SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3530-22

J.C.,

Plaintiff-Respondent,

v.

J.R.F.-D.R.,

Defendant-Appellant.

Submitted May 6, 2024 – Decided June 10, 2024

Before Judges Marczyk and Vinci.

On appeal from the Superior Court of New Jersey, Chancery Division, Family Part, Ocean County, Docket No. FV-15-2171-23.

Dimin Fierro, LLC, attorneys for appellant (William N. Dimin, of counsel; Gabrielle M. Bamberski, on the brief).

Respondent has not filed a brief.

PER CURIAM

Defendant J.R.F.-D.R. ("J.R.F.")[1] appeals from the June 21, 2023 final restraining order ("FRO") entered against him and in favor of plaintiff J.C. pursuant to the Prevention of Domestic Violence Act ("PDVA"), N.J.S.A. 2C:25-17 to -35. Both parties were self-represented before the trial court. Following our review of the record and applicable legal principles, we affirm.

I.

We glean the following facts from the record of the FRO hearing, at which both parties testified. J.R.F. and J.C. were married and jointly owned a small kiosk restaurant on the boardwalk in Seaside Heights. There were no children of the marriage, however, J.C. had a son from another relationship who was living in the household at the time, and J.R.F. had a daughter from another relationship. The parties were married for approximately four years at the time of the June 2023 FRO hearing.

In November 2021, the parties both obtained temporary restraining orders ("TRO") against each other. During the June 21, 2023 FRO hearing, plaintiff explained that the basis for the November 2021 TRO was that defendant "was telling [plaintiff] he was going to get [her] out of the house one way or another.

[1] We refer to the parties using initials to protect their privacy and the confidentiality of these proceedings. R. 1:38-3(d)(9).

. . . He ha[d] gotten into [plaintiff's] son's face, . . . yelling at him, making him cry. He'[d] pushed [plaintiff], he'[d] taken [plaintiff's] epinephrine pens," despite her allergy to shellfish, and defendant "told [plaintiff] to watch out [for] contents of food in the home and all of [her] epinephrine pens." Defendant introduced an audio recording dated November 15, 2021, regarding his prior TRO against plaintiff. While standing on the staircase in their home, plaintiff stated that if she fell down the stairs, she would say defendant pushed her. Plaintiff admitted she made the statement but noted she was carrying a television on the stairs, and defendant "was standing behind [her]." She clarified that because he was standing so close, "if [she fell] down the[] stairs it's because [he] pushed [her]."

In January 2022, the parties entered into a consent order[2] under the FM docket agreeing to drop their respective TROs. The consent order granted "temporary exclusive" responsibility of the restaurant to plaintiff and restrained defendant from the restaurant or communicating with its employees. Sometime after the consent order was entered, the parties decided to work on their marriage. From May to September 2022, the parties ran the business together.

[2] The consent order is not in the record on appeal but was read, in part, into the record at the June 21, 2023 FRO hearing.

In April 2022, a dismissal warning letter was sent to the parties regarding the FM docket. On June 18, 2022, the FM matter was administratively dismissed.[3] In January 2023, the parties separated.

On May 28, 2023, a TRO was entered on behalf of plaintiff against defendant for harassment and stalking. According to the TRO, on May 27, 2023,[4] "defendant showed up at victim[']s restaurant and attempted to climb over the counter and take money from the restaurant. [Plaintiff] also stated that she continues to receive harassing and threatening text messages from defendant."

At trial, plaintiff testified defendant arrived unannounced at the restaurant, hopped over the counter, and pushed an employee. Defendant's daughter recorded the altercation on her cell phone. According to plaintiff:

> [she] was over by the register area. . . . When . . . one of [her] employees saw [defendant] coming in [defendant] went for [her] employee and [her] employee pushed [defendant] back and one of [her] other employees shoved [her] in a corner so that [defendant] couldn't . . . get towards [her]. [Defendant]

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[3] The trial court determined the civil restraints entered under the FM docket were also dismissed by virtue of the divorce proceeding being dismissed. Because the court ultimately granted plaintiff an FRO based on defendant's conduct on May 28, 2023—independent of the civil restraints—we need not address whether the civil restraints were in fact vacated when the FM matter was dismissed.

[4] Although the TRO indicated the restaurant incident occurred on May 28, 2023, the parties do not dispute that it actually took place on May 27, 2023.

