

PREPARED AND FILED BY THE COURT
JANUARY 28TH 2026
HON. KALIMAH H. AHMAD

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Our File No.: 25143

JOSEPH M. MUNIZ,
Plaintiff/Counterclaim Defendant,

vs.

HUDSON COUNTY SCHOOLS OF
TECHNOLOGY BOARD OF EDUCATION;
Defendant/Cross-Claim Defendant,

AND

AMY LIN-RODRIGUEZ, both individually
and as the Superintendent of the Hudson
County Schools of Technology;
Defendant/Counterclaimant/Cross-Claimant

AND

JOHN MINELLA, both individually and in his
official capacity; et als.
Defendants

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY
DOCKET NO. : HUD-L-004587-24**

Civil Action

**ORDER DENYING ENTRY
OF DISMISSAL WITH PREJUDICE AND
GRANTING CROSS MOTION TO
VACATE DISMISSAL WITHOUT
PREJUDICE**

DENIED

This matter having been opened to the Court by Weiner Law Group LLP, attorneys for Plaintiff Joseph M. Muniz (Stephen Edelstein, Esq., appearing), on notice to Calcagni & Kanefsky, LLP, attorneys for Amy Lin-Rodriguez (Ray Mateo, Esq. and Richard Spatola, Esq., appearing), on Plaintiff's Cross-Motion to vacate the Order entered on September 8, 2025, dismissing the

Amended Complaint Without Prejudice, and the Court having reviewed the papers and arguments in support of and in opposition to the Cross-Motion, and good cause having been shown for the entry of the within Order;

It is on this 28TH day of January 2026
That this motion is DENIED.

~~ORDERED THAT the Plaintiff's Cross-Motion to Vacate the prior dismissal of the Amended Complaint without prejudice on September 8, 2025, be and the same it hereby GRANTED; and it is further~~

~~ORDERED THAT the Amended Complaint is hereby restored; and it is further~~

~~ORDERED THAT Defendant Amy Lin-Rodriguez's Motion to enter a final judgment dismissing the Amended Complaint is hereby denied; and it is further~~

ORDERED THAT counsel for the Plaintiff shall serve a copy of this Order on counsel for Defendant Lin-Rodriguez within days of receipt thereof.

Kalimah H. Ahmad

Hon. Kalimah H. Ahmad, ~~J.S.C.~~
~~J.C.S.~~

Opposed X

Unopposed

DENIED for the reasons set forth below.

STATEMENT OF REASONS

Plaintiff Joseph M. Muniz brings this cross-motion seeking denial of Defendant Amy Lin-Rodriguez's Motion to dismiss the Plaintiff's Amended Complaint with prejudice under Rule 4:23-5(a)(2). For the following reasons, Plaintiff's cross-motion is DENIED and Defendant's Motion to Dismiss is GRANTED.

The underlying action was initiated on December 6, 2024. Plaintiff then filed an Amended and Supplemental Complaint on December 18, 2024. On February 18, 2025, Amy Lin-Rodriguez filed her Answer and Affirmative Defenses with Counterclaims and Cross-Claims. Defendant's Answer included the following two demand notices: (1) a demand for statement of damages claimed under Rule 4:5-2; and (2) a demand for the production of documents referenced in the Amended Complaint.

On March 12, 2025, Defendant filed a motion to compel Plaintiff to provide discovery initially requested in Defendant's Answer. The Discovery Motion sought an order from the Court requiring Plaintiff to produce a statement of damages and the documents referenced in his December 18, 2024, Amended Complaint within five (5) days of the Court's order.

The relevant documents at issue in that motion and before the Court presently include receipts for bills referenced in Plaintiff's amended complaint, as to which Plaintiff, in the amended complaint, states that he "maintains" but have not yet been produced. Specifically, the Amended Complaint alleges that "[b]eginning in 2009, Plaintiff then began paying for hotel rooms, dinners, and other outings related to this affair with his personal American Express credit card." In Paragraph 15 of the Amended Complaint, Plaintiff then claims that he "maintains receipts for most of the bills referenced in the preceding Paragraph."

On April 11, 2025, the Court granted Defendant's Discovery Motion and ordered Plaintiff to produce within five days of the date of the Court's order, a statement of damages, the

documents referenced in the Amended Complaint, and to pay the attorneys' fees and costs associated with making the Discovery Motion.

On April 29, 2025 and May 2, 2025, Defendant served Plaintiff a First Set of Interrogatories and a First Request for the Production of Documents respectively. After Plaintiff failed to respond to Defendant's First RFP or produce any documents, Defendant filed two motions. The first, filed on May 7, 2025 sought the dismissal of Plaintiff's Amended Complaint without prejudice; payment of \$2,504; and attorneys' fees and costs. The second motion filed was a motion to dismiss without prejudice on August 13, 2025. On September 8, 2025, the Court granted both of Defendant's motions and dismissed Plaintiff's Amended Complaint without prejudice. On November 13, 2025, Defendant filed the Instant Motion and on November 28, 2025, Plaintiff's Cross-Motion was filed.

In the certification attached to the present cross-motion, Plaintiff asserts that the requisite fee has been paid and that the statement of damages was produced on March 26th, 2025. As to the missing receipts, the certification asserts that Mr. Muniz simply does not have the receipts that have been requested, and that ultimately every responsive document in his possession has been produced.

R. 4:23-5(a)(2) provides that:

The motion to dismiss or suppress with prejudice shall be granted unless a motion to vacate the previously entered order of dismissal or suppression without prejudice has been filed by the delinquent party and either the demanded and fully responsive discovery has been provided or exceptional circumstances are demonstrated.

The Court notes that no such motion to vacate has been filed before it. As such "after the motion is filed, there can be no restoration unless the delinquent party can demonstrate an entitlement to relief based on "exceptional circumstances." To meet that standard there would have to be proved the existence of external factors (such as poor health or emergency) which substantially

interfered with the party's ability to meet the discovery obligations. *Rodriguez v. Luciano*, 277 N.J. Super. 109, 112 (App. Div 1994)

At oral argument, Plaintiff could not account for any exceptional circumstances factors that would explain why the receipts, which were once stated to have been maintained, have not yet been produced despite the passing of over 7 months and the involvement of numerous attorneys of record on this matter. Although Plaintiff asserted that the requested documents require an extensive search, it is not clear to the Court why they have not been produced, if Plaintiff maintained they were once in his possessions. Such receipts, as alluded to at oral arguments could have been produced from card company for example.

Similarly, Plaintiff mentioned the health challenges experienced by counsel as one explanation for the delay at issue in this case. While the Court fully sympathizes with the challenges experienced by counsel, said delays clearly do not constitute significant enough interference to warrant an exceptional circumstance, particularly given the numerous attorneys involved in the matter. Furthermore, the certification does not speak to said health issues and only asserts that all responsive discovery in the possession of Plaintiff has been produced. As to the receipts, after meeting with Mr. Muniz various times it said the search remains ongoing, having been on going since March 2025. Despite the passing of 7 months, not one document responsive to the RFP has been produced. Such deficiency is not explained in the certification. Said certification does not outline any exceptional circumstances required to avoid dismissal of the case.

As such the Defendant's motion is GRANTED and the Plaintiff's cross-motion is DENIED.