

PREPARED AND FILED BY THE COURT
DECEMBER 24th 2025
HON. KALIMAH H. AHMAD

LEONARD FILIPOWSKI (*PRO SE*)
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Plaintiff

LEONARD FILIPOWSKI Plaintiff V. Brian Stack (in his capacity as Mayor), Union City Police Department, Union City Board of Commissioners, John Does 1-99, ABC Corps. 1-99 Defendants	SUPERIOR COURT OF NEW JERSEY LAW DIVISION - HUDSON COUNTY DOCKET NO. HUD-L-2686-24 CIVIL ACTION ORDER
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This matter having been brought before the Court by plaintiff Leonard Filipowski on a Motion to Reinstate the Complaint and for Reconsideration of the October 6, 2025 Order; and the Court having reviewed the papers and good cause appearing;

This matter having been brought before the Court by plaintiff Leonard Filipowski on a Motion to Reinstate the Complaint and for Reconsideration of the October 6, 2025 Order; and the Court having reviewed the papers and good cause appearing;

IT IS on this 24th day of DECEMBER 2025, ORDERED that:

1. The Court's Orders dated March 20, 2025 is VACATED, and the Court's October 6, 2025 is AMENDED.
2. Plaintiff must reinstate their complaint by January 12th, 2026.*
3. Discovery is hereby extended as follows:

- a. All litigants must complete interrogatories and document demands by January 16th 2026;
 - b. All party and fact witness depositions to be completed by February 29, 2026;
 - c. Plaintiff's expert reports produced by March 6th, 2026;
 - d. Defendants' expert reports produced by April 6th, 2026;
 - e. All expert depositions completed by April 30th, 2026;
 - f. Discovery end date – April 30th , 2026;
 - g. Trial – July 20th, 2026
4. ORDERED that the Award for Counsel Fees and costs remain due and owing from Plaintiff to the Union City Defendants in the total amount of \$4,294.00 in accordance with the Court's order date October 6th, 2025, however, payment of the award shall no longer serve as a condition plaintiff must satisfy to reinstate the complaint.
5. IT IS ALSO ORDERED that a copy of this order be provided within 10 days of its entry.

*If plaintiff cannot afford to pay reinstatement fee, plaintiff must complete and file a [fee waiver application](#) by January 9th, 2026 along with a cover letter requesting to reinstate the complaint with a copy of this order. The Court Clerks will forward the documents to this Court for review. Defendants will not receive a copy of that application. If the application is incomplete and Plaintiff fails to attach all necessary documents, the application will be rejected and Plaintiff will be ordered to pay the reinstatement fee by January 12th, 2026. Failure to comply will result in dismissal of the complaint without prejudice.

Kalimah H. Ahmad

HON. KALIMAH H. AHMAD, J.S.C.

 X Opposed
 Unopposed

STATEMENT OF REASONS

Plaintiff's Motion for Reconsideration is GRANTED, pursuant to Rule 4:42-2. Rule 4:42-2 governs motions for reconsideration of interlocutory orders, and states that:

[A]ny order or form of decision which adjudicates fewer than all the claims as to all the parties shall not terminate the action as to any of the claims, and it shall be subject to revision at any time before the entry of final judgment in the sound discretion of the court in the interest of justice. To the extent possible, application for reconsideration shall be made to the trial judge who entered the order.

A Rule 4:42-2 motion for reconsideration “is a matter within the sound discretion of the court, to be exercised in the interest of justice.” See *Cummings v. Bahr*, 295 N.J. Super. 374, 384 (App. Div. 1996). Indeed, “[a] [R. 4:42-2] motion for reconsideration does not require a showing that the challenged order was ‘palpably incorrect,’ ‘irrational,’ or based on a misapprehension or overlooking of significant material presented on the earlier application.” *Id.* “[T]he judge should weigh all relevant factors and consider whether the order’s perpetuation serves the ultimate goal of the fair and efficient administration of justice.” *Id.* at 138. The Court is not constrained in its reconsideration by the original record. See *Lombardi v. Masso*, 207 N.J. 517, 537 (2011).