> was trying to go over to the sink area where [she] was standing, trying to jump over the sink.

Plaintiff further testified she yelled at plaintiff to "please leave" and that he did not "belong [t]here." Plaintiff subsequently called the police. Plaintiff testified she is "terrified" of defendant because he had threatened her life in the past. Plaintiff further testified defendant would call her and tell her he was going to "finish" her, that he was "going for blood," telling her "f--k you" and calling her "a b---h".

Defendant admitted he jumped over the counter explaining that he "was there to check on [their] business" because plaintiff "had changed the locks . . . . [They are] both 50/50 owners. . . . [S]he hired people without [his] consent, [and he] needed to know who was on the books, what was going on with the business. [He] didn't go there to threaten her . . . ." Defendant acknowledged the parties had "heated arguments" but denied threatening her life or her son's life or pushing her in the past. He then played the video that his daughter took of the events on May 27, 2023, and rested.

The trial court rendered an oral opinion granting plaintiff's FRO.[5] In rejecting defendant's contention that he "was there to check on [the] business," the court stated the video of the incident "[spoke] for itself," showing that defendant was "clearly the aggressor in the middle of the business day jumping the counter, disrupting the whole business operation of . . . plaintiff." Specifically, the court found defendant "jump[ed] the counter [and] on the other side of the counter push[ed] an employee . . . ." As to the first prong under Silver,[6] the court found that the altercation established a predicate act of domestic violence as it was an "act of harassment under [N.J.S.A.] 2C:33-4, [because] it was an offensive touching or a threat of an offensive touching." Further the court stated that plaintiff testified "she backed up, actually an employee had to separate her from what clearly was an aggressive, inappropriate at minimum, but aggressive gesture."

After finding defendant committed a predicate offense, the trial court went on to address the second prong of Silver. The court found "the testimony of . . . plaintiff more credible . . . [and] believe[d] she ha[d] been subjected to verbal

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[5] The court initially noted there was no evidence of stalking and proceeded to address the harassment claim.

[6] Silver v. Silver, 387 N.J. Super. 112 (App. Div. 2006).

abuse by . . . defendant, threats to go for blood." The court further found that "plaintiff [was] entitled to a restraining order to prevent conduct of that going forward which satisfie[d] the second prong . . . ." The court described defendant's conduct as "totally unexpected, out of the blue [defendant] jump[ed] over the counter, pushe[d] a young . . . employee and refuse[d] to leave. So the need for that type of protection as well as protection against verbal abuse satisfie[d] the second prong."

II.

On appeal, defendant argues the court erred in concluding that a predicate act occurred and in finding for plaintiff on the second prong of Silver. He further contends the court's credibility findings were not supported by adequate credible evidence, and the incident at issue was better characterized as domestic contretemps. Lastly, defendant maintains the court considered evidence not within the four corners of the complaint.

Our scope of review is limited when considering an FRO issued by the Family Part. See D.N. v. K.M., 429 N.J. Super. 592, 596 (App. Div. 2013). That is because "we grant substantial deference to the trial court's findings of fact and the legal conclusions based upon those findings." Ibid. Further, we "accord particular deference to the Family Part because of its 'special jurisdiction and

expertise' in family matters." Harte v. Hand, 433 N.J. Super. 457, 461 (App. Div. 2013) (quoting Cesare v. Cesare, 154 N.J. 394, 413 (1998)). "The general rule is that findings by the trial court are binding on appeal when supported by adequate, substantial, credible evidence." Cesare, 154 N.J. at 411-12. Deference is particularly appropriate where the evidence is largely testimonial and hinges upon a court's ability to make assessments of credibility. Id. at 412. We review de novo the court's conclusions of law. S.D. v. M.J.R., 415 N.J. Super. 417, 430 (App. Div. 2010).

The purpose of the PDVA is to "assure the victims of domestic violence the maximum protection from abuse the law can provide." G.M. v. C.V., 453 N.J. Super. 1, 12 (App. Div. 2018) (quoting State v. Brown, 394 N.J. Super. 492, 504 (App. Div. 2007)). Consequently, "[o]ur law is particularly solicitous of victims of domestic violence," J.D. v. M.D.F., 207 N.J. 458, 473 (2011) (alteration in original) (quoting State v. Hoffman, 149 N.J. 564, 584 (1997)), and courts will "liberally construe[] [the PVDA] to achieve its salutary purposes." Cesare, 154 N.J. at 400.

