

TABLE OF CONTENTS

PRELIMINARY STATEMENT 1

MATERIAL FACTS AND ALLEGATIONS 2

ARGUMENT 5

I. STANDARD FOR DISMISSAL OF PLAINTIFF’S COMPLAINT 5

II. Plaintiff’s Breach of Contract Claim Should Be Dismissed 6

III. Plaintiff’s Conversion Claim Should Be Dismissed 16

CONCLUSION 18

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Banco Popular N. Am. v. Gandi</i> , 184 N.J. 161 (2005)	6, 7
<i>Barriga v. Advanced Surgery Ctr. LLC</i> , No. BER-L-1326-17 (Law Div. Mar. 14, 2018).....	17, 18
<i>Berk & Berk At Cherry Tree, LLC v. Nelson, Brown, Hamilton & Krekstein, LLC</i> , No. A-1878-17T3 (App. Div. Apr. 12, 2019).....	17
<i>Catlin Ins. Co. v. Flight Light Inc.</i> , No. A-0689-13T3 (App. Div. July 15, 2014)	13
<i>E. Dickerson & Son, Inc. v. Ernst & Young, LLP</i> , 361 N.J. Super. 362 (App. Div. 2003)	7
<i>Edwards v. Prudential Property & Casualty Co.</i> , 357 N.J. Super. 196 (App. Div. 2003)	6
<i>Grand Cent. Props., L.L.C. v. Sudler Tinton Falls, L.P.</i> , No. A-4195-11T1 (App. Div. Mar. 11, 2013)	9
<i>Harker v. McKissock</i> , 12 N.J. 310 (1953)	3, 11
<i>Johnson v. Glassman</i> , 401 N.J. Super. 222 (App. Div. 2008)	6
<i>Lessner Elec. Co. v. Fid. & Deposit Co. of Md.</i> , No. A-0081-17T3 (App. Div. Aug. 8, 2018)	10
<i>Massa v. Buick-Pontiac-GMC</i> , No. A-1053-10T1 (App. Div. Oct. 25, 2011)	9, 10
<i>Myska v. N.J. Mfrs. Ins. Co.</i> , 440 N.J. Super. 458 (App. Div. 2015)	7
<i>Namerow v. Pediatricare Assocs.</i> , 461 N.J. Super. 133 (Ch. Div. 2018)	8
<i>Nan Jin Suh Kim v. Redstone Trematore Westampton, LLC</i> , No. A-3265-15T1 (App. Div. Nov. 27, 2017)	9

<i>On The Hill Realty, LLC v. Kelly</i> , 2005 WL 1252340 (N.J. Chanc. Div. Apr. 29, 2005).....	5
<i>Order of St. Benedict of N.J. v. Gianforcaro</i> , No. A-1158-16T3 (App. Div. July 27, 2018)	8
<i>Porreca v. City of Millville</i> , 419 N.J. Super. 212 (App. Div. 2011)	12
<i>Republic Western Ins. Co. v. Nobel Ins. Co.</i> , 2 F. Supp. 2d 548 (S.D.N.Y. 1998)	15
<i>Rieder v. State Dep’t of Transp.</i> , 221 N.J. Super. 547 (App. Div. 1987)	5
<i>Scheidt v. DRS Technologies, Inc.</i> , 424 N.J. Super. 188 (App. Div. 2012)	5
<i>The Ponce</i> , 67 F. Supp. 725 (D.N.J. 1946)	15
<i>Viglione v. Frisina</i> , No. A-5668-11T2 (App. Div. Apr. 11, 2013).....	11
<i>Zografos v. Wehbe</i> , No. A-1580-15T1 (App. Div. Sep. 18, 2017).....	11
Other Authorities	
R. 4:6-2(e).....	1, 7