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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3040-19**

LENA LASHER,

Plaintiff-Appellant,

v.

PETER RICCIO, LAURA
HISHMEH, and MICHAEL
DELLA-VENTURA,

Defendants-Respondents,

and

STEVEN GOLOFF, DANIEL
GEIGER, JAMES BARNES,
ALBERT BUCK, JOHN
NICHOLAS BURLING, and
ANU KONAKANCHI,

Defendants.

Submitted March 1, 2022 – Decided April 27, 2022

Before Judges Currier and DeAlmeida.

On appeal from the Superior Court of New Jersey, Law
Division, Middlesex County, Docket No. L-7984-18.

Lena Lasher, appellant pro se.

Michael Della-Ventura and Peter Riccio, respondents
pro se.

Koerner & Crane, LLC, attorneys for respondent Laura
Hishmeh (Howard D. Crane, on the brief).

PER CURIAM

Plaintiff appeals from several February 10, 2020 trial court orders that: (1) denied reconsideration of an earlier order dismissing her complaint as to defendant Hishmeh; (2) denied her motion to reinstate her complaint against defendants Della-Ventura and Riccio; and (3) granted Della-Ventura's and Riccio's motion to dismiss the complaint with prejudice. After reviewing the orders for an abuse of discretion, and finding none, we affirm.

Plaintiff, a licensed pharmacist, was charged in a federal indictment for selling misbranded prescription drugs, mail and wire fraud, and conspiracy. A jury found her guilty of the charges and she was sentenced to three years in federal prison. The convictions were affirmed.

When plaintiff was released from prison, she instituted suit against the defendants in a May 2016 complaint. Pertinent to this appeal are defendants Laura Hishmeh, the bookkeeper for the pharmacy, and licensed pharmacists Michael Della-Ventura and Peter Riccio.

After plaintiff failed to provide discovery regarding her claims against Hishmeh, the 2016 complaint was initially dismissed without prejudice and then was dismissed with prejudice in June 2017.

Plaintiff filed a new complaint in 2018, amended in 2019 (the 2019 complaint), that alleged the same claims against Hishmeh arising out of the same facts as the earlier complaint. The trial court dismissed the complaint with prejudice and denied reconsideration of its order. We discern no reason to disturb the trial court's orders.

As we stated in Albarran v. Lukas, 276 N.J. Super. 91, 95 (App. Div. 1994), "when the time and notice requirements of R[ule] 4:23-5 have been satisfied and an order dismissing the case with prejudice is entered, that dismissal constitutes an adjudication on the merits."

Plaintiff did not move for reconsideration of the June 2017 order dismissing the 2016 complaint with prejudice. She did not move to vacate the final order under Rule 4:50-1. Nor did she appeal the dismissal of the complaint. Plaintiff cannot renew her claims in a subsequent complaint.

As to the remaining defendants, although plaintiff sued Della-Ventura and Riccio in the 2016 complaint, they were never served with the complaint and the case against them was dismissed under Rule 1:13-7 for lack of prosecution in

November 2016. After plaintiff filed her amended 2019 complaint, she moved to reinstate the 2016 complaint as to defendants Della-Ventura and Riccio. Those defendants opposed the reinstatement motion and cross-moved for a dismissal of the 2019 complaint with prejudice because it alleged the same claims arising out of the same facts as the 2016 complaint. The court denied the motion to reinstate the 2016 complaint and granted defendants' motion to dismiss the 2019 complaint with prejudice under the February 10, 2020 order.

The 2016 complaint was dismissed as to defendants Della-Ventura and Riccio under Rule 1:13-7 for plaintiff's failure to prosecute her claims. In order to reinstate her complaint, plaintiff had to show good cause to vacate the dismissal. R. 1:13-7 ("After dismissal, . . . plaintiff shall move on good cause shown for vacation of the dismissal."). Plaintiff's motion to reinstate the complaint was filed almost three years after the 2016 dismissal. And she did not demonstrate good cause for her failure to move for reinstatement sooner. We discern no error in the court's orders denying plaintiff's motion to reinstate the 2016 complaint and dismissing the 2019 complaint with prejudice as to defendants Della-Ventura and Riccio.

To the extent we have not specifically commented on any further arguments, all other points plaintiff raises on appeal lack sufficient merit to warrant discussion. R. 2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION