SUPREME COURT OF NEW JERSEY
DOCKET NO. 078611

DAVID SPADE AND KATINA SPADE, H/W, INDIVIDUALLY AND AS A CLASS REPRESENTATIVE ON BEHALF OF OTHERS SIMILARLY SITUATED, Plaintiffs/Appellants, v. SELECT COMFORT CORPORATION D/B/A SLEEP NUMBER, LEGGETT & PLATT, INCORPORATED AND JOHN DOE INDIVIDUALS AND BUSINESSES 1-20, Defendants/Appellees.	Question of Law Certified by the U.S. Court of Appeals for the Third Circuit Docket No. 16-1558 Sat Below: Hon. Thomas L. Ambro Hon. Patty Shwartz Hon. Julio M. Fuentes On Appeal from: United States District Court for the District of New Jersey Docket No. 3:15-cv-01826 Sat Below: Hon. Peter G. Sheridan
CHRISTOPHER D. WENGER & EILEEN MULLER, ON BEHALF OF THEMSELVES AND THOSE SIMILARLY SITUATED, Plaintiffs/Appellants, v. BOB'S DISCOUNT FURNITURE, LLC, Defendant/Appellees.	Question of Law Certified by the U.S. Court of Appeals for the Third Circuit Docket No.: 16-1572 Sat Below: Hon. Thomas L. Ambro Hon. Patty Shwartz Hon. Julio M. Fuentes On Appeal from: United States District Court for the District of New Jersey Docket No. 3:14-cv-07707 Sat Below: Hon. Peter G. Sheridan CIVIL ACTION

BRIEF OF THE NEW JERSEY CIVIL JUSTICE INSTITUTE AS *AMICUS CURIAE*

LOWENSTEIN SANDLER LLP
65 Livingston Avenue
Roseland, New Jersey 07068
973.597.2500
Attorneys for Amicus Curiae
New Jersey Civil Justice Institute

Of Counsel and On the Brief:
Gavin J. Rooney (NJ Attorney ID No. 027781992)
Naomi D. Barrowclough (NJ Attorney ID No.027682010)

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STATEMENT OF INTEREST OF AMICUS CURIAE

The New Jersey Civil Justice Institute ("NJCJI") advocates for a civil justice system that treats all parties fairly. NJCJI has a strong interest in the clear, predictable, and fair application of the law and is concerned with the broader civil justice implications that cases, such as this one, may have on the professionals, sole proprietors, and businesses within this State.

Founded in 2007 as the New Jersey Lawsuit Reform Alliance, NJCJI is a bipartisan, statewide group comprised of small businesses, individuals, not-for-profit groups, and many of the State's largest business associations and professional organizations. In that capacity, NJCJI monitors New Jersey legislation to assess its impact on issues related to civil justice, offers comments on proposed amendments to New Jersey's Rules of Court, and participates as amicus curiae in matters of interest to its membership. In recent years, NJCJI has appeared as amicus curiae before the New Jersey Supreme Court and the Appellate Division of the New Jersey Superior Court to be heard in important consumer and tort litigation including Kendall v. Hoffman-La Roche, Inc., 209 N.J. 173 (2012), Allen v. V&A Bros., Inc., 208 N.J. 114 (2011), Bosland v. Warnock Dodge, Inc., 197 N.J. 543 (2009), and In re Pelvic Mesh/Gynecare Litigation, 426 N.J. Super. 167 (App. Div. 2012). NJCJI has a particular

interest in the expanding trend of class actions brought against New Jersey businesses under the Truth-in-Consumer Contract Notice and Warranty Act, N.J.S.A. 56:12-14 et seq., and has appeared as amicus curiae in several pending appeals involving that statute, including Kaufman v. Lumber Liquidators, Docket No. A-3278-14T1 (pending in the Appellate Division), Duke v. All Am. Ford, Docket No. A-0795-15-T3 (pending in the Appellate Division), and Dugan v. TGI Friday's, Docket No. A-92-15 (pending in the Supreme Court).

NJCJI and its members believe that a fair civil justice system resolves disputes expeditiously, without bias, and based solely upon application of the law to the facts of each case. Such a system fosters public trust and motivates professionals, sole proprietors, and businesses to provide safe and reliable products and services, while ensuring that injured individuals are compensated fairly for their losses.

The NJCJI's interest in the instant case stems from its efforts to act as a friend of the court relating to consumer protection statutes such as the Truth-in-Consumer Contract, Warranty and Notice Act, and to further its members' interest in the clear, predictable, and fair application of the law. NJCJI seeks leave to participate in this appeal as amicus curiae in light of the significance of this matter to their members, and

submits this brief both in support of that application and on the merits.

PRELIMINARY STATEMENT

Recent years have seen an explosion in class action litigation under the Truth-in-Consumer Contract, Warranty and Notice Act ("TCCWNA"), N.J.S.A. 56:12-14, et seq. In what amounts to a game of "gotcha," aggressive plaintiffs' lawyers troll for standard-form contracts and notices, hoping to find some technical violation allowing them to seek a $100 civil penalty for every consumer subject to the contract or notice -- even when no one suffered any adverse consequences. The present appeal presents just such a situation, where the plaintiff seizes upon a supposed technical violation in a form agreement to demand a $100 windfall payment for all class members. Accordingly, the issue of who has statutory standing to sue under TCCWNA as an "aggrieved consumer" is a crucial one for this Court to address and clarify.

The NJCJI urges the Court to answer the Third Circuit's certified questions by defining TCCWNA's "aggrieved consumer" element as a consumer who has been adversely impacted by the challenged provision in a contract or notice. For example, the consumer must have actually read the provision at issue and been deceived as to her legal rights in a material way. "Aggrieved consumer" should not be defined as simply someone subject to a

contract or notice that contains an allegedly illegal provision, irrespective of whether the consumer read, cared about, or was in any way adversely impacted by the provision. Such an interpretation, advocated by Plaintiffs-Appellants here, would effectively strike the word "aggrieved" out of the statute.

Defining "aggrieved consumer" in this manner balances TCCWNA's consumer-protection goal and the pressing need to relieve New Jersey businesses from abusive class action suits brought on behalf of persons who suffered no adverse consequences, while also respecting and enforcing the terms of the statute itself.

STATEMENT OF FACTS AND BACKGROUND

NJCJI relies upon the Statement of Facts presented by Appellees Select Comfort Corporation and Bob's Discount Furniture LLC. It supplements that record here to describe the recent wave of TCCWNA class litigation and why the definition of "aggrieved consumer" is crucially important to these cases.

