

App. 2

SUPREME COURT OF NEW JERSEY  
M-120/121 September Term 2018  
081396

Margaret A. Norton,  
Plaintiff-Movant,  
v.  
Colgate Palmolive,  
Defendant.

ORDER

(Filed Oct. 5, 2018)

It is ORDERED that the motion for leave to file a notice of petition for certification as within time (M-120) is granted; and it is further

ORDERED that the miscellaneous motion to amend the petition for certification with additional pages (M-121) is granted.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 3rd day of October, 2018.

/s/ Mark Neary  
CLERK OF THE  
SUPREME COURT

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App. 3

## ORDER ON MOTION

MARGARET A. NORTON  
V.  
COLGATE PALMOLIVE

SUPERIOR COURT  
OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO.  
A-000083-17T2

MOTION NO.  
M-006687-17

BEFORE PART G

JUDGE(S):  
HARRY G. CARROLL  
HANY A MAWLA

MOTION FILED:  
05/09/2018

ANSWER(S) 05/25/2018

FILED:  
SUBMITTED TO COURT:  
May 31, 2018

BY:  
MARGARET NORTON

BY:  
COLGATE PALMOLIVE

## ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 4th day of June, 2018, HEREBY ORDERED AS FOLLOWS:

**MOTION BY APPELLANT**

MOTION FOR RULE 4:50-1(A) VACATE  
DENIAL OF PLAINTIFF'S SECOND  
MOTION FOR RECONSIDERATION DENIED

## SUPPLEMENTAL:

FOR THE COURT:

/s/ Harry G. Carroll

**HARRY G. CARROLL, J.A.D.**

App. 4

LT-001648-16 ESSEX  
ORDER - REGULAR MOTION  
IV

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## ORDER ON MOTION

MOTION FILED: M-005659

04/02/2018

ANSWER(S) JUDGE(S):  
FILED: HARRY G. CARROLL  
HANYA MAWLA

SUBMITTED TO COURT: April 30, 2018

## ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 30th day of April, 2018, HEREBY ORDERED AS FOLLOWS:

**MOTION BY APPELLANT**

MOTION FOR RECONSIDERATION (SECOND  
MOTION FOR RECONSIDERATION) DENIED

## SUPPLEMENTAL:

FOR THE COURT:

/s/ Harry G. Carroll

**HARRY G. CARROLL, J.A.D.**

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LT-001648-16 ESSEX  
ORDER - REGULAR MOTION  
IV

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## ORDER ON MOTION

MARGARET A. NORTON  
V.  
COLGATE PALMOLIVE

SUPERIOR COURT  
OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO.  
A-000083-17T2  
MOTION NO.  
M-005646-17  
BEFORE PART G  
JUDGE(S):  
HARRY G. CARROLL  
HANY A MAWLA

MOTION FILED:  
03/29/2018

ANSWER(S) 04/26/2018  
FILED:

SUBMITTED TO COURT:  
April 30, 2018

BY:  
MARGARET NORTON

BY:  
COLGATE PALMOLIVE

## ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 30th day of April, 2018, HEREBY ORDERED AS FOLLOWS:

**MOTION BY APPELLANT**

MOTION TO OBTAIN PERMISSION TO  
FILE SECOND MOTION FOR  
RECONSIDERATION DENIED

## SUPPLEMENTAL:

FOR THE COURT:

/s/ Harry G. Carroll

**HARRY G. CARROLL, J.A.D.**

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LT-001648-16 ESSEX  
ORDER - REGULAR MOTION  
IV

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App. 9

## ORDER ON MOTION

MARGARET A. NORTON  
V.  
COLGATE PALMOLIVE  
MOTION FILED: 01/30/2018  
ANSWER(S) FILED:  
SUBMITTED TO COURT: March 19, 2018  
SUPERIOR COURT  
OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-000083-17T2  
MOTION NO. M-004260-17  
BEFORE PART G  
JUDGE(S): HARRY G. CARROLL  
HANY A. MAWLA  
BY: MARGARET NORTON

## ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 20th day of March, 2018, HEREBY ORDERED AS FOLLOWS:

**MOTION BY APPELLANT**

MOTION FOR RECONSIDERATION TO  
VACATE DENIAL OF MOTION TO FILE  
NOTICE OF APPEAL AS WITHIN TIME DENIED

## SUPPLEMENTAL:

FOR THE COURT:

/s/ Harry G. Carroll

HARRY G. CARROLL, J.A.D.

