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 Attorneys for Plaintiffs

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| <p>JENNIFER COOMBS, GAVIN ROZZI and JEFF EPSTEIN,<br/><br/>       Plaintiffs,<br/><br/>       v.<br/><br/>       COUNTY OF MONMOUTH and MARION MASNICK in her official capacity as Clerk of the Board and Records Custodian of the County of Monmouth, OFFICE OF THE MONMOUTH COUNTY PROSECUTOR and the RECORDS CUSTODIAN of the Office of the Monmouth County Prosecutor,<br/><br/>       Defendants.</p> | <p><b>SUPERIOR COURT OF NEW JERSEY<br/>LAW DIVISION: MONMOUTH COUNTY</b><br/><br/> <b>DOCKET NO. _____</b><br/><br/> <b>CIVIL ACTION</b><br/><br/> <b>VERIFIED COMPLAINT</b></p> |
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Plaintiffs Jennifer Coombs, Gavin Rozzi, and Jeff Epstein, through their counsel Law Offices of Walter M. Luers, LLC and by way of verified complaint against the Defendants County of Monmouth, Marion Masnick in her official capacity as Clerk of the Board and Records Custodian of the County of Monmouth, Office of the Monmouth County Prosecutor, and the Records Custodian of the Office of the Monmouth County Prosecutor, allege as follows:

#### **PRELIMINARY STATEMENT**

1. This is an action under the Open Public Records Act, *N.J.S.A. 47:1A-1 et seq.* (“OPRA”) and the common law right of access. Defendants have refused to comply with Plaintiffs’ OPRA requests because all of the Plaintiffs utilized an email address and website that

automatically uploads any responses from the Defendants to an internet website that is immediately accessible by the public.

## PARTIES

2. Plaintiff Jennifer Coombs is a citizen of the State of New Jersey and resides in Neptune City. In this case, Plaintiff Coombs' OPRA requests were made under the names "ASK NJ Media Co." and "Time to Change- Jersey Style."

3. Plaintiff Gavin Rozzi is a citizen of the State of New Jersey and resides in Ocean County, New Jersey. Plaintiff Rozzi is the owner and operator of <https://opramachine.com> ("OPRAMachine").

4. Plaintiff Jeff Epstein is a citizen of the State of New Jersey and resides in Burlington County, New Jersey. Plaintiff Epstein is an independent journalist and an administrator of OPRAmachine.

3. Defendant County of Monmouth is a public municipal agency corporate and politic and is a political subdivision of the State. The County of Monmouth's principal place of business is Monmouth County Hall of Records, One East Main Street, Freehold, New Jersey. Defendant County of Monmouth is a "public agency" as that term is defined by *N.J.S.A. 47:1A-1.1.*

4. Defendant Marion Masnick is the records custodian of the County of Monmouth and is a "Custodian of a government record" as that term is defined by *N.J.S.A. 47:1A-1.1.* Her principal place of business is Monmouth County Hall of Records, One East Main Street, Freehold, New Jersey.

5. Defendant Office of the Monmouth County Prosecutor (“MCPO”) is a public municipal agency corporate and politic and is a political subdivision of the State. MCPO’s principal place of business is 132 Jerseyville Avenue, Freehold, New Jersey.

6. Records Custodian of the MCPO is a “Custodian of a government record” as that term is defined by N.J.S.A. 47:1A-1.1. On information and belief, Records Custodian of the MCPO’s principal place of business is 132 Jerseyville Avenue, Freehold, New Jersey.

#### **VENUE**

7. Venue is properly laid in Monmouth County because the Defendants are public agencies within Monmouth County. *R. 4:3-2(a).*

#### **FACTUAL ALLEGATIONS**

8. **About the Plaintiffs:** Plaintiff Coombs operates “ASK NJ Media Co.” and “Time to Change- Jersey Style,” among other websites. Plaintiff Coombs is an independent citizen journalist who gathers content for news stories that, among other issues, focus on government transparency and First Amendment issues.

9. Plaintiff Rozzi is an independent journalist who advocates for open government in New Jersey. Plaintiff Rozzi operates a website called OPRAmachine. Through OPRAmachine, any person can file OPRA requests to any public agency via email. All requests and all responses to requests, including responsive documents, are automatically uploaded to OPRAmachine and are accessible by the public via the Internet.

10. Plaintiff Epstein is an independent journalist, co-founder and editor-in-chief of Citizens’ Media TV, and is an administrator of OPRAmachine.

11. **Plaintiffs’ OPRA Requests:** This action concerns seven OPRA requests, five that were made by Plaintiff Coombs, and one each by Plaintiffs Rozzi and Epstein.

12. **Coombs Request No. 1:** On June 11, 2018, Plaintiff Coombs filed an OPRA request via OPRA machine to the MCPO in which she asked for (1) all e-mails to or from Guy G. McCormick between April 28, 2018 and June 12, 2018 containing the words “Jennifer Coombs,” “Jen Coombs,” “OPRA Request(s)” or “Citizens Videotaping in Public Buildings”; (2) all e-mails to and from Lori Linskey between April 28, 2018 and June 12, 2018 containing the words “Jennifer Coombs,” “Jen Coombs,” “OPRA Request(s)” or “Citizens Videotaping in Public Buildings”; (3) all e-mails to and from Christopher Gramiccioni between April 28, 2018 and June 12, 2018 containing the words “Jennifer Coombs,” “Jen Coombs,” “OPRA Request(s)” or “Citizens Videotaping in Public Buildings”; (4) all e-mails to and from John G. McCabe between April 28, 2018 and June 12, 2018 containing the words “Jennifer Coombs,” “Jen Coombs,” “OPRA Request(s)” or “Citizens Videotaping in Public Buildings”; and (5) all e-mails to and from Teresa Wilbert between April 28, 2018 and June 12, 2018 containing the words “Jennifer Coombs,” “Jen Coombs,” “OPRA Request(s)” or “Citizens Videotaping in Public Buildings”.

13. On June 20, 2018, Defendant MCPO, through outside counsel, responded and requested a fifteen-business-day extension of time to respond. On June 20, 2018, Plaintiff Coombs responded by granting the extension. On July 11, 2018, Defendant MCPO, through outside counsel, responded that Monmouth would be implementing a new policy regarding how Monmouth County processes OPRA requests, and requested an extension of time until the new policy was implemented. Defendant did not state how much time was needed.

14. On July 13, 2018, Defendant MCPO, through counsel, transmitted a document entitled “Policy Statement.” According to this Policy Statement, Monmouth County (and by implication the MCPO) would no longer respond to OPRA requests via email if the

email responses were automatically uploaded to a publicly available website. According to the Policy Statement, the County “respectfully request[ed] that all OPRA requestors provide an address or e-mail address that permits the County to correspond directly with the requestor and securely provide access to the records.” The Policy Statement also stated that “The County will deny any requests for records if the responses, including attachments, are automatically posted on any websites.” If requestors desired documents to be delivered to them via email, the Policy Statement requested that the requestor “provide a legitimate e-mail address with a verified domain name that permits the Custodian to correspond directly with the requestor and securely provide access to the records.”

15. Because OPRAmachine automatically uploads all email correspondence between requestors and records custodians to its website and is automatically viewable by the public, the County’s new policy prohibits the Defendants from responding to OPRA requests that are received from OPRAmachine.

16. On July 13, 2018, Plaintiff Coombs emailed her response to the MCPO and declined to provide a different email address and stated that her email address is “legally valid.” She also pointed out that she is not required to use an official OPRA form. In response, on July 17, 2018, MCPO, through outside counsel, again requested Plaintiff Coombs to provide a “secondary e-mail address.” MCPO also claimed they were not denying Plaintiff’s request. On July 18, 2018, the MCPO again stated they would deny Plaintiff’s OPRA request if they did not receive a different email address. In response, on July 18, 2018, Plaintiff Coombs stated that the Defendants cannot fail to respond to OPRA requests based on the source of the email. On July 19, 2018, MCPO denied Plaintiff’s OPRA request for failure to provide a different OPRA request.