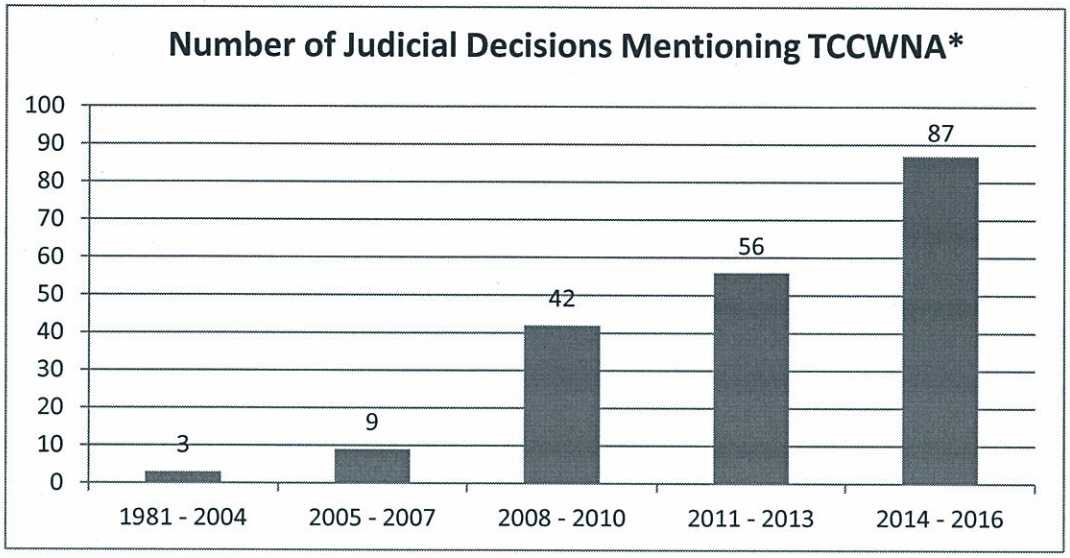
TCCWNA became law in 1981. During its first two decades, TCCWNA was the subject of virtually no litigation. Between 1981 and 2004, TCCWNA was mentioned in only three judicial decisions.

That changed, dramatically, in the mid-2000s when a seminal case involving vacuum cleaners sold in door-to-door transactions married TCCWNA to the class action device. Between 2004 and 2007, the Law Division certified a class of all consumers who

signed the same form contract and then entered summary judgment, awarding each of 16,845 class members a $100 civil penalty (or $1,684,500, in total), plus attorney's fees. On appeal, the Appellate Division affirmed. United Consumer Fin. Servs. Co. v. Carbo, 410 N.J. Super. 291 (App. Div. 2009). Carbo did not, however, examine whether the class members were "aggrieved" within the meaning of TCCWNA. Instead, the Law and Appellate Divisions assumed without analysis that all consumers who signed the same form of door-to-door sale contract had the right to receive a $100 civil penalty.

Carbo triggered a wave of new TCCWNA class actions seeking to emulate its success. Plaintiffs sued a variety of New Jersey businesses that employ standard-form customer agreements or notices (e.g., self-storage unit providers, health clubs, concert venues, and restaurants), seeking $100 or more for each class member irrespective of whether consumers suffered any adverse consequences whatsoever from the challenged contracts or notices. The surging tide of TCCWNA litigation turned to e-commerce in 2016, with dozens of class actions filed against online retailers, contending that their website terms of use violated TCCWNA and asserting that all consumers who visited the websites were owed the $100 civil penalty -- even if, as is usually the case, no one read the online terms of use.

Indeed, the explosion of TCCWNA litigation over the past decade has imposed an increasing burden on both New Jersey companies and the courts, as the following chart demonstrates:



But TCCWNA class litigation is only part of the story. Certain plaintiff's attorneys uninterested in actually seeking relief for a class have, instead, sent hundreds of demand letters to companies threatening TCCWNA class actions in order to extract pre-suit, individual settlements paying them substantial attorney's fees. More bluntly stated, TCCWNA has

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* The NJCJI compiled this list by searching Westlaw for decisions in the state and federal courts of New Jersey mentioning "TCCWNA," the "Truth in Contract Notice and Warranty Act," N.J.S.A. 56:12-14 et seq., or variants thereof. A list of the opinions that hit these search terms is attached as Exhibit A.

become a weapon used to shake down businesses who wish to avoid costly class action litigation.[1]

The engine driving this explosion of TCCWNA class litigation and demand letters is the notion that any technical violation or mistake in a form contract or notice entitles all consumers to a $100 penalty, irrespective of whether anyone suffered adverse consequences. In each of these matters, the plaintiffs claimed that consumers need show nothing more than that they were subject to a notice or contract with an allegedly violative provision in order to recover a $100 windfall -- even if neither the plaintiff nor the class read, was confused by, or was in any way adversely impacted by the provision.

This wave of TCCWNA class actions and demand letters is potentially devastating to businesses operating in New Jersey. The $100 civil penalty can dwarf the value of the underlying transaction -- a point this Court saw first-hand in the recent argument of Dugan v. TGI's Friday's, No. A-92-15, where the plaintiff seeks a $100 for every $5 drink ordered at a restaurant. As District Judge Freda Wolfson described this disturbing trend of TCCWNA class actions:

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[1] See, e.g. J. Tyrrell, "Online Shoppers Using 35-Year Old N.J. Consumer Law Against Websites," found at www.njspotlight.com (Oct. 17, 2016) (last visited June 14, 2017) (describing the "blizzard of demand letters" sent to online retailers claiming TCCWNA violations in website terms of use).

> The Court is aware that there are numerous class actions filed in this district based on similar TCCWNA violations alleged in this case. While the intent of the New Jersey Legislature in enacting TCCWNA is to provide additional protections for consumers in this state from unfair business practices, the passage of the Act is not intended, however, for litigation seeking plaintiffs and/or their counsel to troll the Internet to find potential violations under the TCCWNA without any underlying harm. In such instances, standing would be lacking.

Rubin v. J. Crew Grp., Inc., No. 16-2167, 2017 WL 1170854, at *8 (D.N.J. March 29, 2017).

As discussed below, the solution to this problem lies in an appropriate definition of "aggrieved consumer" establishing statutory standing to sue for the $100 TCCWNA civil penalty.

ARGUMENT

I. "AGGRIEVED CONSUMER" SHOULD BE DEFINED AS SOMEONE ADVERSELY AFFECTED BY THE VIOLATION -- MEANING, AT LEAST, THAT THE CONSUMER READ AND WAS MISLED BY CHALLENGED PROVISION AS TO HER LEGAL RIGHTS IN A MATERIAL WAY.

