issued on January 24, 2019. Plaintiff was advised in the letter that no disciplinary action was being taken regarding the comment he had made and he might be subject to disciplinary action in the future if he violated the policy against discrimination in the workplace.

Plaintiff's third disciplinary sanction was termination. That sanction was imposed in a September 4, 2019 FNDA after a hearing officer concluded

[2] The EED found plaintiff had said to a co-worker regarding an order Horne had issued to him, "I'll do it if it'll make his dick bigger." Plaintiff denied making the comment. Other witnesses said he made the comment. The hearing officer who decided the disciplinary hearing regarding the May 5, 2017 incident concluded management had not met its burden in proving plaintiff had made the comment because a purported witness to the alleged statement did not testify and Horne "did not think the comment was serious."

plaintiff, among other things, had engaged in conduct unbecoming a public employee, fighting or creating a disturbance on State property, and falsification, intentional misstatement of material facts based on a June 9, 2019 incident. The hearing officer found plaintiff initially had submitted a written report in which he described the incident as being only verbal in nature when, in fact, it was a physical altercation involving plaintiff and another officer throwing punches at each other. At the disciplinary appeal hearing, the other officer conceded he had thrown the first punch but stated he had done so after plaintiff had called him a "f*****-ass cop," a "fake-ass cop," and a "bitch-ass n*****" and as plaintiff "was walking toward him with his fists closed, and . . . cursing." Plaintiff did not testify at the hearing. His representative conceded plaintiff, along with the other officer, had made mistakes that day, chalking their behavior up to "a stressful work environment."

Plaintiff began this lawsuit with the filing of a complaint in the Law Division on March 16, 2018. On October 2, 2019, plaintiff filed a fifth amended complaint, alleging he "had suffered a pattern of ongoing, severe and pervasive harassment" after he engaged in the following whistleblowing activities: beginning in 2013, plaintiff verbally and in writing complained about the failure of Cookhouse staff, including Trahan, to follow standard operating procedures

and safety guidelines, including procedures regarding use of utensils; he filed "other complaints about violations of workplace procedure"; and he was interviewed on December 28, 2018, by the EED regarding a co-worker's complaint and stated he had witnessed a male officer tell a female officer she could not use a nearby restroom but could use a restroom in another location.

On February 8, 2021, a judge entered an order granting defendants' motion for partial summary judgment dismissing with prejudice all of plaintiff's CEPA claims that had accrued before March 15, 2017. The judge found those claims, including claims against individual defendants "related to the Cookhouse," were time-barred under CEPA's one-year statute of limitations, N.J.S.A. 34:19-5. Plaintiff does not appeal from that order and acknowledges he cannot recover damages for alleged retaliatory acts that occurred before March 15, 2017. He asserts, however, the underlying facts related to those alleged acts are admissible as evidence of defendants' animus towards him and of their "retaliatory motive."[3]

[3] In addition to being time-barred, plaintiff's Cookhouse claims appear to be barred pursuant to Winters v. North Hudson Regional Fire and Rescue, 212 N.J. 67, 91 (2012) (barring an employee from relitigating in a civil lawsuit a retaliation defense raised and rejected in a civil service disciplinary proceeding).

Defendants subsequently moved for summary judgment on plaintiff's remaining claims. After hearing argument, another judge placed a decision on the record on April 20, 2022, and entered an order granting the motion. The judge found plaintiff's CEPA claims to be "legally and factually deficient," "the employment actions were warranted," and evidence demonstrating defendants took the employment actions in retaliation for plaintiff's alleged whistleblowing activity was lacking. The same judge later denied plaintiff's reconsideration motion. This appeal followed.

II.

We review a grant or denial of summary judgment de novo, applying the same legal standard as the trial court. Crisitello, 255 N.J. at 218. That standard requires us to "determine whether 'the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law.'" Branch v. Cream-O-Land Dairy, 244 N.J. 567, 582 (2021) (quoting R. 4:46-2(c)). "Summary judgment should be granted . . . 'against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial.'"

Friedman v. Martinez, 242 N.J. 449, 472 (2020) (quoting Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)). "We owe no deference to conclusions of law that flow from established facts." Crisitello, 255 N.J. at 218. We review a trial court's order denying a reconsideration motion based on an abuse-of-discretion standard. Branch, 244 N.J. at 582.

