

NOT TO BE PUBLISHED WITHOUT THE APPROVAL  
OF THE COMMITTEE ON OPINIONS

THE RAIL YARD, LLC,

Plaintiff,

v.

PLAZA ROAD SHOPPING CENTER, LLC,  
and ROBERT J. INGLIMA, JR.,

Defendants.

**SUPERIOR COURT OF NEW JERSEY**  
LAW DIVISION – BERGEN COUNTY

DOCKET NO. **BER-L-4943-20**

Civil Action

**OPINION**

**Argued: November 13, 2020**

**Decided: November 30, 2020**

**HONORABLE ROBERT C. WILSON, J.S.C.**

Joseph V. MacMahon, Esq. and Kelly Ann Miller, Esq., appearing on behalf of Plaintiff The Rail Yard, LLC (from Joseph V. MacMahon Attorney at Law)

James M. Turteltaub, Esq., appearing on behalf of Defendants Plaza Road Shopping Center, LLC, and Robert J. Inglima, JR. (from Carlin & Ward, P.C.)

**PROCEDURAL HISTORY**

**THIS MATER** initially began on August 25, 2020, when The Rail Yard, LLC (“Plaintiff”) filed a Complaint to obtain resolution of the following claims: (1) a declaratory judgment of Plaintiff’s rights under a May 13, 2013 written lease agreement executed by Morton Kinzler as Landlord—subsequently assigned to Plaza Road Shopping Center, LLC (“Defendant”) as Landlord—and Plaintiff (“Lease Agreement”); (2) breach of contract arising from alleged Landlord defaults of the Lease Agreement; and, (3) tortious interference with prospective economic advantage (counts one, two, and three respectively). Defendants have filed a motion to dismiss the Complaint as improper and baseless, while Plaintiff opposes and seeks to amend its Complaint. Since the filing of the Complaint, Defendant has entered into a contract of sale for the Plaza Road Shopping Center (“Shopping Center”) with a contract purchaser to tear down the Shopping Center building including the leased premises.