The motion for reconsideration was filed by Plaintiff Leonard Filipowski. There is opposition filed by all defendants. This matter arises from a civil rights action filed by Plaintiff Leonard Filipowski on July 22, 2024. On August 16, 2024, the Honorable Judge Jablonski issued an order denying Plaintiff’s Order to Show Cause but allowing limited discovery concerning the City’s “Rules of Decorum.” That order marked the start of preliminary discovery exchanges between the parties. Thereafter, on January 14, 2025, defense counsel, Nicholas P. Whittaker, Esq., filed a Motion to Compel Discovery, claiming that Plaintiff’s discovery responses were incomplete.

Plaintiff's then-counsel, Mario M. Blanch, Esq., requested an adjournment due to a medical procedure involving his child, but the request was opposed and ultimately denied. On January 31, 2025, the motion to compel was granted and it ordered Plaintiff to provide complete discovery responses within twenty-five days, by February 25, 2025.

On February 26, 2025, Defendants filed a Motion to Enforce Litigant's Rights, asserting that Plaintiff had not complied with the January 31 order. Plaintiff's counsel did not cross-move to compel the Defendants' deficient responses, nor did he include a certification from Plaintiff confirming his cooperation.

On March 20, 2025, the Court entered an Order dismissing the complaint without prejudice for failure to comply with discovery obligations. The dismissal order allowed for reinstatement upon three conditions: (1) Plaintiff's service of full and complete discovery responses; (2) payment of reinstatement fees; and (3) payment of Defendants' attorney's fees. A few days later, on March 26, 2025, defense counsel submitted a Certification of Services seeking \$4,194 in attorney's fees and \$100 in costs.

On April 14, 2025, Plaintiff's counsel filed a Motion for Reconsideration and to Reinstate the Complaint, which Defendants opposed. On August 29, 2025, the Court denied reinstatement but expressly stated that "the proper remedy is reinstatement upon full compliance with discovery."

On or about October 21, 2025, Plaintiff substituted prior counsel and began appearing pro se. Since then, he has served complete and verified discovery responses addressing every alleged deficiency, is prepared to pay any reinstatement filing fee, and taken steps to ensure full compliance with all discovery obligations.

Plaintiff has now filed this motion requesting that the Court reconsider and vacate the orders of January 31, March 20, and October 6, 2025, reinstate the complaint, and extend the discovery period through July 18, 2026. This motion is GRANTED in part.

Plaintiff submits that the motion should be granted because: Plaintiff had in fact provided discovery responses to prior counsel for service; That counsel failed to serve or supplement those responses; and Plaintiff was entirely unaware of the pending motions or the subsequent fee application, and that good cause and exceptional circumstances exist under R. 4:24-1(c) and to extend the discovery end date, because the case was dismissed for several months, meaning discovery was effectively stayed during that period.

The testimony at oral argument supports Plaintiff's contentions. At oral argument it was revealed that Plaintiff had not yet received his full file from his previous counsel. Thus, despite Plaintiff's attempts to comply with the orders to compel, he had no way of knowing what discovery remains outstanding without access to his file. It appears that Plaintiff himself was never personally served with the motion to compel, never informed that counsel failed to oppose it, and was deprived of any opportunity to cure the alleged deficiencies before the complaint was dismissed, meaning that Plaintiff was penalized for counsel's neglect. Plaintiff further contends that he is indigent and unable to pay the Award for attorneys fees and the reinstatement fees at this time.

Rule 4:21(c) states that no extension of the discovery period may be permitted after an arbitration or trial date is fixed, unless exceptional circumstances are shown. Here the Court finds exceptional circumstances to exist. Plaintiff was not informed that motions had been filed, that responses had not been served, or that sanctions were sought.

To the Court, it appears that throughout the relevant period, although Plaintiff had already provided his counsel with the materials necessary to comply—including responsive documents and electronic files—counsel failed to properly serve or certify those responses. Plaintiff remained unaware of the discovery enforcement proceedings, fee applications, or the resulting orders. His counsel had failed to communicate with him, and Plaintiff was deprived of any opportunity to respond or to personally cure the alleged deficiencies. Plaintiff also appears to be suffering financial difficulties that prevent plaintiff from complying with the Court's orders of October 6th, 2025 and March 20th, 2025.

Plaintiff has since taken corrective action upon proceeding pro se, and the Court finds sufficient grounds to extend discovery. For these reasons this motion is GRANTED in part.