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LT-001648-16 ESSEX  
ORDER - REGULAR MOTION  
IV

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ORDER ON MOTION

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MARGARET A. NORTON SUPERIOR COURT  
V. OF NEW JERSEY  
COLGATE PALMOLIVE APPELLATE DIVISION  
DOCKET NO.  
A-000083-17T2  
MOTION NO.  
M-002794-17  
BEFORE PART G  
JUDGE(S): JOSEPH L. YANNOTTI  
FILED: HANY A. MAWLA  
SUBMITTED TO COURT: BY:  
January 8 , 2018 MARGARET NORTON  
BY:  
COLGATE PALMOLIVE

ORDER

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THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 8th day of JANUARY, 2018, HEREBY ORDERED AS FOLLOWS:

MOTION BY APPELLANT

MOTION TO VACATE DENIAL OF PLAINTIFF'S MOTION TO FILE NOTICE OF APPEAL AS WITHIN TIME DENIED

SUPPLEMENTAL:

FOR THE COURT:

/s/ Joseph L. Yannotti  
JOSEPH L. YANNOTTI, P.J.A.D.

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LT-001648-16 ESSEX  
ORDER – REGULAR MOTION  
IV

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## ORDER ON MOTION

## ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 16th day of NOVEMBER, 2017, HEREBY ORDERED AS FOLLOWS:

**MOTION BY APPELLANT**

## SUPPLEMENTAL:

Rule 2:4-2(a) provides that a notice of appeal from a final judgment of a trial court must be filed within

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forty-five days of its entry. Rule 2:4-3 provides in pertinent part that the time in which an appeal may be taken shall be tolled when a timely motion for reconsideration is submitted pursuant to Rule 4:49-2. The rule states, “The remaining time shall again begin to run from the date of entry of an order disposing of such motion.” Ibid.

Here, the trial court entered an order on February 3, 2017, granting defendant’s motion for summary judgment. Plaintiff had twenty days after service of that order to file a motion for reconsideration. R. 4:49-2. The record does not indicate when the order was served.

Plaintiff filed a motion for reconsideration on February 25, 2017. Assuming the first reconsideration motion was timely, twenty-two days of the time for appeal had run when the motion was filed, and the remaining time in which to appeal, twenty-three days, was tolled during the pendency of that motion.

The trial court denied the first motion on March 20, 2017. Plaintiff filed her second motion for reconsideration on March 30, 2017. Thus, another ten days of the time for appeal had run when the motion was filed, and the remaining time for appeal, thirteen days, was tolled during the pendency of that motion.

The trial court denied the second motion for reconsideration on June 28, 2017. Plaintiff had thirteen days in which to file a timely notice of appeal. She did not file a notice of appeal until August 18, 2017. The notice of appeal states that plaintiff was appealing the trial

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court's order of February 3, 2017, and the order of June 28, 2017.

Thus, the time for appealing the trial court's order of February 3, 2017, had run when the notice of appeal was filed. Plaintiff has not shown good cause to extend the time for appeal. Although plaintiff states in the notice of appeal that she is appealing from the court's June 28, 2017 order denying reconsideration, it is clear that her appeal is a challenge to the order granting summary judgment.

Accordingly, the motion to extend the time to file a notice of appeal is denied, and the notice of appeal filed in this matter dismissed.

FOR THE COURT:

/s/ Joseph L. Yannotti  
JOSEPH L. YANNOTTI, P.J.A.D.