The appropriate balance between respecting TCCWNA's legislative purpose in protecting consumers and arresting the abusive wave of TCCWNA litigation lies in properly defining an "aggrieved consumer." A consumer who did not read, care about, nor suffer any adverse impacts from the challenged provision is not "aggrieved." Instead, "aggrieved" means a consumer who suffered an adverse consequence of the violation.

A. TCCWNA's Purpose and Key Provisions

The Legislature enacted TCCWNA so that consumers would not be misled to their detriment by contracts that misstated their legal rights. As the Sponsor's Statement for the bill makes clear:

> [F]ar too many consumer contracts, warranties, notices and signs contain provisions which clearly violate the rights of consumers. Even though these provisions are legally invalid or unenforceable, their very inclusion in a contract, warranty, notice or sign deceives a customer into thinking that they are enforceable, and for this reason the consumer often fails to enforce his rights.

Assem. 1660 (Sponsors' Statement), 199th Leg. (N.J. May 1, 1980).

To effectuate this intent, TCCWNA section 15 provides that a seller may not include a provision in a contract that violates the "clearly established legal right" of the consumer. N.J.S.A. 56:12-15. Section 16, in turn, recognizes that a seller could escape section 15 by including qualifying language such as "void where prohibited by law." To avoid this, section 16 provides that a contract or note may not "state[s]" that some of its provisions may not be enforced "in some jurisdictions" without advising whether they are enforceable in New Jersey. N.J.S.A. 56:12-16.

Importantly, TCCWNA allows only an "aggrieved consumer" to recover "a civil penalty of not less than $100.00" and/or

"actual damages," together with reasonable attorney's fees and court costs. N.J.S.A. 56:12-17 (emphasis added). The Legislature could have worded this section differently and allowed any "consumer" to recover a civil penalty. It did not. Instead, it chose to limit the civil penalty to an "aggrieved consumer," and the present appeal provides this Court with the opportunity to define this element.

B. An "Aggrieved Consumer" is One Who Has Been Adversely Affected by the Complained-of Provision.

An "aggrieved" consumer is one who has suffered an adverse impact from the violation. This point is demonstrated by the text of TCCWNA itself, the statute's consumer-protection goal, and precedent from this Court addressing, in similar contexts, what it means to be "aggrieved." It is also consistent with an emerging consensus from the judges of the District of New Jersey addressing who has standing to sue under TCCWNA.

Wholly absent from the statutory text is any suggestion that all consumers subject to the same contract or notice are entitled to a $100 civil penalty, and the statute certainly does not contemplate that consumers could secure the penalty en masse through the class action device. To the contrary, N.J.S.A. 56:12-17 suggests that "aggrievement" occurs on an individual basis, which may be vindicated in individual litigation between the vendor and the aggrieved consumer:

> This [civil penalty] may be recoverable by the consumer in a civil action in a court of competent jurisdiction or as part of a counterclaim against the seller, lessee, creditor, lender or bailee or assignee of any of the foresaid, who aggrieved him. A consumer also shall have the right to petition the Court to terminate a contract which violates the provisions of Section 2 of this action [56:12-15] and the court in its discretion may void the contract.

Accordingly, a consumer who has been sued by a vendor based upon an illegal provision in a contract is "aggrieved," and that is why N.J.S.A. 56:12-17 authorizes that consumer to seek the $100 penalty through a counterclaim. In this fashion, TCCWNA's text itself makes clear that an "aggrieved" consumer is one who has been adversely affected by the complained-of provision in the contract or notice. Significantly, N.J.S.A. 56:12-17 contemplates individual litigation by aggrieved plaintiffs, not class actions on behalf of those unaffected by the claimed violation.

Moreover, the last sentence of N.J.S.A. 56:12-17 permits "[a] consumer" to sue to void a contract simply upon a showing that the contract contains an unlawful provision, without requiring that consumer be "aggrieved." By investing this separate right in "[a] consumer" irrespective of aggrieved status, the text of N.J.S.A. 56:12-17 makes it clear that more is required for a consumer to be "aggrieved" than simply being subject to an allegedly illegal provision in a contract.

The Legislature's purpose in enacting TCCWNA also makes clear that the consumer must have suffered an adverse consequence to be "aggrieved." Certainly, this point is evident from the Sponsor's Statement; as that statement suggests, a consumer is aggrieved if the illegal provision "deceives a customer into thinking that [it is] enforceable, and for this reason the consumer . . . fails to enforce his rights." Assem. 1660 (Sponsor's Statement), 199th Leg. (N.J. May 1, 1980). In that situation, of course, the consumer actually read the challenged provision and was misled as to her legal rights, to her detriment.

Echoing these principles from the text and purpose of TCCWNA, this Court has been careful to define an "aggrieved" party as a person whose interests have been adversely affected. In the context of a prior statute affording a right to appeal to parties "aggrieved" by the complained-of decision below, this Court held that "[i]t is the general rule that to be aggrieved a party must have a personal or pecuniary interest or property right adversely affected...." Howard Sav. Inst. of Newark, N.J. v. Peep, 34 N.J. 494, 499 (1961); Accord Ex parte Van Winkle, 3 N.J. 348, 362 (1950) (an "aggrieved person" is one whose "personal or pecuniary interests or property rights have been injuriously affected."). Indeed, this definition of "aggrieved" has commonly been applied by the lower appellate and trial

courts of this State. See, e.g., United Prop. Owners Ass'n of Belmar v. Borough of Belmar, 343 N.J. Super. 1, 41-42 (App. Div. 2001) (an "aggrieved person" within the meaning of the Fair Housing Act is one who has been or will be adversely impacted by discriminatory housing practice).[2]

This definition of "aggrieved" accords with an emerging consensus among the federal district judges of New Jersey, who have concluded that plaintiffs have no standing to sue under TCCWNA unless they plead facts demonstrating adverse consequences arising from the challenged provisions in the contract or notice. See e.g., Hecht v. Hertz Corp., No. 2:16-cv-01485, 2016 WL 6139911 (D.N.J. Oct. 20, 2016) (a TCCWNA plaintiff who "does not describe a single concrete harm resulting from these [TCCWNA] violations" fails to establish Article III standing to sue); Hite v. Lush Internet, Inc., No. 16-1533, 2017 U.S. Dist. LEXIS 40949 (D.N.J. Mar. 23, 2017); Rubin, supra, 2017 WL 1170854, at *7-8. See also Candelario v.

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[2] This Court is hardly alone in interpreting the word "aggrieved" as requiring adverse impact on the plaintiff. See, e.g., Warth v. Seldin, 422 U.S. 490, 513 (1975) ("person aggrieved" under Civil Rights Act is someone adversely impacted by discriminatory housing practices); Gelbard v. U.S., 408 U.S. 41, 60 n.18 (1972) ("aggrieved person" under federal anti-wiretap statute is "a party to any intercepted wire or oral communication or a person against whom the interception was directed."); Goode v. City of Philadelphia, 539 F.3d 311, 321 (3d Cir. 2008) ("aggrieved persons" under tax code meant persons who were "detrimentally harmed"); Travelers Ins. Co. v. H.K. Porter Co., 45 F.3d 737, 741 (3d Cir. 1995) ("person aggrieved" by bankruptcy must have been "directly affected").