The entry of an FRO requires the trial court to make certain findings, pursuant to a two-step analysis. See Silver, 387 N.J. Super. at 125-27. Initially, the court "must determine whether the plaintiff has proven, by a preponderance

of the credible evidence, that one or more of the predicate acts set forth in N.J.S.A. 2C:25-19[(]a[)] has occurred." Id. at 125. The trial court should make this determination "in light of the previous history of violence between the parties." Ibid. (quoting Cesare, 154 N.J. at 402).

After a predicate act is established, the court must then determine "whether a restraining order is necessary, upon an evaluation of the factors set forth in N.J.S.A. 2C:25-29[(]a[)](1) to -29[(]a[)](6), to protect the victim from an immediate danger or to prevent further abuse." Id. at 127 (citing N.J.S.A. 2C:25-29(b) (stating, "[i]n proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse")); see also J.D., 207 N.J. at 476.

A.

1.

Defendant argues that the trial court erred in finding a predicate act occurred. Specifically, defendant argues that placing his hand on the employee's shoulder was not only inoffensive but "incidental" to his legitimate purpose in checking on the business.

Defendant notes the court only considered subsection (b) of the harassment statute, N.J.S.A. 2C:33-4, and plaintiff did not establish that his

actions were with a purpose to harass. Rather, he contends he went to the restaurant to "maintain the integrity of [his] business." Defendant also asserts his actions were not committed against a protected person under the statute. That is, even if he was found to have harassed the young employee in the pushing incident, the employee is not a protected person under the statute.

Under N.J.S.A. 2C:25-19(a)(13), "[d]omestic violence" is defined as "the occurrence of one or more . . . acts [of harassment] inflicted upon a person protected under this act by an adult . . . ." A person commits harassment under N.J.S.A. 2C:33-4(a) to (c),

> if, with purpose to harass another, he:
>
> [(a)] [m]akes, or causes to be made, one or more communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;
>
> [(b)] [s]ubjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or
>
> [(c)] [e]ngages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.

The trial court determined defendant committed a predicate act of harassment under prong one of Silver, stating the video of the events on May 27, 2023, show defendant jumped over the counter, disrupted the whole business

day, and pushed an employee. The court specifically found harassment was proven by referencing the language under N.J.S.A. 2C:33-4(b), stating defendant's conduct "was a[n] act of harassment . . . [because] it was an offensive touching or a threat of an offensive touching."

Defendant glosses over the fact that the statute applies to the "threat" of offensive touching or shoving and instead focuses on whether defendant actually pushed plaintiff. It may have been fortuitous plaintiff was not shoved because of her employees intervening. The court noted defendant violated this section by his "aggressive gesture" of jumping the counter, forcing plaintiff to retreat, while other employees blocked defendant's path toward her. This plainly resulted in the threat of an offensive touching under the statute.

Furthermore, a purpose to harass may be inferred from the evidence. See State v. McDougald, 120 N.J. 523, 566-67 (1990). Common sense and experience may also inform a determination or finding of purpose. Hoffman, 149 N.J. at 577. "Absent a legitimate purpose behind defendant's actions, the trial court could reasonably infer that defendant acted with the purpose to harass . . . ." Ibid. Here, the court articulated its reasons for rejecting defendant's contention he was merely checking on the property and concluded defendant's

intent was to harass plaintiff by finding he violated N.J.S.A. 2C:33-4(b). Its findings were supported by the record.[7]

2.

Defendant next argues an FRO was not necessary to protect plaintiff. He asserts under the second prong of Silver, the court must determine "whether a restraining order is necessary, upon an evaluation of the factors set forth in N.J.S.A. 2C:25-29[(a)](1) to -29[(a)](6), to protect the victim from an immediate danger or to prevent further abuse." 387 N.J. Super. at 127; see also J.D., 207 N.J. at 476. This determination requires evaluation of:

> (1) The previous history of domestic violence between the plaintiff and defendant, including threats, harassment[,] and physical abuse;
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> (2) The existence of immediate danger to person or property;
>
> (3) The financial circumstances of the plaintiff and defendant;
>
> (4) The best interests of the victim and any child;

[7] Although we need not reach this issue, it also appears there was sufficient evidence in the record to prove harassment under N.J.S.A. 2C:33-4(c), because defendant arguably engaged in alarming conduct with the purpose to alarm or seriously annoy plaintiff by appearing at the restaurant, hopping over the counter, and pushing one of the employees who was attempting to block defendant from approaching plaintiff.

> (5) In determining custody and parenting time the protection of the victim's safety; [and]
>
> (6) The existence of a verifiable order of protection from another jurisdiction . . . .
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> [N.J.S.A. 2C:25-29(a); see also Cesare, 154 N.J. at 401.]

In addressing the second prong of Silver, the trial court stated:

> Now . . . that the predicate act has been established [the court has] to go on into the case of Silver v. Silver which . . . defendant has referenced which means now do[es the court] find it is necessary to enter a permanent [o]rder to prevent further abuse. [The court] find[s] the testimony of . . . plaintiff more credible in this case. [The court] believe[s] she has been subjected to verbal abuse by . . . defendant, threats to go for blood. Unfortunately, the frustrations of . . . defendant with respect to the conduct of that business are such that . . . plaintiff is entitled to a restraining order to prevent conduct of that going forward which satisfies the second prong of Silver v. Silver; totally unexpected, out of the blue he jumps the counter, pushes a young . . . employee and refuses to leave. So the need for that type of protection as well as protection against verbal abuse satisfies the second prong.
>
> . . . .
>
> We can't have people jumping over counters in the middle of a business day, pushing employees.
>
> . . . .

> [Defendant was] the aggressor. . . . And going forward [the court] think[s plaintiff] has a reasonable expectation to be free from that type of conduct.

Defendant argues the trial court erred because it disregarded case law and did not explicitly address the factors under the second prong of Silver. While the trial court did not explicitly cite the factors, it did cite Silver and addressed them in kind. For example, under factor one—the previous history of domestic violence—the court explicitly recounted plaintiff's credible testimony that "she ha[d] been subjected to verbal abuse by . . . defendant, threats to go for blood." Additionally, under factor two—the immediate danger to person or property—the court stated defendant's conduct was "totally unexpected, out of the blue he jumps the counter, pushes a young . . . employee and refuses to leave," which required a "need for that type of protection as well as protection against verbal abuse . . . ." While the court did not directly address the other factors, there is no indication that they were relevant to this case or that they would have impacted the court's analysis.

Additionally, the trial court did not err in eliciting testimony regarding plaintiff's fears, especially in light of defendant's attempt to minimize the altercation that occurred on May 27, 2023. The court found her fear to be objectively reasonable under the circumstances. As the court noted, defendant

wished to "go for blood," and plaintiff testified she believed—and the trial court found credible—he was trying to get to her when he jumped over the counter at the restaurant. As such, we must defer to that determination.

Moreover, as noted, under the second Silver prong, if the court finds that the defendant committed a predicate act of domestic violence, the court must then determine whether it "should enter a restraining order that provides protection for the victim." 387 N.J. Super. at 126. "When the predicate act is an offense that inherently involves the use of physical force and violence, the decision to issue an FRO 'is most often perfunctory and self-evident.'" A.M.C. v. P.B., 447 N.J. Super. 402, 417 (App. Div. 2016) (quoting Silver, 387 N.J. Super. at 127). Here, defendant's threat of shoving or offensive touching, as evidenced by defendant's jumping over the counter of the restaurant, during a busy day, and physically confronting plaintiff's employees who blocked defendant from approaching plaintiff, provided ample support for the court's finding that a restraining order was necessary to protect plaintiff from future acts of harassment. We discern no basis to disturb the court's finding.

B.

Defendant contends the court's factual findings were "clearly mistaken" such that we should vacate the FRO. Defendant asserts the court made few

findings regarding credibility other than it found "plaintiff more credible." Defendant also points to inconsistencies in plaintiff's testimony, arguing the court's factual findings were not supported by the record.

Unlike some "he said she said cases," there was corroborating video evidence in this case which the court noted "speaks for itself."[8] The court observed the video footage depicts defendant aggressively jumping over the counter and shoving a young employee who intervened to block defendant from approaching plaintiff. Moreover, the court found plaintiff's testimony credible that she had been subjected to verbal abuse with respect to defendant's threats that he was "going for blood."

