



Krumholz Dillon, P.A.

574 Summit Ave., Suite 402, Jersey City, NJ 07306
201-656-5232 • 1-800-760-0011 • Fax 201-656-7270

Website: www.krumholzlaw.com • Email: akrumholz@aol.com

Alan L. Krumholz
Michael J. Dillon
Paula M. Dillon

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Office of the Editor
P.O. Box 20081
238 Mulberry Street
Newark, NJ 07101

Re: Letter to the Editor

Dear Sir/Madam:

Regarding a recent New Jersey Law Journal editorial about the process of Moving For Summary Judgment shortly before trial, I would like to add the following thoughts.

Not only have some defendants repeatedly filed Summary Judgment Motions shortly before trial, after having months and months in which to prepare such Motions, but the defendants have been serving these motions in such a way that in order for the opposing party to obtain an extension for just two weeks to the next Motion Date, it becomes necessary to seek an extension of the trial date. Often, it is more difficult to adjourn the trial date than to adjourn the motion, with the result being that the opposing attorney has approximately two and one-half weeks to prepare a response to such a motion, whereas the moving party has had months to prepare, research and put together their motions.

Moreover, when there are multiple motions filed within a short period of time, which is purely by chance, the result becomes chaotic in terms of having to provide opposition to the motions. The Law Journal suggestion that a cut-off date be established to require that any such motions be filed at least several weeks before trial is appropriate and necessary. Moreover, until a Rule Modification is provided, we would respectfully request that the Courts realize the difficulty usually faced by plaintiff attorneys under these circumstances. There are times when it appears that the Trial Courts fail to consider these factors, or their own schedules are such that it is inconvenient for them to provide adjournments.

Finally, it is evident that the timing of the filing of the defendant's Motion to provide a return date shortly before the trial date, and thereby possibly prevent an adjournment of the Motion is at times intentional and deliberate timing.

I hope you will publish this letter.

Very truly yours,
KRUMHOLZ DILLON, P.A.

By: _____
ALAN L. KRUMHOLZ

ALK/is



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