RIP Curl. Inc., No. 16-963, 2016 U.S. Dist. LEXIS 163019 (C.D. Cal. Sept. 7, 2016) (plaintiff who simply alleged she was "exposed" to an online terms and conditions that contained an allegedly illegal provision lacked Article III standing to sue under TCCWNA). While Hecht, Rubin, and Candelario were decided on Article III standing grounds, Judge Simandle dismissed the Hite action because the plaintiff did not plead facts sufficient to show that she was an "aggrieved consumer" within the meaning of N.J.S.A. 56:12-17. In particular, the Hite plaintiff failed to allege that the challenged online terms of use were displayed to her and, as Judge Simandle found, she could hardly claim to have suffered an adverse consequence from a document she never read. 2017 U.S. Dist. LEXIS 40949, *19.

C. A Consumer Who Never Read, Cared About, Nor Was Adversely Impacted by an Alleged Violation is Not "Aggrieved."

A consumer who has not suffered any adverse consequences from noncompliance is not "aggrieved," and this Court should hold that such a plaintiff lacks statutory standing to assert a claim for civil penalties under TCCWNA.

At a minimum, an "aggrieved" person must be an individual who read and is aware of the challenged provision in the document. As Judge Simandle noted in Hite, a plaintiff can hardly claim to be aggrieved by a document of which she was ignorant. In addition, the plaintiff must have been adversely

impacted -- either sued by the seller on the illegal provision (as N.J.S.A. 56:12-17 contemplates), or misled or deceived as to her legal rights in a material way (as the Sponsor's Statement reflects).

By contrast, an "aggrieved consumer" cannot be anyone subject to a contract or notice, irrespective of whether the consumer read, cared about, or suffered any adverse consequences arising from the challenged provision. Had the Legislature intended that result, it would not have limited the $100 civil penalty consumers "aggrieved" by the violation.

II. A BARE VIOLATION OF THE FURNITURE DELIVERY REGULATIONS IN A STANDARD-FORM CONTRACT SHOULD NOT AFFORD ALL CONSUMERS SUBJECT TO THAT CONTRACT A $100 WINDFALL.

For the reasons explained above, a consumer's claim that a defendant's standard-form contract violated the Furniture Delivery Regulations, N.J.A.C. 13:45A-5.1 et seq., does not entitle a consumer to a $100 civil penalty because, without more, that consumer is not "aggrieved."

Moreover, TCCWNA section 15 addresses a contract or notice that "includes a provision" violative of a consumer's clearly established legal rights. N.J.S.A. 56:12-15. Accordingly, TCCWNA does not address the omission of information from a contract or notice. See Watkins v. DineEquity, Inc., 591 Fed. Appx. 132, 135 (3d Cir. 2014) (omission of information does not fall within TCCWNA's prohibitions, which address the inclusion

of improper provisions). Here, plaintiffs principally complain that certain language in the contract at issue was not presented in the proper font size and setting. See Appellants' Brief, at pp. 4-5. Much like a claimed omission, the provision of appropriate information but allegedly in wrong font does not qualify as the "inclu[sion of] a provision" that violates a consumer's "clearly established" legal rights. Indeed, nothing in the text or the legislative history of TCCWNA suggests that the statute was intended to award $100 penalties simply because a seller did not place certain language in a given typeface or font. Under Watkins, the omission of this language altogether would not be actionable under TCCWNA; and the inclusion of appropriate information, but simply in the wrong font, cannot and should not lead to liability.

CONCLUSION

The certified questions from the Third Circuit provide this Court with an important opportunity to define an "aggrieved consumer" as one who was adversely impacted by the violation. This result will balance TCCWNA's legitimate consumer-protection purpose while arresting the opportunistic wave of class litigation threatening businesses who do business in our State. If the $100 civil penalty is limited to these truly "aggrieved" by the violation, then deserving plaintiffs will have their remedy, businesses will have an incentive to comply with the

law, and TCCWNA will be less apt to facilitate abusive class actions demanding enormous windfalls for consumers unaware of and unaffected by the claimed violation.

Respectfully submitted,

LOWENSTEIN SANDLER LLP
Attorneys for *Amicus Curiae*
New Jersey Civil Justice Institute

By: _____
Gavin J. Rooney, Esq.

Dated: June 16, 2017

Results of Westlaw Searches for Opinions Mentioning TCCWNA

Caption	Court Line	Opinion Filed Date	Parallel Cite	Docket Number
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Results of Westlaw Searches for Opinions Mentioning TCCWNA