17. **Coombs Request No. 2:** On June 25, 2018, Plaintiff Coombs, through Time to Change- Jersey Style, filed an OPRA request with Monmouth County for copies of “any and all private security contracts for any Monmouth County Office Buildings and County Office Buildings,” and for “any current contracts associated to any Monmouth County Office Building(s)” or “County Office Buildings.”

18. On June 26, 2018, Defendant Monmouth County acknowledged receipt of the OPRA request.

19. On July 6, 2018, Defendant Monmouth County, through outside counsel, responded that Monmouth would be implementing a new policy regarding how Monmouth County processes OPRA requests, and requested an extension of time until the new policy was implemented. Defendant did not state how much time was needed.

20. On July 13, 2018, Defendant Monmouth County provided Plaintiff Coombs with copy of the same Policy Statement referenced above.

21. Between July 13, 2018 and July 19, 2018, Defendant Monmouth County and Plaintiff Coombs exchanged in a series of emails identical in substance regarding Plaintiff Coombs’ obligation to provide an email address that was not from OPRAmachine.

22. Plaintiff Coombs declined to provide a different email address. As a result, on July 19, 2018, Defendant Monmouth County denied Plaintiff Coombs’ OPRA request.

23. **Coombs Request No. 3:** On June 6, 2018, Plaintiff Coombs submitted an OPRA request to Monmouth County via OPRAmachine in which she asked for (1) copies of all “applications and RFP’s for all grants for 2017 and 2018 received by Monmouth County as well as the resolutions for each grant. On June 7, 2018, Defendant Monmouth County acknowledged receipt of the request. Between June 7, 2018 and July 19, 2018, Plaintiff Coombs and

Defendants engaged in a series of correspondence via email identical in substance to Plaintiff Coombs' prior interactions. On July 19, 2018, Defendant Monmouth County denied Plaintiff Coombs' OPRA request for failure to provide an email address that was not linked to OPRAmachine.

24. **Coombs Request No. 4:** On May 21, 2018, Plaintiff Coombs filed an OPRA request with Monmouth County via OPRAmachine for copies of the following records: (1) all attorney invoices for Monmouth County for the time period of January 1, 2016 through May 21, 2018; (2) and all litigation settlement agreements from January 1, 2010 through December 31, 2017.

25. On May 21, 2018, Defendant Monmouth County acknowledged receipt of the request.

26. On May 24, 2018, Defendant Monmouth County demanded a special service charge regarding the review and redaction of the requested invoices. On May 25, 2018, Plaintiff Coombs withdrew her request for the attorney invoices and stated she would re-submit the requests in smaller increments. This modification did not apply to Plaintiff Coombs' request for litigation settlements.

27. On May 25, 2018, Defendant Monmouth County emailed Plaintiff Coombs and stated they were compiling the litigation settlements. On May 29, 2018, Defendant Monmouth County requested an extension of time to June 8, 2018 to provide responsive records. On June 8, 2018, Defendant Monmouth County requested a second extension of time to June 12, 2018. On June 12, 2018, Defendant Monmouth County requested a third extension of time to June 29, 2018.

28. On June 29, 2018, Defendant Monmouth County advised Plaintiff Coombs that the County would be issuing a new OPRA policy and requested an extension of time to respond, but did not give a specific date. On July 2, 2018, Plaintiff Coombs emailed Defendant Monmouth County and asked about the status of this request. On July 13, 2018, Defendant Monmouth County provided Plaintiff Coombs with a copy of their Policy Statement. As with all of her other OPRA requests, Plaintiff Coombs objected to filling out any form or providing an alternate email address. After a series of additional emails, on July 19, 2018, Defendant Monmouth County denied this request.

29. **Coombs OPRA Request No. 5:** On June 6, 2018, Plaintiff Coombs filed an OPRA request via OPRAmachine to Monmouth County in which she asked for “Applications and RFP[s] for all contracts for 2017 and 2018 received by Monmouth County as well as the resolutions for each contract.” As with all of Plaintiff Coombs other OPRA requests, Defendant Monmouth County acknowledged receipt of this request, requested a series of extensions, presented their Policy Statement, demanded that Plaintiff Coombs provide an alternative email address, and on July 19, 2018 denied her request when she did not.

30. **Rozzi OPRA Request:** On July 13, 2018, Plaintiff Rozzi submitted an OPRA request to Defendant Monmouth County via OPRAmachine for copies of the following records: “[A]ll OPRA requests received by the County of Monmouth for the period of July 1<sup>st</sup>, 2018 to July 13<sup>th</sup>, 2018” and copies of the County’s “initial responsive approving or denying access to [those OPRA requests].”

31. On July 18, 2018, through counsel, Defendant Monmouth County responded by providing him with a copy of their Policy Statement and requesting Plaintiff Rozzi to supply an email address that was not associated with OPRAmachine. There have been no

further communications. Plaintiff Rozzi has not supplied a different email address and does not intend to do so.

32. **Epstein OPRA Request:** On July 13, 2018, Plaintiff Epstein submitted an OPRA request to Defendant Monmouth County via OPRAmachine for copies of the following records: "All legal bills for Cleary, Giaccobe, Alfieri & Jacobs [d]uring the month of June, 2018."

33. On July 18, 2018, through counsel, Defendant Monmouth County responded by providing him with a copy of their Policy Statement and requesting Plaintiff Epstein to supply an email address that was not associated with OPRAmachine. There have been no further communications. Plaintiff Epstein has not supplied a different email address and does not intend to do so.

34. All of the records requested by the Plaintiffs are public records.

35. OPRA and caselaw requires Defendants to respond to valid OPRA requests. Plaintiffs' OPRA requests are valid OPRA requests. None of the Plaintiffs intend to provide Defendants with other or different email addresses. All Plaintiffs specifically use OPRAmachine so that all of their OPRA requests and the responses can be available to them and to the public immediately and in perpetuity.

36. OPRAmachine has notice and takedown procedures if any person has an objection to material, documents or information that are published on OPRAmachine. This policy is posted on OPRAmachine's website. The Defendants or any other person may file a request with OPRAmachine to take down documents that have been posted on OPRAmachine.

**FIRST COUNT**  
(OPEN PUBLIC RECORDS ACT VIOLATION)

37. Plaintiffs hereby repeat and incorporate by reference paragraphs 1-36 of this Verified Complaint.

38. Defendants violated OPRA by not providing Plaintiffs with copies of the documents requested by them in the Coombs OPRA Requests, the Rozzi OPRA Request, and the Epstein OPRA Request.

**SECOND COUNT**  
(COMMON LAW RIGHT OF ACCESS)

39 Plaintiff hereby repeats and incorporates by reference paragraphs 1-38 of this Verified Complaint.

40. The records requested by Plaintiffs are public records under the common law right of access.

41. Defendants' interest in non-disclosure is not greater than Plaintiffs' interest in the records.

**WHEREFORE**, Plaintiff demands:

A. An Order or Judgment ordering Defendants to provide Plaintiffs with the copies of documents requested by all of the Plaintiffs via OPRA machine that are referenced in this Verified Complaint;

B. An award of costs of this action and reasonable attorneys' fees;

C. Such other, further and different relief as the Court may deem equitable and just.

**DESIGNATION OF TRIAL COUNSEL**

Plaintiffs hereby designate Walter M. Luers as trial counsel.

**CERTIFICATION OF NO OTHER ACTIONS**

Pursuant to R. 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. To the best of my belief, no other action or arbitration proceeding is pending or contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Respectfully submitted,

LAW OFFICES OF WALTER M. LUERS, LLC

Dated: September 4, 2018

By: /s/ Walter M. Luers  
Walter M. Luers, Member  
Suite 2  
122 West Main Street  
Clinton, New Jersey 08809  
Telephone: 908.894.5656

**VERIFICATION**

I, Jen Coombs, of full age, certifies as follows:

1. I am one of the Plaintiffs in the action captioned "Coombs v. County of Monmouth, *et al.*" All of the facts stated in the verified complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief, I believe those facts to be true.

2. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



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JEN COOMBS

Dated: August 28, 2018

**VERIFICATION**

I, Gavin Rozzi, of full age, certifies as follows:

1. I am one of the Plaintiffs in the action captioned "Coombs v. County of Monmouth, *et al.*" All of the facts stated in the verified complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief, I believe those facts to be true.

2. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



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GAVIN ROZZI

Dated: August 27, 2018

**VERIFICATION**

I, Jeff Epstein, of full age, certifies as follows:

1. I am one of the Plaintiffs in the action captioned "Coombs v. County of Monmouth, *et al.*" All of the facts stated in the verified complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief, I believe those facts to be true.

2. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

JEFF EPSTEIN

Dated: August 27, 2018

A handwritten signature in black ink, appearing to read "Jeff Epstein".

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| <p>JENNIFER COOMBS, GAVIN ROZZI<br/>and JEFF EPSTEIN,<br/><br/>Plaintiffs,<br/><br/>v.<br/><br/>COUNTY OF MONMOUTH and<br/>MARION MASNICK in her official<br/>capacity as Clerk of the Board and<br/>Records Custodian of the County of<br/>Monmouth, OFFICE OF THE<br/>MONMOUTH COUNTY<br/>PROSECUTOR and the RECORDS<br/>CUSTODIAN of the Office of the<br/>Monmouth County Prosecutor,<br/><br/>Defendants.</p> | <p><b>SUPERIOR COURT OF NEW JERSEY<br/>LAW DIVISION: MONMOUTH COUNTY</b><br/><br/><b>DOCKET NO. _____</b><br/><br/><b>CIVIL ACTION</b><br/><br/><b>ORDER TO SHOW CAUSE<br/>(OPRA SUMMARY PROCEEDING)</b></p> |
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THIS MATTER having been opened to the Court by Law Offices of Walter M. Luers, LLC, attorney for Plaintiffs Jennifer Coombs, Gavin Rozzi, and Jeff Epstein, seeking relief by way of summary action pursuant to *R. 4:67-1* and 2(a), based upon the facts set forth in the verified complaint and supporting papers filed herewith; and the Court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to *N.J.S.A. 47:1A-6* and for good cause shown,

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 ORDERED that the Defendants County of Monmouth, Marion Masnick in her official capacity as Clerk of the Board and Records Custodian of the County of Monmouth, Office of the Monmouth County Prosecutor, and the Records Custodian of the Office of the Monmouth County Prosecutor appear

and show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 before the Honorable Lisa P. Thornton, A.J.S.C, Superior Court of New Jersey, County of Monmouth, Monmouth County Courthouse, 71 Monument Park, 3<sup>rd</sup> Floor, Freehold, New Jersey, at \_\_\_ o'clock in the \_\_\_\_\_ noon or as soon thereafter as counsel can be heard, why judgment should not be entered:

A. Ordering Defendants to disclose to Plaintiffs the copies of documents requested by all of the Plaintiffs via OPRA machine, which were: (1) June 11, 2018 request for emails to or from officials within the Prosecutor's office containing the terms "Jennifer Coombs," "Jen Coombs," "OPRA Request(s)," or "Citizens Videotaping in Public Buildings;" (2) June 25, 2018 OPRA request to Monmouth County for copies of all private security contracts for Monmouth County Office Buildings and County Office Buildings and current contracts associated with those buildings; (3) all 2017 and 2018 applications and RFPs for grants received by Monmouth County and the resolutions for each grant; (4) all litigation settlement agreements involving Monmouth County for the time period from January 1, 2010 to December 31, 2017; (5) all OPRA requests received by Monmouth County between July 1, 2018 and July 13, 2018; and (6) all legal bills for Cleary, Giacobbe, Alfieri & Jacobs for the month of June 2018; ;

B. An award of costs of this action and reasonable attorneys' fees;

C. Such other, further and different relief as the Court may deem equitable and just.

And it is further *ORDERED* that:

1. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the Defendants within \_\_\_\_ days of the date hereof.

2. The Plaintiffs must file with the Court their proof of service of the pleadings on the Defendants no later than three (3) days before the return date.

3. Defendants shall file and serve a written answer and opposition papers to this order to show cause and the relief requested in the verified complaint and proof of service of the same by \_\_\_\_\_, 2018. The answer and opposition papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of the Honorable Lisa. P. Thornton, A.J.S.C.

4. The Plaintiffs must file and serve any written reply to the Defendants' order to show cause opposition by \_\_\_\_\_, 2018. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of the Honorable Lisa P. Thornton, A.J.S.C.

5. If the Defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the Plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date.

7. Defendants take notice that the Plaintiffs have filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer and opposition papers and proof of service before the return date of the order to show cause.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at:

[http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf). Unless exempt from paying the filing fee, include a \$175 filing fee payable to the "Treasurer, State of New Jersey." You must also send a copy of your answer and opposition papers to the Plaintiff's attorney whose name and address appear above, or to the Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer and opposition papers (with the fee) or judgment may be entered against you by default.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at: [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

9. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the Court and parties are advised to the contrary no later than \_\_\_\_\_ days before the return date.

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HON. LISA P. THORNTON, A.J.S.C.

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| <p>JENNIFER COOMBS, GAVIN ROZZI<br/>and JEFF EPSTEIN,<br/><br/>Plaintiffs,<br/><br/>v.<br/><br/>COUNTY OF MONMOUTH and<br/>MARION MASNICK in her official<br/>capacity as Clerk of the Board and<br/>Records Custodian of the County of<br/>Monmouth, OFFICE OF THE<br/>MONMOUTH COUNTY<br/>PROSECUTOR and the RECORDS<br/>CUSTODIAN of the Office of the<br/>Monmouth County Prosecutor,<br/><br/>Defendants.</p> | <p><b>SUPERIOR COURT OF NEW JERSEY<br/>LAW DIVISION: MONMOUTH COUNTY</b><br/><b>DOCKET NO._____</b><br/><b>CIVIL ACTION</b><br/><b>CERTIFICATION OF<br/>FACSIMILE SIGNATURE</b></p> |
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I, WALTER M. LUERS, of full age, hereby certify:

1. I am an attorney of the State of New Jersey and a member of the law firm of Law Offices of Walter M. Luers, LLC, and counsel for Plaintiffs Jennifer Coombs, Gavin Rozzi, and Jeff Epstein.
2. Ms. Coombs, Mr. Rozzi, and Mr. Epstein were not available to sign their Verifications and have, therefore, provided facsimile/electronic copies of their signatures.
3. Ms. Coombs, Mr. Rozzi, and Mr. Epstein have acknowledged to me the genuineness of their signatures affixed to his/her Verification. Copies of the Verifications with original signature affixed will be filed if requested by the Court or a party.

4. I certify that the foregoing statements made by me are true. I understand that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: September 4, 2018

/s/ Walter M. Luers  
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September 4, 2018

Walter M. Luers, Esq.\*

\*Also admitted in New York

Writer's Direct Email: [wluers@luerslaw.com](mailto:wluers@luerslaw.com)

Honorable Lisa P. Thornton, A.J.S.C.  
Superior Court of New Jersey  
Monmouth County Courthouse  
71 Monument Park, 3<sup>rd</sup> Floor  
Freehold, New Jersey 07728

**Re: *Coombs, et al. v. County of Monmouth, et al.***  
**Docket No.**

Dear Judge Thornton:

This case was brought because the Defendants have refused to provide documents responsive to OPRA requests if the OPRA requests are received through OPRAmachine.

OPRAmachine is a web portal that permits OPRA requestors to submit OPRA requests via email and automatically uploads the requests, and all of the responses (including the documents).

Defendants have refused to respond to Plaintiffs' OPRA requests submitted through OPRAmachine because they do not want their responses automatically posted to the Internet.

However, Courts have held that as long as an OPRA requestor has provided a valid OPRA request, public agencies cannot impose additional "bureaucratic" hurdles on the public.

Attempts by public agencies to force records custodians to use specific forms or to make follow-up requests after they have been denied access to records or to limit the right to make a request to citizens of this State have failed. This case is no different. Because the public has the right to

Honorable Lisa P. Thornton, A.J.S.C.