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LT-001648-16 ESSEX  
ORDER – REGULAR MOTION  
IV

ORDER ON MOTION

MARGARET A. NORTON SUPERIOR COURT  
V. OF NEW JERSEY  
COLGATE PALMOLIVE APPELLATE DIVISION  
DOCKET NO.  
A-000083-17T2  
MOTION NO.  
MOTION FILED: M-000918-17  
09/05/2017 BEFORE PART G  
ANSWER(S) JUDGE(S): JOSEPH L. YANNOTTI  
FILED: HANY A. MAWLA  
SUBMITTED TO COURT: BY:  
November 16, 2017 MARGARET NORTON

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 16th day of NOVEMBER, 2017, HEREBY ORDERED AS FOLLOWS:

MOTION BY APPELLANT  
MOTION TO SUPPLEMENT  
THE RECORD DENIED AS MOOT/OTHER  
SUPPLEMENTAL:

See order entered on M-0917-17, dismissing the appeal.

FOR THE COURT:

/s/ Joseph L. Yannotti  
JOSEPH L. YANNOTTI, P.J.A.D.

ORDER ON MOTION

MARGARET A. NORTON SUPERIOR COURT  
V. OF NEW JERSEY  
COLGATE PALMOLIVE APPELLATE DIVISION  
DOCKET NO.  
A-000083-17T2  
MOTION NO.  
MOTION FILED: M-001370-17  
10/25/2017 BEFORE PART G  
ANSWER(S) JUDGE(S): JOSEPH L. YANNOTTI  
FILED: HANY A. MAWLA  
SUBMITTED TO COURT: BY:  
November 16, 2017 MARGARET NORTON

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 16th day of NOVEMBER, 2017, HEREBY ORDERED AS FOLLOWS:

MOTION BY APPELLANT  
MOTION TO FILE A REPLY TO MOTION  
ANSWER GRANTED

SUPPLEMENTAL:

FOR THE COURT:

/s/ Joseph L. Yannotti  
JOSEPH L. YANNOTTI, P.J.A.D.

THIS ORDER WAS PREPARED BY THE COURT  
FOR THE CONVENIENCE OF THE PARTIES

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MARGARET A. NORTON,	<b>SUPERIOR COURT</b>
<b>Plaintiff</b>	<b>OF NEW JERSEY</b>
	<b>LAW DIVISION -</b>
	<b>ESSEX COUNTY</b>
	<b>DOCKET NO:</b>
	<b>ESX-LT-1648-16</b>
	<b>Civil Action</b>
	<b>ORDER DENYING</b>
	<b>RECONSIDERATION</b>

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This matter having come before the Court on a motion by Margaret Norton, Pro Se for the Court to Re-consider its prior decision wherein the court granted summary judgment on behalf of the defendant the Court having considered the objections, if any, to the within relief and the pleadings submitted and the arguments of the parties and as noted below and for good cause shown:

It is on this 28th day of June 2017,

**ORDERED** that motion for reconsideration is Denied for the reasons attached.

Lastly **IT IS ORDERED** that a copy of this Order and the addendum must be served on all parties within 7 days.

Date: 6/28/07 /s/ L. Grace Spencer  
HON. L. GRACE SPENCER,  
J.S.C.

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#### **STATEMENT OF REASONS**

Plaintiff has filed this motion for reconsideration and asks the court to reconsider its denial of plaintiff's February 3, 2017 summary judgment motion and defendant's February 3, 2017 cross motion for summary judgment and its motion denying reconsideration on March 20, 2017.

This is a personal injury matter that arises out of plaintiffs use of Colgate toothpaste. Plaintiff alleged that the defendants were negligent because they did not have a warning on the toothpaste stating that there was coconut in SLS. Plaintiff alleges that she experienced an allergic reaction to the ingredient in the tooth paste called Sodium Lauryl Sulfate ("SLS"). More specifically, plaintiff alleges "experiencing allergic reactions to the coconut ingredient in the toothpaste that is not listed on the product label or container." (Plaintiff is allergic to coconut the SLS ingredient in the tooth paste was derived from Palm Kernel Oil and plaintiff states that palm kernel is in the same family as the coconut.)

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Plaintiff asserts that the court or looked the fact that plaintiff had proven her case beyond a preponderance of evidence as her allegation are based on common knowledge.

First, a motion for reconsideration must be based on at least one of three grounds: 1) the court's decision was palpably incorrect on the facts or law, 2) the court did not appropriately consider or appreciate evidence, or 3) the party has new information which could not be brought previously, which the court can consider in its discretion. Cummings v. Bahr, 295 N.J. Super. 374, 384 (App. Div. 1996).

Under D'Atria v. D'Atria it is required that the moving party identify probative, competent evidence that the Court failed to consider or failed to appreciate its significance. 242 NJ 392 (Ch. Div. 1990)

Further, it is well settled in New Jersey that "reconsideration cannot be used to expand the record and reargue a motion. Reconsideration is only to point out "the matters or controlling decision which counsel believes the [C]ourt has overlooked or as to which it has erred." Capital Fin. Co. of Del. Valley, Inc. v. Astarbadi, 398 N.J. Super. 299 (App. Div. 2008). "The magnitude of the error cited must be a game-changer for reconsideration to be appropriate." Palombi v. Palombi, 414 N.J. Super. 274 (App. Div. 2010).

In this matter Plaintiff has not presented any new information which couldn't be presented to the court at the time the Court first considered the motions for Summary Judgment on February 3, 2017 or at the time

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of the prior motion for reconsideration on March 20, 2017.

In this motion for reconsideration plaintiff is arguing that the court failed to consider her argument that the information necessary to prove her claim is common knowledge. In support of her assertion plaintiff has submitted information from websites such as the FDA and the USDA and other reference materials.

Plaintiff further states that it is common knowledge that palm kernel oil which Defendant's state that the sodium laurel sulfate is derived from part of the palm family and therefore from coconut palm and that the Defendant had a duty to include that information on the label of its toothpaste.

When this matter was heard on February 3, 2017 the court ruled that The plaintiff cannot demonstrate a *prima facie* case of negligence without expert testimony. The subject matter of this case is such that a witness qualified as an expert is necessary to assist the trier of fact to understand the evidence. See N.J.R.E. 702. Simply arguing that it is common knowledge based on internet research is not sufficient. Expert testimony is necessary to prove there is a causal link between a claimed injury and the tortious act alleged See Kelly v. Borwegan, 95 N.J. Super. 240, 243-44 (App. Div. 1967).

Further, in this case, plaintiff admitted at her deposition that no doctor has told her that symptoms were caused by the use of toothpaste. Although plaintiff attaches medical records in regards to her swollen

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throat, the records do not indicate that it was caused by the toothpaste. A jury should not be able to speculate whether as to whether there is a causal link between plaintiff's claimed injury and the use of defendant's toothpaste. Plaintiff failed to provide expert testimony as to negligence

Plaintiff has failed to bring forth any new information which was not available at the time of filing, has not stated how the court's decision was wrong on the facts or law, she does mention evidence that the court did not consider, and he has not provided the Court with any new information that could not have been brought to the Court's attention. As such plaintiff has failed to satisfy the requirements under Cummings, D'Atria or Capital Fin. Co. of Del. Valley, Inc. According the motion for reconsideration is Denied.