Caption	Court Line	Opinion Filed Date	Parallel Cite	Docket Number
Celario v. Route 22 Nissan, Inc.	Superior Court of New Jersey, Appellate Division.	3-Dec-15	2015 WL 8974253	AM-000144-15T2
Quick v. Kramer	United States District Court, D. New Jersey.	30-Nov-15	2015 WL 7737347	CV 15-5845 (SRC)
Korrow v. Aaron's Inc.	United States District Court, D. New Jersey.	30-Nov-15	2015 WL 7720491	CV 10-6317
Kendall v. CubeSmart L.P.	United States District Court, D. New Jersey.	19-Nov-15	2015 WL 7306679	CV156098FLWLHG
Martinez-Santiago v. Public Storage	United States District Court, D. New Jersey.	17-Nov-15	2015 WL 7253819	14-302 (JBS/AMD)
Logan v. CLUB Metro USA LLC	United States District Court, D. New Jersey.	17-Nov-15	2015 WL 7253935	CV 15-6773 (JLL)
Posey v. NJR Clean Energy Ventures Corporation	United States District Court, D. New Jersey.	29-Oct-15	2015 WL 6561236	CV146833FLWTJB
Mattson v. Aetna Life Ins. Co.	United States District Court, D. New Jersey.	31-Aug-15	2015 WL 5090528	CIV.A. 14-6809 JEI
Mladenov v. Wegmans Food Markets, Inc.	United States District Court, D. New Jersey.	26-Aug-15	2015 WL 5023484	CIV.A. 15-00373-JEI, CIV.A. 15-00382-JEI, CIV.A. 15-00618-JEI
Chulsky v. First Niagara Bank, N.A.	United States District Court, D. New Jersey.	5-Aug-15	2015 WL 4647991	CIV.A. 15-421 MAS
Grace v. T.G.I. Fridays, Inc.	United States District Court, D. New Jersey.	27-Jul-15	2015 WL 4523639	CIV. 14-7233 RBK
Lee v. Central Parking Corp.	United States District Court, D. New Jersey.	24-Jul-15	2015 WL 4510128	2:15-CV-0454 KM MAH
Mladenov v. Wegmans Food Markets, Inc.	United States District Court, D. New Jersey.	21-Jul-15	2015 WL 4461252	CIV.A. 15-00373-JEI, CIV.A. 15-00618-JEI, CIV.A. 15-00382-JEI
Castro v. Sovran Self Storage, Inc.	United States District Court, D. New Jersey.	16-Jul-15	2015 WL 4380775	CIV.A. 14-6446 JEI
Miller v. Samsung Electronics America, Inc.	United States District Court, D. New Jersey.	29-Jun-15	2015 WL 3965608	CIV.A. 14-4076
Wilson v. Kia Motors America, Inc.	United States District Court, D. New Jersey.	25-Jun-15	2015 WL 3903540	CIV.A. 13-1069
Akishev v. Kapustin	United States District Court, D. New Jersey.	19-Jun-15	2015 WL 13022573	13CV07152NLHAMD
Leff v. Belfor USA Group, Inc.	United States District Court, D. New Jersey.	2-Jun-15	2015 WL 3486883	CIV.A. 15-2275 SRC
Motwani v. Marina Dist. Development Co., LLC	United States District Court, D. New Jersey.	29-May-15	2015 WL 3448171	CIV.A. 15-2069 JLL
Desimone v. Springpoint Senior Living, Inc.	Superior Court of New Jersey, Appellate Division.	27-May-15	2015 WL 2458021	A-3387-13T3
Carfaro v. Blue Haven Pools Northeast, Inc.	Superior Court of New Jersey, Appellate Division.	5-May-15	2015 WL 1980705	A-2803-13T3, A-2889-13T3
Bohus v. Restaurant.com, Inc.	United States Court of Appeals, Third Circuit.	30-Apr-15	2015 WL 1934590	14-3316
Gomez v. Extra Space Storage, Inc.	United States District Court, D. New Jersey.	31-Mar-15	2015 WL 1472263	CIV. 13-0929 KSH CLW
State v. Western World, Inc.	Superior Court of New Jersey, Appellate Division.	30-Mar-15	111 A.3d 1113	A-3007-12T2
Ensey v. Government Employers Ins. Co.	United States District Court, D. New Jersey.	17-Mar-15	2015 WL 1202646	CIV.A. 12-07669 JEI
Venditto v. Vivint, Inc.	United States District Court, D. New Jersey.	2-Mar-15	2015 WL 926203	CIV.A. 14-4357 JLL
Nova Bank v. Samuel D. Schenker, L.L.C.	Superior Court of New Jersey, Appellate Division.	24-Feb-15	2015 WL 751529	A-0553-13T4
McCarthy v. Equinox Holdings, Inc.	United States District Court, D. New Jersey.	9-Feb-15	2015 WL 540218	CIV. 14-37 FSH JBC
Banquez v. Deutsche Bank Nat. Trust Co.	Superior Court of New Jersey, Appellate Division.	3-Feb-15	2014 WL 7735837	A-3705-13T2
Kaufman v. Lumber Liquidators, Inc.	United States District Court, D. New Jersey.	22-Dec-14	2014 WL 7336795	CIV. 14-6434
Ardino v. RetroFitness, LLC	United States District Court, D. New Jersey.	18-Dec-14	2014 WL 7271937	14-CV-01567 JAP
New Jersey Carpenters Pension Fund v. Housing Auth. and Urban Development Agency of the City of Atlantic City	United States District Court, D. New Jersey.	17-Dec-14	2014 WL 7205331	CIV.A. 12-2229 JBS/A
Guidotti v. Legal Helpers Debt Resolution, L.L.C.	United States District Court, D. New Jersey.	3-Dec-14	2014 WL 6863183	CIV.A. 11-1219 JBS
Dispenziere v. Kushner Companies	Superior Court of New Jersey, Appellate Division.	21-Nov-14	101 A.3d 1126	A-3022-13T4
Watkins v. DineEquity, Inc.	United States Court of Appeals, Third Circuit.	7-Nov-14	2014 WL 5786603	13-1359
Venditto v. Vivint, Inc.	United States District Court, D. New Jersey.	5-Nov-14	2014 WL 5702901	CIV.A. 14-4357 JLL
Johnson v. Wynn's Extended Care, Inc.	United States District Court, D. New Jersey.	15-Oct-14	2014 WL 5292318	CIV. 12CV00079RMBKMW
Atalese v. U.S. Legal Services Group, L.P.	Supreme Court of New Jersey.	23-Sep-14	99 A.3d 306	072314, A-64 SEPTTERM 2012
Gordon v. United Continental Holding, Inc.	United States District Court, D. New Jersey.	3-Sep-14	2014 WL 4354067	2:13-CV-05967-SDW
Martinez-Santiago v. Public Storage	United States District Court, D. New Jersey.	14-Aug-14	2014 WL 4053960	CIV.A. 14-302 JBS
Menkes v. Prudential Ins. Co. of America	United States Court of Appeals, Third Circuit.	6-Aug-14	2014 WL 3843969	13-1408
Shelton v. Restaurant.com	United States District Court, D. New Jersey.	10-Jul-14	2014 WL 3396505	CIV.A. 10-824 JAP
Hunt v. Taggert	Superior Court of New Jersey, Appellate Division.	2-Jul-14	2014 WL 2957717	A-4624-12T1
Korrow v. Aaron's, Inc.	United States District Court, D. New Jersey.	30-Jun-14	2014 WL 3040802	10-CV-6317 MAS LHG
Mall Chevrolet, Inc. v. Collier	Superior Court of New Jersey, Appellate Division.	17-Jun-14	2014 WL 2718900	A-4164-12T2
Haley v. AMS Servicing, LLC	United States District Court, D. New Jersey.	11-Jun-14	2014 WL 2602044	CIV. 13-5645 FSH JBC
Williams v. Wilson	Superior Court of New Jersey, Appellate Division.	6-Jun-14	2014 WL 2533820	A-5735-12T3