September 4, 2018

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receive records upon the submission of a valid OPRA request, this Court should order the

Defendants to provide the records requested by the Plaintiffs through OPRA machine.

### **STATEMENT OF FACTS**

We refer the Court to our Verified Complaint for a recitation of the facts.

Plaintiff's OPRA request and Defendants' denial of access are attached to the Luers

Certification.

### **LEGAL ARGUMENT**

#### **POINT I**

##### **THIS ACTION SHOULD PROCEED IN A SUMMARY MANNER**

The standards governing the initiation of OPRA actions are familiar ones. "A person who is denied access to a government record by the custodian of the record, . . . may institute a proceeding to challenge the custodian's decision by filing an action in Superior Court." N.J.S.A. 47:1A-6. Once instituted, "[a]ny such proceeding shall proceed in a summary or expedited manner." *Id.* "This statutory language requires a trial court to proceed under the procedures prescribed in Rule 4:67." *Courier News v. Hunterdon County Prosecutor's Office*, 358 N.J. Super. 373, 378 (App. Div. 2003). Any such action must be initiated by Order to Show Cause, supported by a verified Complaint. *Id.* (citing R. 4:67-2(a)). Here, because OPRA authorizes actions under it to proceed in a summary manner, and Plaintiff's request for an order to show cause is supported by a verified complaint, the relevant documents have been provided via certification, and the relevant facts should not reasonably be disputed, the order to show cause should be granted so this matter may proceed in a summary manner. R. 4:67-2(a).

Honorable Lisa P. Thornton, A.J.S.C.  
September 4, 2018  
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## POINT II

### **DEFENDANTS CANNOT REFUSE TO PROVIDE DOCUMENTS VIA OPRA MACHINE**

Plaintiff seeks records pursuant to OPRA. As the Court knows, the Open Public Records Act (“OPRA”) mandates that “government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest, and any limitations on the right of access accorded [under OPRA] as amended and supplemented, shall be construed in favor of the public’s right of access.” *Libertarian Party of Cent. New Jersey v. Murphy*, 384 N.J. Super. 136, 139 (App. Div. 2006) (citing N.J.S.A. 47:1A-1). “The purpose of OPRA ‘is to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process.’” *Times of Trenton Publ’g Corp. v. Lafayette Yard Cnty. Dev. Corp.*, 183 N.J. 519, 535 (2005) (quoting *Asbury Park Press v. Ocean County Prosecutor’s Office*, 374 N.J. Super. 312, 329 (Law Div. 2004)).

These lofty descriptions of the purposes of OPRA are not mere bromides or empty statements of legislative intent. Our Supreme Court has stated that “Those who enacted OPRA understood that knowledge is power in a democracy, and that without access to information contained in records maintained by public agencies citizens cannot monitor the operation of our government or hold public officials accountable for their actions.” *Fair Share Housing Center, Inc. v. New Jersey State League of Municipalities*, 207 N.J. 489, 502 (2011).

The burden of proof in showing that a denial of access was justified rests solely with the Records Custodian. N.J.S.A. 47:1A-6; *Asbury Park Press v. Monmouth County*, 406

Honorable Lisa P. Thornton, A.J.S.C.

September 4, 2018

Page 4 of 6

N.J. Super. 1, 7 (App. Div. 2009). Here, the documents sought by Plaintiff are “government records” within the meaning of OPRA. Under OPRA, a “government record”:

means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof.

*N.J.S.A. 47:1A-1.1.*

Here, this case focuses on whether the Defendants can essentially prohibit Plaintiffs from using OPRA machine.

Courts have rejected attempts by Records Custodians to impose barriers to access to records that contradict OPRA or that are not consistent with OPRA. In *American Civil Liberties Union of New Jersey v. Division of Criminal Justice*, 435 N.J. Super. 533 (App Div. 2014), the records requestor asked for a series of documents and received them, but the documents contained many redactions. The requestor filed suit to gain access to the redacted portions of the records, and the Trial Court dismissed the case. The Trial Court held that “it was reasonable to require any requestor to make a follow[-]up request” to ask for the portions of the documents that were redacted. On appeal, the Appellate Division reversed. The Appellate Division held that the Court could not “impose a **bureaucratic hurdle** that runs counter to our State’s strong public policy favoring ‘the prompt disclosure of government records.’” *Id.* at 541 (emphasis added). “The public’s right of access is further undermined by shifting the burden to the requestor to explain or justify with greater specificity than the law requires the need to copy

Honorable Lisa P. Thornton, A.J.S.C.

September 4, 2018

Page 5 of 6

and examine a public record.” *Id.* By parity of reasoning, the Defendants in this case imposed an unnecessary “bureaucratic hurdle.” Defendants are refusing to provide documents to OPRAmachine. The requests submitted by Plaintiffs through OPRAmachine are valid OPRA requests. Upon receipt of a valid OPRA request, Defendants must respond. In *Renna v. County of Union*, 407 N.J. Super. 230, 232 (App. Div. 2009), the Appellate Division held that OPRA requestors were not required to use an agency’s OPRA request form provided that the request was otherwise valid.

The only reason the Defendants have given Plaintiffs for why they are not providing OPRA responses to OPRAmachine is that they are worried about unauthorized disclosure of records. First, that is not Plaintiffs’ problem, that is Defendants’ problem. The solution to Defendants’ issues in potentially redacting documents is not to deny Plaintiffs access to records. The solution is for the Defendants to be more careful. Second, OPRAmachine already has a notice and take-down procedure in place for those times when OPRAmachine might receive documents that contain personal information that may have been inadvertently disclosed. (Verified Complaint ¶ 36). Third, nothing prevents any person from currently posting all information on the Internet anyway, whether that information is received via email or fax or the Post Office or any other method. So, even though any requestor can request any document via any method, the Defendants have decided to punish Plaintiffs who happen to be using OPRAmachine.

Since the Defendants have not provided any substantive reasons for denying access to the records requested by Plaintiffs, we will defer those arguments until such time as Defendants actually make them. We note here that the OPRA requests at issue encompass

Honorable Lisa P. Thornton, A.J.S.C.

September 4, 2018

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copies of invoices, contracts, settlement agreements, emails, RFPs, resolutions, and other types of documents that are generally available to the public.

### **POINT III**

#### **AWARD OF REASONABLE ATTORNEYS' FEES**

Defendants' conduct is unreasonable and inconsistent with OPRA. As long as Plaintiffs have provided a valid OPRA request, the Defendants must respond and provide the records. Any problems with the inadvertent provision of documents can be handled through OPRA machine's notice and take down policy.

If the Court orders Defendants to produce the documents at issue, the Court should find that Plaintiff is the prevailing party and, under OPRA's fee-shifting provision and the common-law right of access, award Plaintiff a reasonable attorneys' fee and costs. *N.J.S.A. 47:1A-6; Mason v. Hoboken*, 196 N.J. 51, 79 (2008) (concluding that catalyst theory applies to fee awards under both OPRA and the common law right of access).

