

SUPERIOR COURT OF NEW JERSEY

Essex Vicinage

PATRICIA K. COSTELLO
ASSIGNMENT JUDGE



50 W. MARKET STREET
ESSEX COUNTY COURTS BUILDING
NEWARK, NJ 07102
(973) 693-6470

November 25, 2014

Ms. Carolyn Bailey

Dear Ms. Bailey,

I am in receipt of your letter to Chief Justice Stuart Rabner dated October 1, 2014. He delegated me to respond to your letter. In the course of finding facts and conclusions of law to explain his decision on a summary judgment motion, Judge Rothschild did state there was no evidence to show that a particular defendant had done anything "wrong", meaning there was insufficient credible evidence to show that the particular defendant had breached the duty alleged in your complaint.

The records reflect he stated his findings on two occasions, first at the June 20, 2014 hearing and again at the July 25, 2014 hearing on a motion for reconsideration. While at the July 25, 2014 hearing he did not restate his original sentence about the lack of proof, he incorporated it by reference when denying your motion for reconsideration, and by not disagreeing with defense counsel's summary of his prior ruling.

The recordings have not been abridged or altered in any way. I understand from your letter that you are appealing the substance of his decision. Both dates should be provided to the Appellate Division.

Very truly yours,

Patricia K. Costello
PATRICIA K. COSTELLO

Cc: Glenn A. Grant, J.A.D.
Stuart Rabner, Chief Justice

PKC:sh

COMMENTS BY CAROLYN BAILEY – DECEMBER 4, 2014

RE: JUDGE JAMES ROTHSCHILD, Jr.'s MISCONDUCT WHILE PRESIDING OVER BAILEY v. ZUCKER GOLDBERG

- 1) Judge Rothschild decided on two Motions to Dismiss, **NOT** on a Motion for Summary Judgment.
- 2) Judge Rothschild stated his feelings not his findings. Discovery was incomplete so there was no evidence on which he could base his findings.
- 3) The duty Zucker Goldberg & Ackerman owed and still owes to Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey, is not to commit fraud !!!
- 4) The transcript records reflects that Judge Rothschild uttered his broad exculpatory phrase only one time, June 20, 2014. The reason for Plaintiff's Disciplinary Complaint to the New Jersey Supreme Court is that she contends her recollection is that he repeated the same sentiments again on July 25, 2014, but that the second utterance was deleted.
- 5) Plaintiff also maintains that Steve Kroll, Esq's July 25, 2014 "echo" of Judge Rothschild's deleted utterance confirms Plaintiff's own recollection of what Judge Rothschild stated at that hearing.

(NOTE: Additional comments may be added from time to time.)