Defendant's contention that the court did not address the fact that plaintiff and defendant lived together following the administrative dismissal of the FM matter does not otherwise undermine the court's findings based on the testimony of both parties, coupled with its evaluation of the video footage. As discussed above, we give "substantial deference to the trial court's findings of fact and the

[8] Our Supreme Court has directed that our review of video evidence also is deferential. State v. S.S., 229 N.J. 360, 381 (2017). Accordingly, a trial court finding based on video evidence can only be reversed on appeal if the trial court's interpretation of the video evidence was "so wide of the mark[] that the interests of justice demand intervention." Ibid.; see also State v. Elders, 192 N.J. 224, 245 (2007).

legal conclusions based upon those findings." See D.N., 429 N.J. Super. at 596. Here, there was ample evidence in the record to support the court's findings on both prongs of Silver.

C.

We similarly reject defendant's argument his conduct was simply domestic contretemps not warranting the intervention of the court. Our Supreme Court has emphasized the care a trial court must exercise to distinguish between ordinary disputes and disagreements between family members and those acts that cross the line into domestic violence. J.D., 207 N.J. at 475-76.

Defendant's actions here crossed that line. The court gave careful consideration to plaintiff's testimony and the video footage of the confrontation, which the court found compelling. It noted the "aggressive gesture" of defendant jumping over the restaurant counter and physically confronting an employee, who thereafter blocked defendant from approaching plaintiff. The trial court noted that this act of harassment was serious stating, "[w]e can't have people jumping over counters in the middle of a business day, pushing employees." Furthermore, the court explicitly noted that "the conduct of the business [and] the equities of the business are better handled in [the] divorce

action . . . ." This conduct constituted actionable domestic violence as correctly determined by the court.

D.

Defendant next contends the trial court allowed testimony and evidence referencing incidents not alleged in the four corners of the complaint. Specifically, regarding the predicate act, the complaint alleged harassment and stalking and further explained "defendant showed up at victim[']s restaurant and attempted to climb over the counter and take money from the restaurant." Under the prior history of domestic violence section, it only stated "prior [restraining order]." Defendant argues that nothing in the complaint alleged offensive touching or a threat against plaintiff and that, apart from the mere mentioning of a prior restraining order, there was no additional information.

We observe that defendant did not raise this issue below, and therefore, we review this argument under the plain error standard. The plain error standard under Rule 2:10-2 requires the appellate court to "determine whether any error . . . was 'of such a nature as to have been clearly capable of producing an unjust result.'" Toto v. Ensuar, 196 N.J. 134, 144 (2008) (quoting Mogull v. CB Com. Real Est. Grp., Inc., 162 N.J. 449, 464 (2000)); see also T.L. v. Goldberg, 238 N.J. 218, 232 (2019) ("To warrant reversal and entitlement to a new trial, the

plain error must have been clearly capable of producing an unjust result."). "If not, the error is deemed harmless and disregarded." Toto, 196 N.J. at 144. "Relief under the plain error rule, R[ule] 2:10-2, at least in civil cases, is discretionary and 'should be sparingly employed.'" Baker v. Nat'l State Bank, 161 N.J. 220, 226 (1999) (quoting Ford v. Reichert, 23 N.J. 429, 435 (1957)).

"Due process is 'a flexible [concept] that depends on the particular circumstances.'" H.E.S. v. J.C.S., 175 N.J. 309, 321 (2003) (alteration in original) (quoting Doe v. Poritz, 142 N.J. 1, 106 (1995)). "What that means is that '[a]t a minimum, due process requires that a party in a judicial hearing receive "notice defining the issues and an adequate opportunity to prepare and respond."'" J.D., 207 N.J. at 478 (alteration in original) (quoting H.E.S., 175 N.J. at 321 (quoting McKeown-Brand v. Trump Castle Hotel & Casino, 132 N.J. 546, 559 (1993))).

> There can be no adequate preparation where the notice does not reasonably apprise the party of the charges, or where the issues litigated at the hearing differ substantially from those outlined in the notice. It offends elemental concepts of procedural due process to grant enforcement to a finding neither charged in the complaint nor litigated at the hearing.
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> [Nicoletta v. N. Jersey Dist. Water Supply Comm'n, 77 N.J. 145, 162 (1978) (quotation omitted).]