Respectfully submitted,

/s/ Walter M. Luers

Walter M. Luers

WALTER M. LUERS, Esq. – 034041999  
 LAW OFFICES OF WALTER M. LUERS, LLC  
 Suite 2  
 122 West Main Street  
 Clinton, New Jersey 08809  
 Telephone: 908.894.5656  
 Attorneys for Plaintiffs

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|--|--|
| <p>JENNIFER COOMBS, GAVIN ROZZI<br/>and JEFF EPSTEIN,<br/><br/>Plaintiffs,<br/><br/>v.<br/><br/>COUNTY OF MONMOUTH and<br/>MARION MASNICK in her official<br/>capacity as Clerk of the Board and<br/>Records Custodian of the County of<br/>Monmouth, OFFICE OF THE<br/>MONMOUTH COUNTY<br/>PROSECUTOR and the RECORDS<br/>CUSTODIAN of the Office of the<br/>Monmouth County Prosecutor,<br/><br/>Defendants.</p> | <p><b>SUPERIOR COURT OF NEW JERSEY<br/>LAW DIVISION: MONMOUTH COUNTY</b><br/><br/><b>DOCKET NO.</b> _____<br/><br/><b>CIVIL ACTION</b><br/><br/><b>ORDER</b></p> |
|--|--|

**THIS MATTER** having been brought before the Court pursuant to R. 4:67-1 and 2(a) by Walter M. Luers, Esq., of the Law Offices of Walter M. Luers, LLC, counsel for Plaintiffs Jennifer Coombs, Gavin Rozzi, and Jeff Epstein, by Verified Complaint and Order to Show Cause for an Order requiring Defendants County of Monmouth, Marion Masnick in her official capacity as Records Custodian of the County of Monmouth, Office of the Monmouth County Prosecutor, and Records Custodian of the Office of the Monmouth County Prosecutor to provide Plaintiffs with copies of certain public records, and the Court having considered the papers submitted by the parties, and having heard oral argument on \_\_\_\_\_, 2018; and for the reasons set forth on the record on \_\_\_\_\_, 2018, and for good cause shown,

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2018

A. **ORDERED** within 20 days after service of this Order upon them,

Defendants shall disclose to Plaintiffs copies of all of the documents requested by all of the Plaintiffs via OPRA machine, which were: (1) June 11, 2018 request for emails to or from officials within the Prosecutor's office containing the terms "Jennifer Coombs," "Jen Coombs," "OPRA Request(s)," or "Citizens Videotaping in Public Buildings;" (2) June 25, 2018 OPRA request to Monmouth County for copies of all private security contracts for Monmouth County Office Buildings and County Office Buildings and current contracts associated with those buildings; (3) all 2017 and 2018 applications and RFPs for grants received by Monmouth County and the resolutions for each grant; (4) all litigation settlement agreements involving Monmouth County for the time period from January 1, 2010 to December 31, 2017; (5) all OPRA requests received by Monmouth County between July 1, 2018 and July 13, 2018; and (6) all legal bills for Cleary, Giacobbe, Alfieri & Jacobs for the month of June 2018; and it is further

B. **ORDERED** that Plaintiffs are the prevailing parties in this matter and that counsel for Plaintiffs shall serve and file his motion and fee certification for reasonable attorneys' fees and costs within 20 days after service of this order upon Plaintiffs; and it is further

C. **ORDERED** that Plaintiffs shall serve a copy of this Order upon Defendants within seven days of service of this order upon Plaintiff.

---

HON. LISA P. THORNTON, A.J.S.C.

OPPOSED \_\_\_\_\_  
UNOPPOSED \_\_\_\_\_

WALTER M. LUERS, ESQ. – 034041999  
LAW OFFICES OF WALTER M. LUERS, LLC  
Suite 2  
122 West Main Street  
Clinton, New Jersey 08809  
Telephone: 908.894.5656  
Attorneys for Plaintiffs

|  |  |
|--|--|
| <p>JENNIFER COOMBS, GAVIN ROZZI<br/>and JEFF EPSTEIN,<br/><br/>Plaintiffs,<br/><br/>v.<br/><br/>COUNTY OF MONMOUTH and<br/>MARION MASNICK in her official<br/>capacity as Clerk of the Board and<br/>Records Custodian of the County of<br/>Monmouth, OFFICE OF THE<br/>MONMOUTH COUNTY<br/>PROSECUTOR and the RECORDS<br/>CUSTODIAN of the Office of the<br/>Monmouth County Prosecutor,<br/><br/>Defendants.</p> | <p><b>SUPERIOR COURT OF NEW JERSEY<br/>LAW DIVISION: MONMOUTH COUNTY</b><br/><b>DOCKET NO. _____</b><br/><b>CIVIL ACTION</b><br/><b>CERTIFICATION OF WALTER M. LUERS</b></p> |
|--|--|

WALTER M. LUERS, of full age, hereby certifies and says as follows:

1. Attached as Exhibits A through G are true and correct copies of Plaintiffs' OPRA request and Defendants' responses to them as they appear on OPRAmachine.com.
2. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on September 4, 2018.

/s/ Walter M. Luers  
WALTER M. LUERS

## **Exhibit A**

Printed from https://opramachine.com/request/e-mails\_between\_april\_28\_2018\_an on September 04, 2018 12:10

## E-mails between April 28, 2018 and June 12, 2018



[ASK NJ Media Co.](#) made this OPRA request to [Monmouth County Prosecutor's Office](#)

[Follow](#)

1 follower

Response to this request is **long overdue**. By law, under all circumstances, [Monmouth County Prosecutor's Office](#) should have responded by now ([details](#)). You can complain by [requesting an internal review](#).

ASK NJ Media Co. **June 11, 2018**

Unknown

Dear Monmouth County Prosecutor's Office,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.

Records requested:

1. All e-mails to and from Guy G. McCormick between April 28, 2018 and June 12, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', 'OPRA Request(s)', and/or 'Citizens Videotaping in Public Buildings'.
2. All e-mails to and from Lori Linskey between April 28, 2018 and June 12, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', 'OPRA Request(s)', and/or 'Citizens Videotaping in Public Buildings'.
3. All e-mails to and from Christopher Gramiccioni between April 28, 2018 and June 12, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', 'OPRA Request(s)', and/or 'Citizens Videotaping in Public Buildings'.
4. All e-mails to and from John G. McCabe, Jr. between April 28, 2018 and June 12, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', 'OPRA Request(s)', and/or 'Citizens Videotaping in Public Buildings'.
5. All e-mails to and from Teresa Wilbert between April 28, 2018 and June 12, 2018 containing the words 'Jennifer Coombs', 'Jen Coombs', 'OPRA Request(s)', and/or 'Citizens Videotaping in Public Buildings'.

Yours faithfully,

ASK NJ Media Co.

Catherine Kim, **June 20, 2018**

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in regards to your OPRA request submitted and received on June 11, 2018. Due to the volume of records involved in this request and the required redactions, we respectfully request a fifteen (15) business day extension.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [1][\[email address\]](#)

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References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

ASK NJ Media Co. **June 20, 2018**

Unknown

Dear Catherine Kim,

I'm granting the extension that you have requested.

Yours sincerely,

ASK NJ Media Co.

Catherine Kim, **July 11, 2018**

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. In the next coming days, the County will be implementing a new policy when handling Open Public Records Act ("OPRA") requests. As part of the new policy, the County will be modifying the processing mechanism for certain OPRA requests. In its continuing efforts to work along with the public, the County respectfully requests an extension until the new policy is implemented and available for review on the Monmouth County website. Should your request be affected by the new policy, the County will promptly notify you and respond accordingly.

Please do not hesitate to contact me should you have any questions or concerns.

We appreciate your cooperation and apologize for the inconvenience. Your future assistance is greatly appreciated.

Thank you,

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [1][[email address](#)]

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From: Catherine Kim

Sent: Wednesday, June 20, 2018 2:22 PM

To: '[OPRA #1823 email]'

<[OPRA #1823 email]>

Subject: OPRA Request: E-mails between April 28, 2018 and June 12, 2018

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in regards to your OPRA request submitted and received on June 11, 2018. Due to the volume of records involved in this request and the required redactions, we respectfully request a fifteen (15) business day extension.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

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Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [2][\[email address\]](#)

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References

Visible links

1. [mailto:\[email address\]](#)
2. [mailto:\[email address\]](#)

Catherine Kim, **July 13, 2018**

**1 Attachment**

Policy Statement.pdf

631K [Download](#) [View as HTML](#)

Good morning Ms. Coombs,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. Attached hereto is a statement regarding the new County OPRA policy that modifies the processing mechanism for certain OPRA requests. Please review carefully and return the filled-out statement. Once I am in receipt of the statement, the County will proceed with processing your OPRA request.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your cooperation.

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [1][email address]

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From: Catherine Kim  
Sent: Wednesday, July 11, 2018 5:47 PM  
To: '[OPRA #1823 email]'  
<[OPRA #1823 email]>  
Subject: RE: OPRA Request: E-mails between April 28, 2018 and June 12, 2018

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. In the next coming days, the County will be implementing a new policy when handling Open Public Records Act ("OPRA") requests. As part of the new policy, the County will be modifying the processing mechanism for certain OPRA requests. In its continuing efforts to work along with the public, the County respectfully requests an extension until the new policy is implemented and available for review on the Monmouth County website. Should your request be affected by the new policy, the County will promptly notify you and respond accordingly.

Please do not hesitate to contact me should you have any questions or concerns.

We appreciate your cooperation and apologize for the inconvenience. Your future assistance is greatly appreciated.

Thank you,

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [2][email address]

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From: Catherine Kim  
Sent: Wednesday, June 20, 2018 2:22 PM  
To: '[OPRA #1823 email]'  
<[3][OPRA #1823 email]>  
Subject: OPRA Request: E-mails between April 28, 2018 and June 12, 2018

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in regards to your OPRA request submitted and received on June 11, 2018. Due to the volume of records involved in this request and the required redactions, we respectfully request a fifteen (15) business day extension.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [4][email address]

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#### References

##### Visible links

1. mailto:[email address]
2. mailto:[email address]
3. mailto:[OPRA #1823 email]

4. mailto:[email address]

|                                       |                |
|---------------------------------------|----------------|
| ASK NJ Media Co. <b>July 13, 2018</b> | <b>Unknown</b> |
|---------------------------------------|----------------|

Dear Catherine Kim,

I'm not legally required to fill out the agency's form and that my email request is legally valid. Please comply with my legally valid OPRA request within the legal time period of 7 business days. Pursuant to Renna v. County of Union (App. Div. 2009), OPRA requests should be on the agency's official OPRA request form. However, a written request that is not on the agency's official OPRA request form cannot be denied solely because the request is not on the request form. Written requests which are not on the form must mention OPRA. Therefore, if a requestor elects not to use an agency's official OPRA request form, he/she must submit an otherwise written request that clearly identifies itself as an OPRA request.

Yours sincerely,

ASK NJ Media Co.

|                                     |
|-------------------------------------|
| Catherine Kim, <b>July 17, 2018</b> |
|-------------------------------------|

Ms. Coombs,

If you read the policy carefully, the County is not denying your OPRA on grounds that the OPRA request itself is invalid. The County reserves its discretion to partake on websites like OPRA Machine. The County is required to take specific steps to protect individual privacy whenever it uses third-party websites and applications to engage with the public. Upon examination of OPRA Machine's privacy policy, the County has determined that the third party website is not appropriate for the County's use.

If you wish to move forward with the request, the County will require a secondary e-mail address.

Thank you,

Catherine Kim, Esq., Associate  
 Cleary | Giacobbe | Alfieri | Jacobs LLC  
 955 State Route 34  
 Suite 200  
 Matawan, NJ 07747  
 (732) 583-7474 ext 151 Office  
 (732) 290-0753 Fax  
 email address: [email address]

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|                                       |                |
|---------------------------------------|----------------|
| ASK NJ Media Co. <b>July 17, 2018</b> | <b>Unknown</b> |
|---------------------------------------|----------------|

Dear Catherine Kim,

I'm not legally required to fill out the agency's form and that my email request is legally valid. Please comply with my legally valid OPRA request within the legal time period of 7 business days. Pursuant to Renna v. County of Union (App. Div. 2009), OPRA requests should be on the agency's official OPRA request form. However, a written request that is not on the agency's official OPRA request form cannot be denied solely because the request is not on the request form. Written requests which are not on the form must mention

OPRA. Therefore, if a requestor elects not to use an agency's official OPRA request form, he/she must submit an otherwise written request that clearly identifies itself as an OPRA request..

Yours sincerely,  
ASK NJ Media Co.

Catherine Kim, July 18, 2018

Ms. Coombs,

The County will fulfill your OPRA request once you provide a secondary e-mail address. However, if you wish to not provide an alternative e-mail, the County will deny your request.

Thank you,

Catherine Kim, Esq., Associate  
Cleary | Giacobbe | Alfieri | Jacobs LLC  
955 State Route 34  
Suite 200  
Matawan, NJ 07747  
(732) 583-7474 ext 151 Office  
(732) 290-0753 Fax  
email address: [\[email address\]](#)

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Unknown

ASK NJ Media Co. July 18, 2018

Dear Catherine Kim,

The county cannot discriminate against which email addresses that it will respond to. There is nothing in the OPRA statute or New Jersey case law that authorizes the County to exercise any "discretion" over whether or not these requests are valid. The e-mail address that I already provided is legally valid. Please comply with my legally valid OPRA request within 6 business days.

Yours sincerely,

ASK NJ Media Co.

Catherine Kim, July 19, 2018

Ms. Coombs,

Despite the County's attempt to cooperate with you, you continue to refuse to provide an alternative e-mail address. As a result, your OPRA request is denied.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the County of Monmouth to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at [\[email address\]](#), or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc) (<http://www.state.nj.us/grc>). The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Thank you,

Catherine Kim, Esq., Associate  
Cleary | Giacobbe | Alfieri | Jacobs LLC  
955 State Route 34

Suite 200  
Matawan, NJ 07747  
(732) 583-7474 ext 151 Office  
(732) 290-0753 Fax  
email address: [email address]

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## **Exhibit B**

Printed from https://opramachine.com/request/private\_security\_contracts\_for\_a\_2 on September 04, 2018 12:10

# Private security contracts for any Monmouth County Office Buildings



Time to Change- Jersey Style made this OPRA request to [Monmouth County](#)

[Follow](#)

1 follower

Response to this request is **long overdue**. By law, under all circumstances, [Monmouth County](#) should have responded by now ([details](#)). You can [complain](#) by [requesting an internal review](#).

Time to Change- Jersey Style **June 25, 2018**

Unknown

Dear Monmouth County,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.  
Records requested:

Please provide any and all private security contracts for any Monmouth County Office Buildings, and County Office Building(s) (COB).

Please Provide any current contracts associated to any Monmouth County Office Building(s), County Office Building(s) (COB).

Please send in pdf form.

Yours faithfully,

Time to Change- Jersey Style

Masnick, Marion, Monmouth County **June 26, 2018**

Received

Marion Masnick  
Clerk of the Board  
County of Monmouth  
732-431-7380  
[email address]

[show quoted sections](#)

Catherine Kim, **July 06, 2018**

Good morning,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. In the next coming days, the County will be implementing a new policy when handling Open Public Records Act ("OPRA") requests. As part of the new policy, the County will be modifying the processing mechanism for certain OPRA requests. In its continuing efforts to work along with the public, the County respectfully requests an extension until the new policy is implemented and available for review on

the Monmouth County website. Should your request be affected by the new policy, the County will promptly notify you and respond accordingly.

Please do not hesitate to contact me should you have any questions or concerns.

We appreciate your cooperation and apologize for the inconvenience. Your future assistance is greatly appreciated.

Thank you,

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [1][[email address](#)]

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References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

Catherine Kim, **July 13, 2018**

**1 Attachment**

Policy Statement.pdf

631K [Download](#) [View as HTML](#)

Good morning Ms. Coombs,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. Attached hereto is a statement regarding the new County OPRA policy that modifies the processing mechanism for certain OPRA requests. Please review carefully and return the filled-out statement. Once I am in receipt of the statement, the County will proceed with processing your OPRA request.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your cooperation.

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

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References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

Time to Change- Jersey Style **July 13, 2018**

**Unknown**

Dear Catherine Kim,

I'm not legally required to fill out the agency's form and that my email request is legally valid. Please comply with my legally valid OPRA request within the legal time period of 7 business days. Pursuant to Renna v. County of Union (App. Div. 2009), OPRA requests should be on the agency's official OPRA request form. However, a written request that is not on the agency's official OPRA request form cannot be denied solely because the request is not on the request form. Written requests which are not on the form must mention OPRA. Therefore, if a requestor elects not to use an agency's official OPRA request form, he/she must submit an otherwise written request that clearly identifies itself as an OPRA request.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, **July 17, 2018**

Ms. Coombs,

If you read the policy carefully, the County is not denying your OPRA on grounds that the OPRA request itself is invalid. The County reserves its discretion to partake on websites like OPRA Machine. The County is required to take specific steps to protect individual privacy whenever it uses third-party websites and applications to engage with the public. Upon examination of OPRA Machine's privacy policy, the County has determined that the third party website is not appropriate for the County's use.