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Caption	Court Line	Opinion Filed Date	Parallel Cite	Docket Number
G & F Graphic Services, Inc. v. Graphic Innovators, Inc.	United States District Court, D. New Jersey.	8-May-14	2014 WL 1818235	CIV. 13-6482 JEI/AMD
Peralta v. ABN AMRO Mortg. Group, Inc.	United States District Court, D. New Jersey.	24-Apr-14	2014 WL 1673737	CIV.A. 2:13-05607 ES
Katz v. Live Nation, Inc.	United States District Court, D. New Jersey.	28-Mar-14	2014 WL 12634282	109CV03740MLCDEA
Manahawkin Convalescent v. O'Neill	Supreme Court of New Jersey.	11-Mar-14	85 A.3d 947	A-17 SEPT.TERM 2012, 071033
Ensey v. Government Employers Ins. Co.	United States District Court, D. New Jersey.	11-Mar-14	2014 WL 941359	CIV.A. 12-07669 JEI
Gordon v. Mazda Motor Corp.	United States District Court, D. New Jersey.	13-Jan-14	2014 WL 197821	CIV. 13-3142 RBK/AMD
Re Guenot	United States Bankruptcy Court, D. New Jersey.	2-Jan-14	2014 WL 67320	11-37501, AP 12-1748
Ensey v. Government Employers Ins. Co.	United States District Court, D. New Jersey.	7-Nov-13	2013 WL 5963113	CIV.A. 12-07669 JEI
Gillette v. Toyota Motor Sales, U.S.A., Inc.	United States District Court, D. New Jersey.	7-Nov-13	2013 WL 5944096	CIV. 13-3191 JEI/AMD
Shelton v. Restaurant.com Inc.	United States Court of Appeals, Third Circuit.	4-Nov-13	2013 WL 5878902	10-2980
Perrotta v. LG Electronics USA, Inc.	United States District Court, D. New Jersey.	15-Aug-13	2013 WL 4446975	CIV.A. 12-246 JLL
Billings v. TD Bank, NA	United States District Court, D. New Jersey.	1-Aug-13	2013 WL 3989572	CIV. 13-2969 JBS/KMW
Korrow v. Aaron's Inc.	United States District Court, D. New Jersey.	31-Jul-13	2013 WL 5811496	CIV.A. 10-6317 MAS
Lomax v. Meracord LLC	United States District Court, D. New Jersey.	22-Jul-13	2013 WL 3811650	CIV.A. 13-1945 SRC
Shelton v. Restaurant.com, Inc.	Supreme Court of New Jersey.	9-Jul-13	70 A.3d 544	A-123 SEPT.TERM 2010, 068404
Singer v. Covista, Inc.	United States District Court, D. New Jersey.	28-Mar-13	2013 WL 1314593	CIV.A. 10-6147 JLL
Atalese v. U.S. Legal Services Group, L.P.	Superior Court of New Jersey, Appellate Division.	22-Feb-13	2013 WL 645729	A-0654-12T3
Sauro v. L.A. Fitness Intern., LLC	United States District Court, D. New Jersey.	13-Feb-13	2013 WL 978807	CIV. 12-3682 JBS/AMD
Williams v. Wilson	Superior Court of New Jersey, Appellate Division.	12-Feb-13	2013 WL 500228	A-3710-11T2
Watkins v. DineEquity, Inc.	United States District Court, D. New Jersey.	31-Jan-13	2013 WL 396012	CIV. 11-7182 JBS/AMD
Probola v. Long & Foster Real Estate, Inc.	Superior Court of New Jersey, Appellate Division.	16-Jan-13	2013 WL 163322	A-3923-11T3
Stevenson v. American Honda Finance Corp.	United States District Court, D. New Jersey.	20-Dec-12	2012 WL 6672848	CIV.A. 12-03334 JAP
MB Imports, Inc. v. T & M Imports, LLC	United States District Court, D. New Jersey.	28-Nov-12	2012 WL 5986454	CIV. 10-3445 ES
Johnson v. Wynn's Extended Care, Inc.	United States District Court, D. New Jersey.	20-Nov-12	2012 WL 5880310	CIV. 12-0079 RMB KMW
Calmon-Hess v. Harmer	United States District Court, D. New Jersey.	15-Oct-12	2012 WL 4895063	CIV.A. 11-03899 JEI
Street v. Hothem	Superior Court of New Jersey, Appellate Division.	4-Oct-12	2012 WL 4662756	A-5077-10T3
Wismer v. Weinman	Superior Court of New Jersey, Appellate Division.	28-Sep-12	2012 WL 4464323	A-5259-10T2
Martina v. LA Fitness Intern., LLC	United States District Court, D. New Jersey.	4-Sep-12	2012 WL 3822093	CIV. 12-2063 WHW
Watkins v. DineEquity, Inc.	United States District Court, D. New Jersey.	29-Aug-12	2012 WL 3776350	CIV. 11-7182 JBS/AMD
Napoli v. HSBC Mortg. Services Inc.	United States District Court, D. New Jersey.	27-Aug-12	2012 WL 3715936	12-CV-222 RMB-AMD
McGarvey v. Penske Auto Group, Inc.	United States Court of Appeals, Third Circuit.	2-Jul-12	2012 WL 2512011	11-2085
Probola v. Long & Foster Real Estate, Inc.	United States Court of Appeals, Third Circuit.	1-Jun-12	2012 WL 1959550	12-2199
Manahawkin Convalescent v. O'Neill	Superior Court of New Jersey, Appellate Division.	31-May-12	43 A.3d 1197	A-0841-11T4
Allen v. LaSalle Bank, N.A.	United States District Court, D. New Jersey.	23-May-12	2012 WL 1898612	CIV. 08-2240
Wolpert v. Abbott Laboratories	United States District Court, D. New Jersey.	7-May-12	2012 WL 1600437	CIV.A. 08-4849 JBS
Boyko v. American Intern. Group, Inc.	United States District Court, D. New Jersey.	26-Apr-12	2012 WL 1495372	CIV. 08-2214 RBK/JS
Wenger v. Cardo Windows, Inc.	Superior Court of New Jersey, Appellate Division.	1-Feb-12	2012 WL 280254	A-3976-09T1
Gutierrez v. TD Bank	United States District Court, D. New Jersey.	27-Jan-12	2012 WL 272807	CIV.A. 11-5533 JLL
Walker v. Giuffre	Supreme Court of New Jersey.	25-Jan-12	35 A.3d 1177	A-72 SEPT.TERM 2010, A-100 SEPT.TERM 2010, 066969, 067267
Probola v. Long & Foster Real Estate, Inc.	United States District Court, D. New Jersey.	23-Jan-12	2012 WL 194955	CIV. 11-6334 AET
Baker v. Inter Nat. Bank	United States District Court, D. New Jersey.	19-Jan-12	2012 WL 174956	CIV.A. 08-5668
Chulsky v. Hudson Law Offices, P.C.	United States District Court, D. New Jersey.	2-Dec-11	2011 WL 13167911	310CV03058FLWLHG
Dugan v. TGI Friday's, Inc.	Superior Court of New Jersey, Appellate Division.	25-Oct-11	2011 WL 5041391	A-3098-10T2
Feder v. Williams-Sonoma Stores, Inc.	United States District Court, D. New Jersey.	26-Sep-11	2011 WL 4499300	CIV. 2:11-03070 WHW
Espinosa v. MAMCO Property Management and Associations, Inc.	United States District Court, D. New Jersey.	26-Sep-11	2011 WL 4478558	CIV. 11-4847 RBK/KMW
Katz v. Live Nation, Inc.	United States District Court, D. New Jersey.	19-Sep-11	2011 WL 13151694	CV 09-3740 (MLC)
Wolpert v. Abbott Laboratories	United States District Court, D. New Jersey.	12-Sep-11	2011 WL 4073508	CIV.A. 08-4849 JBS
Korrow v. Aaron's, Inc.	United States District Court, D. New Jersey.	25-Aug-11	2011 WL 3794231	CIV.A. 10-6317 JAP
Riley v. Potter	United States District Court, D. New Jersey.	25-Aug-11	2011 WL 3841530	CIV.A. 08-5167 SDW

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Eisenberger v. Boston Service Co., Inc.	Superior Court of New Jersey, Appellate Division.	24-Aug-11	2011 WL 3687398	A-2003-10T3
DeHart v. U.S. Bank, N.A. ND	United States District Court, D. New Jersey.	18-Aug-11	2011 WL 3651270	CIV. 10-5869 JBS/KMW
Sheenan v. Mortgage Electronic, Registration Systems, Inc.	United States District Court, D. New Jersey.	10-Aug-11	2011 WL 3501883	CIV. 10-6837 RBK/KMW
NAACP of Camden County East v. Foulke Management Corp.	Superior Court of New Jersey, Appellate Division.	2-Aug-11	24 A.3d 777	A-1230-09T3
Local Baking Products, Inc. v. Kosher Bagel Munch, Inc.	Superior Court of New Jersey, Appellate Division.	19-Jul-11	23 A.3d 469	A-3923-09T2
Coleman v. Chase Home Finance, LLC ex rel. Chase Manhattan Mortg. Corp.	United States Court of Appeals, Third Circuit.	12-Jul-11	2011 WL 2688998	09-4727
Shelton v. Restaurant.com, Inc.	Supreme Court of New Jersey.	30-Jun-11	70 A.3d 496	R-10 SEPTTERM 2010, 068404
Ford Motor Credit Co., LLC v. Calandra	Superior Court of New Jersey, Appellate Division.	30-Jun-11	2011 WL 2566076	A-0590-10T1
Cooney v. BAC Home Loans Servicing, LP	United States District Court, D. New Jersey.	22-Jun-11	2011 WL 2517045	CIV. 10-4066 JBS/JS
Ogbin v. GE Money Bank	United States District Court, D. New Jersey.	13-Jun-11	2011 WL 2436651	CIV. 10-5651 NLH AMD
Kent Motor Cars, Inc. v. Reynolds and Reynolds, Co.	Supreme Court of New Jersey.	18-May-11	25 A.3d 1027	A-102 SEPT.TERM 2009, A-103 SEPT.TERM 2009
Shelton v. Restaurant.com, Inc.	United States Court of Appeals, Third Circuit.	17-May-11	2011 WL 10844972	10-2980
Pollitt v. DRS Towing, LLC	United States District Court, D. New Jersey.	18-Apr-11	2011 WL 1466378	CIV. 10-1285 AET
Chase Bank USA, N.A. v. Staffenberg	Superior Court of New Jersey, Appellate Division.	11-Apr-11	17 A.3d 239	A-4488-09T3
McGarvey v. Penske Automotive Group, Inc.	United States District Court, D. New Jersey.	31-Mar-11	2011 WL 1325210	CIV. 08-5610 JBS/AMD
Chulsky v. Hudson Law Offices, P.C.	United States District Court, D. New Jersey.	22-Mar-11	2011 WL 1099003	CIV. 10-3058 FLW
Slack v. Suburban Propane Partners, L.P.	United States District Court, D. New Jersey.	14-Feb-11	2011 WL 666042	CIV.A. 10-2548 JLL
Chulsky v. Hudson Law Offices, P.C.	United States District Court, D. New Jersey.	10-Feb-11	2011 WL 500202	CIV. 10-3058 FLW
Martino v. EverHome Mortg.	United States Court of Appeals, Third Circuit.	23-Dec-10	2010 WL 5209325	10-1247
Slack v. Suburban Propane Partners, L.P.	United States District Court, D. New Jersey.	22-Dec-10	2010 WL 5392845	CIV.A. 10-2548 JLL
Smith v. Vanguard Dealer Services, L.L.C.	Superior Court of New Jersey, Appellate Division.	21-Dec-10	2010 WL 5376316	A-3875-09T2
Dean v. Barrett Homes, Inc.	Supreme Court of New Jersey.	15-Nov-10	8 A.3d 766	A-15 SEPT.TERM 2009
Arcand v. Brother Intern. Corp.	United States District Court, D. New Jersey.	29-Sep-10	2010 WL 3907333	3:07-CV-4987 FLW
Katz v. Live Nation, Inc.	United States District Court, D. New Jersey.	2-Sep-10	2010 WL 3522792	CIV.A. 09-3740 MLC
Walker v. Giuffre	Superior Court of New Jersey, Appellate Division.	31-Aug-10	2 A.3d 1165	A-2942-08T2
Kho v. Cambridge Management Group, LLC	Superior Court of New Jersey, Appellate Division.	4-Aug-10	2010 WL 4056858	A-4338-08T3
Rivera v. Salerno Duane, Inc.	Superior Court of New Jersey, Appellate Division.	2-Jul-10	2010 WL 2794196	A-4244-08T2
Katz v. Live Nation, Inc.	United States District Court, D. New Jersey.	17-Jun-10	2010 WL 2539686	09-3740MLC
Shelton v. Restaurant.com Inc.	United States District Court, D. New Jersey.	15-Jun-10	2010 WL 2384923	CIV. A 10-0824 (JAP)
Garrett-Scheier v. Muller Automotive Group, Inc.	Superior Court of New Jersey, Law Division.	16-Apr-10	2010 WL 1599419	L-135-10
McGarvey v. Penske Automotive Group, Inc.	United States District Court, D. New Jersey.	29-Mar-10	2010 WL 1379967	CIV.08-5610JBS/AMD
Rickenbach v. Wells Fargo Bank, N.A.	United States District Court, D. New Jersey.	8-Mar-10	2010 WL 920869	CIV08-2687 (JBS/KMW)
Baker v. Inter National Bank	United States District Court, D. New Jersey.	2-Mar-10	2010 WL 11475256	CV 08-5668
Kent Motor Cars, Inc. v. Reynolds and Reynolds Co.	Superior Court of New Jersey, Appellate Division.	9-Feb-10	988 A.2d 594	A-5246-07T3
Shinn v. Champion Mortg. Co., Inc.	United States District Court, D. New Jersey.	5-Feb-10	2010 WL 500410	CIVA 09-CV-00013WJM
Boyko v. American Intern. Group, Inc.	United States District Court, D. New Jersey.	23-Dec-09	2009 WL 5194425	CIV. 08-2214 RBK/JS
Boyko v. American Intern. Group, Inc.	United States District Court, D. New Jersey.	23-Dec-09	2009 WL 5194431	CIV. 08-2214 RBK/JS
Martino v. Everhome Mortg.	United States District Court, D. New Jersey.	21-Dec-09	2009 WL 5206237	CIV. A.09-11(JEI/JS)
Martino v. Everhome Mortg.	United States District Court, D. New Jersey.	21-Dec-09	2009 WL 5174656	CIV.A 09-11 (JEI/JS)
Rivera v. Countrywide Home Loans	United States District Court, D. New Jersey.	3-Dec-09	2009 WL 4730181	CIV A 09-021 JEI/JS
Arcand v. Brother Intern. Corp.	United States District Court, D. New Jersey.	30-Nov-09	2009 WL 4261085	3:07-CV-4987 FLW
Ogbin v. Citifinancial Mortg. Co., Inc.	United States District Court, D. New Jersey.	19-Nov-09	2009 WL 4250036	CIV. 09-0023NLH
United Consumer Financial Services Co. v. Carbo	Superior Court of New Jersey, Appellate Division.	22-Oct-09	982 A.2d 7	A-5501-06T2
Delaney v. Landry's Restaurants, Inc.	United States District Court, D. New Jersey.	21-Oct-09	2009 WL 3446807	CIV. 9-1421AET
Shah v. American Express Co., American Express Bank, FSB, American Express Centurion Bank	United States District Court, D. New Jersey.	30-Sep-09	2009 WL 3234594	CIV.A.0900622(JAP)
Perkins v. Washington Mut., FSB	United States District Court, D. New Jersey.	4-Sep-09	2009 WL 2835781	CIV.A. 09-024(JEIJS)
Skypala v. Mortgage Electronic Registration Systems, Inc.	United States District Court, D. New Jersey.	1-Sep-09	2009 WL 2762247	CIV.08-5867JEI/JS