The Supreme Court in J.D. discussed due process issues arising in a domestic violence trial, which guides our analysis here. 207 N.J. at 476-82. In J.D., the Court addressed the due process rights of a defendant with respect to receiving notice of prior acts of domestic violence identified for the first time at an FRO hearing. Id. at 466-68. There, the plaintiff filed a domestic violence complaint alleging, in addition to a predicate act of domestic violence, four prior acts of domestic violence. Ibid. At the hearing, in response to an open-ended question from the court, the plaintiff testified with respect to multiple prior acts of domestic violence not alleged in the complaint. Ibid. At the conclusion of the plaintiff's testimony, the defendant told the court—unlike defendant here—that he was not prepared to respond to the plaintiff's testimony about the prior acts of domestic violence not alleged in the complaint. Id. at 468-69. Notwithstanding the defendant's statement, the trial court proceeded to take testimony from the defendant regarding the alleged past acts. Id. at 469. The trial court subsequently relied on the past acts of domestic violence not alleged in the complaint when reaching its decision that the alleged predicate act constituted harassment. Id. at 470.

On appeal, the defendant argued, among other things, that he was denied due process because the trial court permitted testimony about past acts of

domestic violence not alleged in the complaint. Ibid. We affirmed, concluding that the contested testimony was properly admitted. Id. at 470-71. The defendant raised the same argument in the Supreme Court, who reversed. Id. at 471, 488.

The Court noted that plaintiffs seeking protection under the PDVA "often file complaints that reveal limited information about the prior history between the parties" which are often expanded upon in open court. Id. at 479. In addition, the Court observed that trial courts often will attempt to elicit a fuller picture of the history of the parties' relationship during a hearing. Ibid. The Court held that by eliciting testimony that "allows" the prior history alleged in the complaint "to be expanded," the trial court must recognize it "permitted an amendment to the complaint and must proceed accordingly." Id. at 479-80. As the Court explained,

> To be sure, some defendants will know full well the history that plaintiff recites and some parties will be well-prepared regardless of whether the testimony technically expands upon the allegations of the complaint. Others, however, will not, and in all cases the trial court must ensure that defendant is afforded an adequate opportunity to be apprised of those allegations and to prepare. See H.E.S., . . . 175 N.J. at 324 (concluding that allowing defendant only twenty-four hours to prepare violates due process).
>
> [Id. at 480.]

The Court further noted, "[w]hen permitting plaintiff to expand upon the alleged prior incidents and thereby allowing an amendment to the complaint, the court also should have recognized the due process implication of defendant's suggestion that he was unprepared to defend himself." Ibid. Importantly, the Court commented, "[a]lthough defendant's assertion that he needed time to prepare was not cloaked in the lawyer-like language of an adjournment request and was made as part of a longer response to a question, it was sufficient to raise the due process question for the trial court and it should have been granted." Ibid.

Here, the court found the complaint sufficiently addressed defendant's harassing conduct and admitted plaintiff's testimony regarding prior acts of domestic violence. The facts of J.D. are distinct in a few ways to the case at hand. Regarding the predicate act, defendant was well aware of the incident giving rise to the TRO, as he introduced the videotape of the restaurant incident that his daughter recorded. He was also aware of the physical confrontation he caused. He expressed no surprise whatsoever at plaintiff's testimony, only minimizing the extent of his actions. He was also on notice plaintiff was alleging harassment, which includes subjecting another to shoving, offensive touching, or threatening to do so. Accordingly, the complaint adequately

notified defendant of harassment, and defendant was well aware of the restaurant incident and was prepared to rebut plaintiff's testimony.

As for plaintiff's testimony regarding prior acts of domestic violence, the complaint specifically references the prior restraining order. While it does not provide any additional details, defendant posed no objection to the court's questions or to plaintiff's answers. Nor did defendant ask for more time to prepare a response to plaintiff's testimony. Indeed, he offered additional evidence to rebut plaintiff's claims, including an audio recording, and testified accordingly. Thus, the complaint reasonably apprised defendant of the prior restraining order such that we find no error in the court allowing plaintiff to expound upon the same, particularly in the absence of any objection.

For the reasons noted above, we affirm the FRO. To the extent we have not addressed any of defendant's remaining arguments, we are satisfied they are without sufficient merit to warrant further discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.