If you wish to move forward with the request, the County will require a secondary e-mail address.

Thank you,

Catherine Kim, Esq., Associate  
Cleary | Giacobbe | Alfieri | Jacobs LLC  
955 State Route 34  
Suite 200  
Matawan, NJ 07747  
(732) 583-7474 ext 151 Office  
(732) 290-0753 Fax  
email address: [\[email address\]](#)

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[show quoted sections](#)

Time to Change- Jersey Style **July 18, 2018**

Unknown

Dear Catherine Kim,

The county cannot discriminate against which email addresses that it will respond to. There is nothing in the OPRA statute or New Jersey case law that authorizes the County to exercise any "discretion" over whether or not these requests are valid. The e-mail address that I already provided is legally valid. Please comply with my legally valid OPRA request within 6 business days.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, **July 19, 2018**

Ms. Coombs,

Despite the County's attempt to cooperate with you, you continue to refuse to provide an alternative e-mail address. As a result, your OPRA request is denied.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the County of Monmouth to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at [\[email address\]](#), or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc) (<http://www.state.nj.us/grc>). The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Thank you,

Catherine Kim, Esq., Associate  
Cleary | Giacobbe | Alfieri | Jacobs LLC  
955 State Route 34  
Suite 200  
Matawan, NJ 07747  
(732) 583-7474 ext 151 Office  
(732) 290-0753 Fax  
email address: [\[email address\]](#)

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not intend to waive and do not waive any privileges or confidentiality of this message or the attachments. Please reply to the sender that you have received the message in error, then delete it. Thank you.

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## **Exhibit C**

Printed from https://opramachine.com/request/grants\_2 on September 04, 2018 12:11

# Grants



Time to Change- Jersey Style made this OPRA request to [Monmouth County](#)

[Follow](#)

1 follower

Response to this request is **long overdue**. By law, under all circumstances, [Monmouth County](#) should have responded by now ([details](#)). You can **complain** by [requesting an internal review](#).

Time to Change- Jersey Style **June 06, 2018**

Unknown

Dear Monmouth County,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.  
Records requested:

1. Applications and RFP's for all grants for 2017 and 2018 received by Monmouth County as well as the resolutions for each grant.
2. Applications and RFP's for all grants for 2017 and 2018 received by Monmouth County as well as the resolutions for each grant.

Yours faithfully,

Time to Change- Jersey Style

Masnick, Marion, Monmouth County **June 07, 2018**

Got it

Marion Masnick  
Clerk of the Board  
County of Monmouth  
732-431-7380  
[email address]

[show quoted sections](#)

Time to Change- Jersey Style **July 05, 2018**

Unknown

Dear Masnick, Marion,

It has been past 7 business days since this OPRA request was filed. Please advise as to the status of this request.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, **July 13, 2018**

**1 Attachment**

Policy Statement.pdf  
 631K [Download](#) [View as HTML](#)

Good morning Ms. Coombs,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. Attached hereto is a statement regarding the new County OPRA policy that modifies the processing mechanism for certain OPRA requests. Please review carefully and return the filled-out statement. Once I am in receipt of the statement, the County will proceed with processing your OPRA request.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your cooperation.

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [1][[email address](#)]

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References

Visible links

1. mailto:[[email address](#)]

Time to Change- Jersey Style **July 13, 2018**

**Unknown**

Dear Catherine Kim,

I'm not legally required to fill out the agency's form and that my email request is legally valid. Please comply with my legally valid OPRA request within the legal time period of 7 business days. Pursuant to Renna v. County of Union (App. Div. 2009),

OPRA requests should be on the agency's official OPRA request form. However, a written request that is not on the agency's official OPRA request form cannot be denied solely because the request is not on the request form. Written requests which are not on the form must mention OPRA. Therefore, if a requestor elects not to use an agency's official OPRA request form, he/she must submit an otherwise written request that clearly identifies itself as an OPRA request.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, July 17, 2018

Ms. Coombs,

If you read the policy carefully, the County is not denying your OPRA on grounds that the OPRA request itself is invalid. The County reserves its discretion to partake on websites like OPRA Machine. The County is required to take specific steps to protect individual privacy whenever it uses third-party websites and applications to engage with the public. Upon examination of OPRA Machine's privacy policy, the County has determined that the third party website is not appropriate for the County's use.

If you wish to move forward with the request, the County will require a secondary e-mail address.

Thank you,

Catherine Kim, Esq., Associate  
 Cleary | Giacobbe | Alfieri | Jacobs LLC  
 955 State Route 34  
 Suite 200  
 Matawan, NJ 07747  
 (732) 583-7474 ext 151 Office  
 (732) 290-0753 Fax  
 email address: [email address]

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[show quoted sections](#)

Unknown

Time to Change- Jersey Style July 18, 2018

Dear Catherine Kim,

The county cannot discriminate against which email addresses that it will respond to. There is nothing in the OPRA statute or New Jersey case law that authorizes the County to exercise any "discretion" over whether or not these requests are valid. The e-mail address that I already provided is legally valid. Please comply with my legally valid OPRA request within 6 business days.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, July 19, 2018

Ms. Coombs,

Despite the County's attempt to cooperate with you, you continue to refuse to provide an alternative e-mail address. As a result, your OPRA request is denied.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the County of Monmouth to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511,

by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at [email address], or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc) (<http://www.state.nj.us/grc>). The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Thank you,

Catherine Kim, Esq., Associate  
Cleary | Giacobbe | Alfieri | Jacobs LLC  
955 State Route 34  
Suite 200  
Matawan, NJ 07747  
(732) 583-7474 ext 151 Office  
(732) 290-0753 Fax  
email address: [email address]

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## **Exhibit D**

Printed from https://opramachine.com/request/attorney\_invoices\_litigation\_set\_10 on September 04, 2018 12:11

# Attorney invoices & litigation settlement agreements



Time to Change- Jersey Style made this OPRA request to [Monmouth County](#)

[Follow](#) 1 follower

Response to this request is **long overdue**. By law, under all circumstances, [Monmouth County](#) should have responded by now ([details](#)). You can **complain** by [requesting an internal review](#).

Time to Change- Jersey Style **May 21, 2018**

Unknown

Dear Monmouth County,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.

Records requested:

1. I'm requesting copies of all attorney invoices for Monmouth County from January 1, 2016 through May 21, 2018.
2. I'm requesting copies of all litigation settlement agreements from January 1, 2010 through December 31, 2017.

Yours faithfully,

Time to Change- Jersey Style

Masnick, Marion, Monmouth County **May 21, 2018**

Got it

Marion Masnick  
Clerk of the Board  
County of Monmouth  
732-431-7380  
[email address]

[show quoted sections](#)

Patricia Quelch, **May 24, 2018**

Time to Change-Jersey Style:

Your OPRA request has been forwarded to me as Special County Counsel for response. In Item 1 you request copies of all attorney invoices from January 1, 2016 through May 21, 2018. I assume that by attorney you are referring to Special County Counsel? There are 28 different reports that have to be run from the system, one for each firm appointed as Special County Counsel. Then, it is necessary to retrieve and print a copy of those invoices from the system. Next, the invoices must be reviewed for redaction. The initial report takes little time, but the other steps are time consuming. During this time period, only one vendor submitted 1,315 invoices. Printing out these invoices alone will consume over 100 hours at a rate of \$28/hour. Redaction will take at least the same amount of time

or more at the same hourly cost. This same process must be repeated for the other 27 attorneys. Of course, there may not be as many vouchers, but there may be even more. Therefore, a special fee will be required before this request can be filled, due to the disruption to the normal working process of the office.

The County will not be able to comply with this request in the time allotted by statute. Before, any work is done, you need to indicate your willingness to pay the special fee. If you wish to narrow your request, either by time or attorney, or limit it to only the computer printout, please let me know.