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Martino v. Everhome Mortg.	United States District Court, D. New Jersey.	31-Jul-09	2009 WL 2365160	CIV.A. 09-011JEIJS
Smith v. Vanguard Dealer Services, LLC	United States District Court, D. New Jersey.	14-Jul-09	2009 WL 2152096	CIV.A.09-31NLHJS
Rivera v. Washington Mut. Bank	United States District Court, D. New Jersey.	10-Jul-09	2009 WL 2001175	CIV A 09-021 JEI/JS
McGarvey v. Penske Automotive Group, Inc.	United States District Court, D. New Jersey.	29-Jun-09	2009 WL 1874070	CIV 08-5610 JBS/AMD
Rickenbach v. Wells Fargo Bank, N.A.	United States District Court, D. New Jersey.	22-Jun-09	2009 WL 1794782	CIV.08-2687(JBS/KMW)
Muller-Moreno v. Malouf	Superior Court of New Jersey, Appellate Division.	18-May-09	2009 WL 1361699	A-5722-06T3
Mitigation Services, Inc. v. McErlean	Superior Court of New Jersey, Appellate Division.	18-May-09	2009 WL 1361565	A-2891-07T2
Adamson v. Foulke Management Corp.	United States District Court, D. New Jersey.	6-Apr-09	2009 WL 961378	CIV.08-4819(JBS/JS)
Wenger v. Cardo Windows, Inc.	Superior Court of New Jersey, Appellate Division.	16-Mar-09	2009 WL 649458	A-3076-07T1
Bosland v. Warnock Dodge, Inc.	Supreme Court of New Jersey.	19-Feb-09	964 A.2d 741	A-97 SEPT.TERM 2007
Mullin v. Automobile Protection Corp.	United States District Court, D. New Jersey.	29-Sep-08	2008 WL 4509612	CIV. 07-3327 (RBK)
Kuhn v. Terminix Intern. Co., L.P.	Superior Court of New Jersey, Appellate Division.	9-May-08	2008 WL 1987432	A-1518-07T3
Jefferson Loan Co., Inc. v. Session	Superior Court of New Jersey, Appellate Division.	15-Jan-08	938 A.2d 169	A-0270-06T1
Bosland v. Warnock Dodge, Inc.	Superior Court of New Jersey, Appellate Division.	18-Oct-07	933 A.2d 942	A-1369-06T5
Rivera v. Salerno Duane, Inc.	Superior Court of New Jersey, Appellate Division.	22-Jun-07	2007 WL 1790723	A-5822-05T1
Smerling v. Harrah's Entertainment, Inc.	Superior Court of New Jersey, Appellate Division.	13-Dec-06	912 A.2d 168	A-1689-05T1
Barows v. Chase Manhattan Mortg. Corp.	United States District Court, D. New Jersey.	8-Dec-06	2006 WL 3626883	CIV.A. 05-3880(NLH)
Salvadori v. Option One Mortgage Corp.	United States District Court, D. New Jersey.	17-Oct-06	2006 WL 2990361	CIV.A.05 4974 RMB
Mullakandova v. C&K Auto Imports, Inc.	Superior Court of New Jersey, Appellate Division.	5-Oct-06	2006 WL 2827317	A-1059-05T2
Salvadori v. Option One Mortg. Corp.	United States District Court, D. New Jersey.	16-Mar-06	2006 WL 680535	CIV.A. 05-4974(FLW)
Feinstein v. B.D.S. Remodeling Services	Superior Court of New Jersey, Appellate Division.	21-Mar-05	2005 WL 704290	A-2555-03T1
General Motors Acceptance Corp. v. Cahill	Superior Court of New Jersey, Appellate Division.	8-Mar-05	868 A.2d 1078	A-2891-03T1
Rockel v. Cherry Hill Dodge	Superior Court of New Jersey, Appellate Division.	13-May-04	847 A.2d 621	A-6584-02T5
Alloway v. General Marine Industries, L.P.	Supreme Court of New Jersey.	30-Jun-97	695 A.2d 264	A-48 SEPT.TERM 1996
D'Ercole Sales, Inc. v. Fruehauf Corp.	Superior Court of New Jersey, Appellate Division.	21-Nov-85	501 A.2d 990	A-4540-83T3