"A dispute of material fact is 'genuine only if, considering the burden of persuasion at trial, the evidence submitted by the parties on the motion, together with all legitimate inferences therefrom favoring the non-moving party, would require submission of the issue to the trier of fact.'" Gayles by Gayles v. Sky Zone Trampoline Park, 468 N.J. Super. 17, 22 (App. Div. 2021) (quoting Grande v. Saint Clare's Health Sys., 230 N.J. 1, 24 (2017)). "Rule 4:46-2(c)'s 'genuine issue [of] material fact' standard mandates that the opposing party do more than 'point[] to any fact in dispute' in order to defeat summary judgment." Globe Motor Co. v. Igdalev, 225 N.J. 469, 479 (2016) (quoting Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 529 (1995)). Insubstantial arguments based on assumptions or speculation are not enough to overcome summary judgment. Brill, 142 N.J. at 529. "'[C]onclusory and self-serving assertions by one of the parties are insufficient to overcome' a motion for summary judgment." Dickson

v. Cmty. Bus Lines, Inc., 458 N.J. Super. 522, 533 (App. Div. 2019) (quoting Puder v. Buechel, 183 N.J. 428, 440-41 (2005)).

CEPA prohibits an employer from taking any retaliatory action against an employee who:

> c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
>
> (1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity . . . ;
>
> (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or
>
> (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.
>
> [N.J.S.A. 34:19-3(c).[4]]

[4] Plaintiff did not cite to any particular CEPA provision in the complaint and briefed only paragraph (c) of N.J.S.A. 34:19-3 in his appellate briefs. Accordingly, to the extent plaintiff intended to rely on any other CEPA provision, he waived that argument by not briefing it. See N.J. Dep't of Env't

"The Legislature enacted CEPA 'to protect and encourage employees to report illegal or unethical workplace activities and to discourage public and private sector employers from engaging in such conduct.'" Allen v. Cape May Cnty., 246 N.J. 275, 289 (2021) (quoting Dzwonar v. McDevitt, 177 N.J. 451, 461 (2003)).

To establish a claim under N.J.S.A. 34:19-3(c), a plaintiff must demonstrate:

> (1) he or she reasonably believed that his or her employer's conduct was violating either a law, rule, or regulation promulgated pursuant to law, or a clear mandate of public policy; (2) he or she performed a "whistle-blowing" activity described in N.J.S.A. 34:19-3(c); (3) an adverse employment action was taken against him or her; and (4) a causal connection exists between the whistle-blowing activity and the adverse employment action.
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> [Id. at 290 (quoting Dzwonar, 177 N.J. at 462).]

The plaintiff is not required to prove the employer violated the law, rule, regulation, or public policy, only that he or she had a reasonable belief the violation occurred. Ibid. But a court "'must be alert to the sufficiency of the factual evidence and to whether the acts complained of could support the finding

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Prot. v. Alloway Twp., 438 N.J. Super. 501, 505 n.2 (App. Div. 2015) (finding "[a]n issue that is not briefed is deemed waived upon appeal").

that the complaining employee's belief was a reasonable one,' and 'must take care to ensure that the activity complained about meets this threshold.'" Chiofalo v. State, 238 N.J. 527, 543 (2019) (quoting Battaglia v. United Parcel Serv., Inc., 214 N.J. 518, 558 (2013)). "Vague and conclusory complaints, complaints about trivial or minor matters, or generalized workplace unhappiness are not the sort of things that the Legislature intended to be protected by CEPA." Allen, 246 N.J. at 290 (quoting Battaglia, 214 N.J. at 559).

Once a plaintiff who claims the employer took an adverse employment action as a pretext for discrimination establishes the four required CEPA elements, the burden of persuasion shifts to the employer to "advance a legitimate, nondiscriminatory reason for the adverse conduct against the employee." Klein v. Univ. of Med. & Dentistry of N.J., 377 N.J. Super. 28, 38 (App. Div. 2005); see also Allen, 246 N.J. at 290-91. "If such reasons are proffered, plaintiff must then raise a genuine issue of material fact that the employer's proffered explanation is pretextual." Klein, 377 N.J. Super. at 39.

Plaintiff argues he met the first and second prongs of CEPA based on the following purported whistleblowing activities: "reporting and complaining about safety violations in the Cookhouse"; "filing multiple EED complaints and reports," citing only his May 5, 2017 EED complaint about Horne, his May 7,

2017 supplemental SCR, and three 2014 EED complaints regarding Trehan and other food-services unit staff; "giving a statement to support a co-employee's allegations of discriminatory harassment by a supervisor"; and "filing the instant civil action against [d]efendants alleging acts of unlawful harassment and retaliation."[5]

As to the first two prongs of CEPA, the motion judge considered plaintiff's time-barred Cookhouse-related complaints and held they were premised on "internal management procedures," not laws, rules, or mandates of public policy. The judge also considered the SCRs and EED complaint plaintiff had submitted about Horne and found those documents, which were devoid of any reference to any law, rule, or DOC regulation, failed to demonstrate plaintiff had a