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**Form C**

Name Margaret A. Norton  
NJ Attorney ID Number (if applicable) \_\_\_\_\_  
Address 505 Elizabeth Avenue, Apt 2E  
Newark, NJ 07212  
Telephone Number 973-757-7853

Superior Court of  
New Jersey  
Law Division  
Essex County  
Docket Number  
ESX-L-1648-16

<u>Margaret A. Norton, Pro Se</u>	<b>Civil Action</b>
Plaintiff(s)	<b>Order</b>
v.	(Filed Mar. 20, 2017)
<u>Colgate-Palmolive Company</u>	
Defendant(s)	

This matter having been brought before the Court on Motion of (check one)  plaintiff  defendant for an **Order** (describe relief requested)

Summary judgment in favor of plaintiff in the amount of one million dollars for pain and suffering. One million dollars for punitive damages. The defendant's cross-motion be dismissed "with prejudice"

and the Court having considered the matter and for good cause appearing,

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It is on this 20 day of March 2017, **ORDERED** as follows:

[Motion for Reconsideration is DENIED]

/s/ L. Grace Spencer  
Hon L. Grace Spencer, J.S.C.

Opposed  
 Unopposed

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Rey O. Villanueva/ID 038052004  
Golden, Rothschild, Spagnola, Lundell,  
Boylan & Garubo, P.C.  
1011 Route 22 West, Suite 300  
P.O. Box 6881  
Bridgewater, NY 08807  
Telephone: 908-722-6300  
Attorneys for Defendant,  
COLGATE - PALMOLIVE COMPANY  
Our File No. 4336.96635

MARGARET NORTON  
Plaintiff, Pro Se,  
vs.  
COLGATE - PALMOLIVE  
COMPANY  
Defendant.

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION: ESSEX  
COUNTY  
DOCKET NO.  
ESX-L-1648-16  
Civil Action  
ORDER  
(Filed Feb. 3, 2017)

This matter having been opened to the Court on Friday, January 20, 2017, by Golden, Rothschild, Spagnola, Lundell, Boylan & Garubo, P.C., Attorneys for the Defendant, COLGATE - PALMOLIVE COMPANY, in the above captioned matter, the Court having considered the moving papers, any opposition filed thereto and for good cause having been shown;

IT IS ON THIS 3rd day of February, 2017;

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ORDERED that Summary Judgment in favor of Defendant, COLGATE - PALMOLIVE COMPANY, be and hereby is granted, and it is further

ORDERED that Plaintiff's Complaint is dismissed with prejudice; and it is further

ORDERED that Plaintiff's Motion for Summary Judgment is denied; and it is further

ORDERED that a true copy of this Order shall be served upon all parties to this action within 7 days of receipt hereof.

/s/ L. Grace Spencer  
**Hon L. Grace Spencer, J.S.C.**

Opposed X  
Unopposed \_\_\_\_\_

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FORM C

Margaret A. Norton  
**Your Name**  
505 Elizabeth Ave, Apt. 2E  
**Street Address**  
Newark, NJ 07112  
**Town, State, Zip Code**  
(973) 757-7853  
**Telephone Number**  
Margaret A. Norton  
**Plaintiff**

**SUPERIOR  
COURT OF NEW  
JERSEY  
LAW DIVISION**

Essex County  
Docket Number  
ESX-L 1648-16

**CIVIL ACTION  
Order**

(Filed Oct. 28, 2016)

**vs.**

Colegate - Palmolive Company  
**Defendant**

This matter having been brought before the Court  
on Motion of (check one)  plaintiff  defendant for  
an Order (describe relief requested)

of punitive damages one million dollars & pain  
and suffering one million dollars.

and the Court having considered the matter and for  
good cause appearing,

It is on this 28 day of October, 20

ORDERED as follows:

**DENIED**

/s/ L. Grace Spencer, J.S.C.  
L. Grace Spencer

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Opposed  
 Unopposed

[\*MOTION improper and premature and for reasons  
set forth on the record LS]

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App. 31

SUPREME COURT OF NEW JERSEY  
M-826 September Term 2018  
081396

Margaret A. Norton,  
Plaintiff-Movant,  
v.  
Colgate Palmolive,  
Defendant.

ORDER

(Filed May 3, 2019)

It is ORDERED that the motion for reconsideration of the Court's order denying the petition for certification is denied.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 30th day of April, 2019.

/s/ Heather J. Bates  
CLERK OF THE  
SUPREME COURT

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