

Aug 09 06 14:17p Paralegal

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THIS APPLICATION DOES NOT QUALIFY FOR EMERGENT RELIEF. ACCORDINGLY, THE APPLICATION IS DENIED. COUNSEL IS FREE TO FILE A MOTION WITH THE CLERK'S OFFICE.

SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION

Michael Winkelstein
Michael Winkelstein
JAD
8/11/06

APPLICATION TO FILE APPEAL OR MOTION ON AN EMERGENT BASIS

TO: Hon. Michael Winkelstein DATE: 8/9/06
FROM: David Perry Davis, Esq. TELEPHONE: 609-737-2222

The following questions are to be answered by the attorney or pro se litigant requesting emergent relief. This questionnaire is simply designed to determine if the application be handled in the ordinary course or on an emergency basis. COMPLETION OF THIS APPLICATION DOES NOT IN ANY SENSE CONSTITUTE THE FILING OF AN APPEAL OR MOTION. There is no right to be heard orally on an emergency application.

CASE NAME: Tomlin v. Winn IV

1. What is the vicinage of the matter? (i.e. what judge, in what county or what agency entered the decision?)
Hon. Allison E. Accurso, JSC
Mercer - 609-571-4902 (voice)
2. a) What is your name, address, phone number and fax number?
David Perry Davis, Esq.
112 West Franklin Ave
Pennington NJ 08534
609-737-2222
b) Whom do you represent?
Plaintiff (Jill Tomlin)
3. What is your adversary's name, address, phone number and fax number?
Robert Allen Winn IV
14 Bradford Avenue Apt 9
Hamilton NJ 08610
609-731-1620 voice
No fax number
4. Do you have a written order or judgement entered by the judge or a written agency determination? YOU MUST ATTACH A COPY OF THE ORDER, JUDGEMENT OR DECISION.
No. This is precisely the issue. An unopposed motion was returnable July 21. The situation has become emergent. As explained below, I ask the Appellate Division to view the lack of an order as a *de facto* denial (as the appellate division did in the matter of Brookins v. Tolbert, attached)

RECEIVED

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AUG 09 2006

MICHAEL WINKELSTEIN, JAD.