

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CARLIA BRADY,

Plaintiff,

v.

TOWNSHIP OF WOODBRIDGE, *et al.*,

Defendants.

Civil Action No: 19-17868 (SDW) (ESK)

**ORDER**

August 19, 2020

**THIS MATTER** having come before this Court upon the filing of Plaintiff Carlia Brady’s (“Plaintiff”) Motion for Reconsideration (D.E. 30) of this Court’s April 17, 2020 Letter Opinion (D.E. 21, “Opinion”)<sup>1</sup> and Order granting-in-part and denying-in-part Township of Woodbridge, Director Robert Hubner, Lieutenant Brian Murphy, Detective Sean Grogan, Sergeant Walter Bukowski, Lieutenant James Mullarney, and Officer Robert Bartko’s (collectively, “Defendants”) Motion to Dismiss (D.E. 13) Plaintiff’s Amended Complaint (D.E. 2);<sup>2</sup> and

**WHEREAS** a party moving for reconsideration must file its motion within fourteen (14) days “after the entry of the order or judgment on the original motion” and set “forth concisely the matter or controlling decisions which the party believes the . . . Judge has overlooked.” L. Civ. R. 7.1(i). A motion for reconsideration is “an extremely limited procedural vehicle” which is to be

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<sup>1</sup> This Court summarized Plaintiff’s factual allegations and the procedural history of this case in its Opinion and does not repeat them here.

<sup>2</sup> On May 21, 2020, this Court granted Plaintiff’s untimely request for an extension of time to file her motion for reconsideration. (D.E. 28.) Plaintiff filed the motion on May 27, 2020, and Defendants opposed on July 6, 2020. (D.E. 30, 35.) This Court did not authorize a reply. (D.E. 37); *see* L. Civ. R. 7.1(d)(3).

granted “sparingly.” *A.K. Stamping Co., Inc. v. Instrument Specialties Co., Inc.*, 106 F. Supp. 2d 627, 662 (D.N.J. 2000) (citations omitted); *Sch. Specialty, Inc. v. Ferrentino*, Civ. No. 14-4507, 2015 WL 4602995, at \*2 (D.N.J. July 30, 2015) (citations omitted). Motions to reconsider are only proper where the moving party shows “(1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court [reached its original decision]; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.” *Max’s Seafood Café v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). Mere disagreement with a court’s decision is not an appropriate basis upon which to bring a motion for reconsideration as such disagreement should “be raised through the appellate process.” *U.S. v. Compaction Sys. Corp.*, 88 F. Supp. 2d 339, 345 (D.N.J. 1999); and

**WHEREAS** in its Opinion, this Court denied Defendants’ motion to dismiss Plaintiff’s claims for malicious prosecution and punitive damages (Counts II and X). (Opinion at 4.) However, this Court dismissed Plaintiff’s remaining 42 U.S.C. §§ 1983 and 1985 claims as well as her claims for violations of the New Jersey Civil Rights Act (“NJ CRA”) and for negligent and intentional infliction of emotional distress (Counts I, III–IX). (Opinion at 4–5.) In dismissing Counts I and III–IX, this Court held that they arose from Plaintiff’s June 11, 2013 arrest and were therefore barred by a two-year statute of limitations. (*Id.* (citing *Backof v. N.J. State Police*, 92 F. App’x 852, 855 (3d Cir. 2004); *Cito v. Bridgewater Twp. Police Dep’t*, 892 F.2d 23, 25 (3d Cir. 1989); *Fraser v. Bovino*, 721 A.2d 20, 25 (N.J. Super. Ct. App. Div. 1998); *Dean v. Deptford Twp.*, Civ. No. 13-5197, 2015 WL 13640263, at \*1 (D.N.J. Apr. 1, 2015); and other cases)); and

**WHEREAS** Plaintiff's malicious prosecution claim was timely filed.<sup>3</sup> In her Motion for Reconsideration, Plaintiff submits, for the first time, precedential and/or persuasive caselaw holding that § 1983, § 1985, and NJCRA claims are not time-barred to the extent that they have, as their basis, a timely-filed malicious prosecution claim. *See Wiltz v. Middlesex Cty. Office of Prosecutor*, 249 F. App'x 944, 949 (3d Cir. 2007); *Rose v. Bartle*, 871 F.2d 331, 352 (3d Cir. 1989); *Bullock v. Borough of Roselle*, Civ. No. 17-13208, 2018 WL 4179481, at \*6–10 (D.N.J. August 31, 2018); *Waselik v. Twp of Sparta*, Civ. No. 16-4969, 2017 WL 2213148, at \*4–6, \*8 n.15 (D.N.J. May 18, 2017). Despite Plaintiff's untimely submission of these cases, this Court will clarify its Opinion so as to ensure correct application of the law and “prevent manifest injustice.” *See Max's Seafood Café*, 176 F.3d at 677;

**IT IS**, on this 19<sup>th</sup> day of August 2020,

**ORDERED** that Plaintiff may proceed with the claims in Counts I and III–IX of her Amended Complaint only to the extent that they are based on her underlying claim of malicious prosecution. This Court's April 17, 2020 Letter Opinion stands in all other respects.

**SO ORDERED.**

s/ Susan D. Wigenton  
**SUSAN D. WIGENTON**  
**UNITED STATES DISTRICT JUDGE**

Orig: Clerk  
cc: Parties  
Edward S. Kiel, U.S.M.J.

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<sup>3</sup> Plaintiff's § 1983 claim for malicious prosecution accrued when criminal proceedings ended in her favor on March 2, 2018. *See Heck v. Humphrey*, 512 U.S. 477, 489 (1994) (citation omitted). Plaintiff filed the instant suit within the two-year statute of limitations, on September 10, 2019. (D.E. 1.)