[5] Plaintiff filed the first complaint in this lawsuit on March 16, 2018, before issuance of the May 24, 2018 FNDA regarding the May 5, 2017 incident and his subsequent termination. Plaintiff did not assert in the complaint that the filing of the complaint was a whistleblowing act, did not amend the complaint to include the filing of the lawsuit as a basis for his CEPA claim, and, based on our review of the transcript of the summary-judgment argument and the summary-judgment decision, did not argue before the trial court the summary-judgment motion should be denied because the filing of the lawsuit was a whistleblowing act under CEPA. Accordingly, we decline to consider any argument based on plaintiff's assertion on appeal that the filing of the lawsuit is a basis of his CEPA claim. See J.K. v. N.J. State Parole Bd., 247 N.J. 120, 138 n.6 (2021) ("[O]ur appellate courts will decline to consider questions or issues not properly presented to the trial court when an opportunity for such a presentation is available." (quoting State v. Robinson, 200 N.J. 1, 20 (2009))).

reasonable belief a law, rule, or clear mandate of public policy had been violated.

"[E]ither 'the court or the plaintiff' must identify the statute, regulation, rule, or public policy that closely related to the complained-of conduct." Chiofalo, 238 N.J. at 541 (emphasis omitted) (quoting Dzwonar, 177 N.J. at 464). "'[W]hen no such law or policy is forthcoming,' judgment can and should be entered for the defendant." Id. at 541-42 (quoting Dzwonar, 177 N.J. at 463). A case based on "a routine dispute in the workplace regarding the relative merits of internal policies and procedures" or "the most trivial or benign employee complaints" does not satisfy CEPA's first prong. Id. at 542 (quoting Hitesman v. Bridgeway, Inc., 218 N.J. 8, 31, 32 (2014)); see also Hitesman, 218 N.J. at 33 ("CEPA is not intended to protect an employee 'who simply disagrees with the manner in which the hospital is operating one of its medical departments, provided the operation is in accordance with lawful and ethical mandates.'" (quoting Klein, 377 N.J. Super. at 42)). Whether the employee has identified a law or clear mandate of public policy is an issue of law for the court. Dzwonar, 177 N.J. at 469.

We agree with the motion judge's holding that plaintiff failed as a matter of law to meet CEPA's first two prongs. Plaintiff's Cookhouse complaints, in

addition to being time-barred, are based on alleged violations of internal management procedures that do not establish a reasonable belief defendants' conduct violated either a law, rule, or regulation promulgated pursuant to law, or a clear mandate of public policy. We reach the same conclusion as to the claim based on the EED interview plaintiff gave regarding his co-worker's claim. Plaintiff has not identified a statute, regulation, rule, or public policy that was violated when one co-worker told another co-worker to use a different restroom. In his SCRs about the May 5, 2017 incident, plaintiff complains about directions he received from his supervisors and their "constant air pages" for him but fails to explain how anything his supervisors did would support a reasonable belief they had violated a law, rule, regulation, or clear mandate of public policy. The unsupported assertions of discrimination plaintiff made in his May 5, 2017 EED complaint about Horne also fail to meet the first two prongs of CEPA. Plaintiff's "[v]ague and conclusory complaints" and "complaints about trivial or minor matters" fail to demonstrate plaintiff had a reasonable belief a law, rule, or clear mandate of public policy had been violated and "are not the sort of things that the Legislature intended to be protected by CEPA." Allen, 246 N.J. at 290 (quoting Battaglia, 214 N.J. at 559).

As for the third prong of CEPA, plaintiff identifies his 120-day suspension and termination, as well as the "letter of counseling" and the temporary removal of his weapons card as adverse employment actions. Defendants concede the 120-day suspension and the termination qualify as adverse employment actions. Plaintiff has failed to establish the issuance of the letter of counseling or the temporary removal of his weapons card constituted adverse employment actions under CEPA.

In addition to "discharge, suspension, [and] demotion," CEPA includes in its definition of "'[r]etaliatory action' . . . other adverse employment action taken against an employee in the terms and conditions of employment." See N.J.S.A. 34:19-2(e). Thus, "employer actions that fall short of [discharge, suspension, or demotion], may nonetheless be the equivalent of an adverse action." Richter v. Oakland Bd. of Educ., 459 N.J. Super. 400, 418 (App. Div. 2019) (alterations in original) (quoting Nardello v. Twp. of Voorhees, 377 N.J. Super. 428, 433-34 (App. Div. 2005)); see also Mancini v. Twp. of Teaneck, 349 N.J. Super. 527, 564-65 (App. Div. 2002) (assignment to different or less desirable tasks may constitute adverse employment action and establish prima facie case of retaliation). That an employment action makes an employee unhappy does not automatically make it an adverse employment action under CEPA. Richter, 459

N.J. Super. at 418. CEPA's purpose is "not to assuage egos or settle internal disputes at the workplace." Klein, 377 N.J. Super. at 45.

The letter of counseling was issued at the directive of the EED after the EED investigated a complaint filed by plaintiff and concluded plaintiff, not the person named in his complaint, had violated the DOC's policy on discrimination in the workforce. The letter expressly states no disciplinary action was being taken. Plaintiff has not demonstrated defendants acted wrongfully in temporarily removing his weapons card when he complained in the May 7, 2017 supplemental SCR he was suffering "anxiety and depression . . . due to work-related prejudice and retaliation" and believed others were "in the process of initiating a psychological driver against this officer for a major, mental breakdown." Plaintiff has not shown how the removal of his weapons card or any delay in its reissuance resulted in different or less desirable tasks or assignment constituting adverse employment action.[6] In fact, he testified his assignment as a general assignment officer began in April 2017, before the

[6] Plaintiff complains about a delay in the reissuance of his weapons card. But, as the motion judge found, plaintiff failed to provide proof of the dates establishing a delay in the reissuance of the weapons card. His citation to the fifth amended complaint isn't enough. See R. 4:46-5(a) (a party opposing a summary-judgment motion "may not rest upon the mere allegations or denials of the pleading").

temporary removal of his weapons card, and remained unchanged until his termination.

The causal-connection element of CEPA "can be satisfied by inferences that the trier of fact may reasonably draw based on circumstances surrounding the employment action. The temporal proximity of employee conduct protected by CEPA and an adverse employment action is one circumstance that may support an inference of a causal connection." Maimone v. City of Atl. City, 188 N.J. 221, 237 (2006). "Only where the facts of the particular case are so 'unusually suggestive of retaliatory motive' may temporal proximity, on its own, support an inference of causation. Where the timing alone is not 'unusually suggestive,' the plaintiff must set forth other evidence to establish the causal link." Young v. Hobart W. Grp., 385 N.J. Super. 448, 467 (App. Div. 2005) (first quoting Krouse v. Am. Sterilizer Co., 126 F.3d 494, 503 (3d Cir. 1997); and then citing Farrell v. Planters Lifesavers Co., 206 F.3d 271, 280-81 (3d Cir. 2000)).

We agree with the motion judge's conclusion plaintiff failed to establish a causal connection between his alleged whistleblowing acts and his 120-day suspension and termination. Plaintiff has not shown any connection between his Cookhouse complaints and the disciplinary actions taken in connection with

the May 5, 2017 and June 9, 2019 incidents. Plaintiff made his last Cookhouse complaint more than two years before his 120-day suspension and termination. Several years passed between plaintiff's first Cookhouse complaint and his termination. As the motion judge found, plaintiff failed to produce any evidence the individuals involved in deciding his disciplinary actions had any motive to retaliate against him. He complains about the purported animus of Lieutenant Michael Ptaszenski, whose role was to investigate disciplinary incidents, and not to decide them. Plaintiff filed his harassment complaints about Horne immediately after he refused to comply with Horne's lawful directives. The photographs plaintiff submitted of co-workers socializing do not create a genuine dispute regarding the existence of a plot against plaintiff. Plaintiff's conclusory assertions of a causal link are not enough to establish one.

Defendants met their burden to "advance a legitimate, nondiscriminatory reason for the adverse conduct against the employee." Klein, 377 N.J. Super. at 38. Plaintiff was first suspended for sixty days after he wrongfully detained a civilian employee by locking him in a room against his will. In accordance with an established progressive system of disciplinary action, plaintiff next was suspended for 120 days after he refused to follow the orders of his superiors and was terminated after he engaged in a physical altercation with a co-worker and

lied about it. The burden shifts to plaintiff to "raise a genuine issue of material fact that the employer's proffered explanation is pretextual." Id. at 39. Plaintiff has failed to meet that burden. Plaintiff asserts, but fails to prove, the existence of a "long-standing retaliatory animosity" toward plaintiff. Plaintiff claims the penalties imposed were "irrationally severe" but fails to refute the existence of a progressive system of disciplinary action or demonstrate how the application of that established system was pretextual.

Plaintiff faults the motion judge for making credibility determinations. But the summary-judgment decision was based not on an improper assessment of credibility but on an appropriate consideration of the evidence presented under our rules and caselaw governing summary-judgment motions and our Supreme Court's mandate that trial court's "must be alert to the sufficiency of the factual evidence" when deciding CEPA cases. Chiofalo, 238 N.J. at 543 (quoting Battaglia, 214 N.J. at 558); see also Brill, 142 N.J. at 540 (holding summary judgment is properly granted "when the evidence 'is so one-sided that one party must prevail as a matter of law'" (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986))). We agree with the motion judge's conclusion plaintiff's unsupported conclusory assertions did not establish a CEPA claim or any genuine issues of material fact warranting denial of defendants' motion.

For these reasons, we affirm the orders granting defendants' summary-judgment motion and denying plaintiff's reconsideration motion. We have duly considered all of plaintiff's arguments. To the extent we have not otherwise commented on them, we conclude they lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.