As an aside, any invoices originating with me or my firm, will come to you directly from County Counsel's Office.

Please let me know at your earliest convenience your decision as to how you wish to proceed with Item 1 of this request. County Counsel's Office is compiling the documents for Item 2.

Sincerely,

Patricia B. Quelch, Esq.

Special County Counsel

Patricia Quelch, **May 24, 2018**

The email below is incorrect in that the 1315 invoices are for all 28 firms. Printing out these invoices will take approximately 100 hours and approximately the same for review and redaction. The information is otherwise correct.

Please advise of your decision.

From: Patricia Quelch  
Sent: Thursday, May 24, 2018 2:54 PM  
To: 'OPRA #1732 email'  
<[1]OPRA #1732 email>  
Subject: OPRA request dated May 21, 2018

Time to Change-Jersey Style:

Your OPRA request has been forwarded to me as Special County Counsel for response. In Item 1 you request copies of all attorney invoices from January 1, 2016 through May 21, 2018. I assume that by attorney you are referring to Special County Counsel? There are 28 different reports that have to be run from the system, one for each firm appointed as Special County Counsel. Then, it is necessary to retrieve and print a copy of those invoices from the system. Next, the invoices must be reviewed for redaction. The initial report takes little time, but the other steps are time consuming. During this time period, only one vendor submitted 1,315 invoices. Printing out these invoices alone will consume over 100 hours at a rate of \$28/hour. Redaction will take at least the same amount of time

or more at the same hourly cost. This same process must be repeated for the other 27 attorneys. Of course, there may not be as many vouchers, but there may be even more. Therefore, a special fee will be required before this request can be filled, due to the disruption to the normal working process of the office.

The County will not be able to comply with this request in the time allotted by statute. Before, any work is done, you need to indicate your willingness to pay the special fee. If you wish to narrow your request, either by time or attorney, or limit it to only the computer printout, please let me know.

As an aside, any invoices originating with me or my firm, will come to you directly from County Counsel's Office.

Please let me know at your earliest convenience your decision as to how you wish to proceed with Item 1 of this request. County Counsel's Office is compiling the documents for Item 2.

Sincerely,

Patricia B. Quelch, Esq.

Special County Counsel

References

Visible links

1. mailto:[OPRA #1732 email]

Time to Change- Jersey Style **May 25, 2018**

**Unknown**

Dear Patricia Quelch,

I'm withdrawing part of my OPRA request as of 5-25-2017. I will be breaking up my OPRA request into smaller ones in order to make it easier for the agency. This addresses documents in item #1.

Yours sincerely,

Time to Change- Jersey Style

Patricia Quelch, **May 25, 2018**

Thank you for your prompt reply. I will inform the County of your decision. County Counsel's Office is still compiling the documents requested in Item 2.

Enjoy your long weekend.

Patricia Quelch

**show quoted sections**

Patricia Quelch, **May 29, 2018**

Time to Change—Jersey Style:

The seventh working day for this OPRA request is May 31, 2018. However, due to the short work week and an unusually large volume of OPRA requests in a short time, County Counsel's Office needs an extension of time until next Friday, June 8, 2018, to compile the settlements agreements for the requested time period. Thank you for your patience.

Very truly yours,

Patricia B. Quelch, Esq.

Special County Counsel

Patricia Quelch, **June 08, 2018**

Time to Change—Jersey Style:

Your OPRA request was extended until today, June 8, 2018, to provide the litigation settlement agreements. Unfortunately, not all of the agreements for the ten-year period requested have been compiled. The County anticipates that the information/documents will be available by June 12, 2018. Thank you for your cooperation.

Very truly yours,

Patricia B. Quelch, Esq.

Special County Counsel

Lisi, Allyce, Monmouth County **June 12, 2018**

Dear Time to Change – Jersey Style:

The County of Monmouth received your Open Public Records Act (“OPRA”) request on May 21, 2018. As such, the seven business day deadline to respond to your request was May 31, 2018. You advised in your May 25, 2018 email to Special Counsel Patricia Quelch that you were rescinding item 1 of your request.

On May 29, 2018, Special Counsel Patricia Quelch, Esq., advised that the County required additional time to compile the responsive documents to item 2 of your request and that a response would be forthcoming on or before Friday, June 8, 2018. On June 8, 2018, Special Counsel further advised that she anticipated the response would be available on Tuesday, June 12, 2018. Please be advised that due to the significant amount of responsive records and the required review and redactions to same, the County will provide the response on or before Friday, June 29, 2018.

Thank you for your cooperation. If you should have any questions, please do not hesitate to contact our office.

Sincerely,

Allyce Lisi,

Office of Monmouth County Counsel

Hall of Records, Room 236

One East Main Street

Freehold, New Jersey 07728

(P) 732-683-8641

(F) 732-431-0437

Email: [1][email address]

**show quoted sections**

Catherine Kim, June 29, 2018

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. In the next coming days, the County will be implementing a new policy when handling Open Public Records Act ("OPRA") requests. As part of the new policy, the County will be modifying the processing mechanism for certain OPRA requests. In its continuing efforts to work along with the public, the County respectfully requests an extension until the new policy is implemented and available for review on the Monmouth County website. Should your request be affected by the new policy, the County will promptly notify you and respond accordingly.

Please do not hesitate to contact me should you have any questions or concerns.

We appreciate your cooperation and apologize for the inconvenience. Your future assistance is greatly appreciated.

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [1][email address]

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References

Visible links

1. mailto:[email address]

Time to Change- Jersey Style **July 02, 2018**

Unknown

Dear Catherine Kim,

It has been past the due date of June 29, 2018 since this OPRA request was filed. Please advise as to the status of this request.

\*On May 29, 2018, Special Counsel Patricia Quelch, Esq., advised that the County required additional time to compile the responsive documents to item 2 of your request and that a response would be forthcoming on or before Friday, June 8, 2018. On June 8, 2018, Special Counsel further advised that she anticipated the response would be available on Tuesday, June 12, 2018. Please be advised that due to the significant amount of responsive records and the required review and redactions to same, the County will provide the response on or before Friday, June 29, 2018.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, **July 13, 2018**

**1 Attachment**

Policy Statement.pdf

631K [Download](#) [View as HTML](#)

Good morning Ms. Coombs,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. Attached hereto is a statement regarding the new County OPRA policy that modifies the processing mechanism for certain OPRA requests. Please review carefully and return the filled-out statement. Once I am in receipt of the statement, the County will proceed with processing your OPRA request.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your cooperation.

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [1][**email address**]

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From: Catherine Kim

Sent: Friday, June 29, 2018 5:56 PM

To: [OPRA #1732 email]

Subject: OPRA Request Received May 21, 2018 - Time to Change - Jersey Style

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. In the next coming days, the County will be implementing a new policy when handling Open Public Records Act ("OPRA") requests. As part of the new policy, the County will be modifying the processing mechanism for certain OPRA requests. In its continuing efforts to work along with the public, the County respectfully requests an extension until the new policy is implemented and available for review on the Monmouth County website. Should your request be affected by the new policy, the County will promptly notify you and respond accordingly.

Please do not hesitate to contact me should you have any questions or concerns.

We appreciate your cooperation and apologize for the inconvenience. Your future assistance is greatly appreciated.

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

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email address: [2][email address]

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#### References

#### Visible links

1. mailto:[email address]
2. mailto:[email address]

Time to Change- Jersey Style **July 13, 2018**

**Unknown**

Dear Catherine Kim,

I'm not legally required to fill out the agency's form and that my email request is legally valid. Please comply with my legally valid OPRA request within the legal time period of 7 business days. Pursuant to Renna v. County of Union (App. Div. 2009), OPRA requests should be on the agency's official OPRA request form. However, a written request that is not on the agency's official OPRA request form cannot be denied solely because the request is not on the request form. Written requests which are not on the form must mention OPRA. Therefore, if a requestor elects not to use an agency's official OPRA request form, he/she must submit an otherwise written request that clearly identifies itself as an OPRA request.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, **July 17, 2018**

Ms. Coombs,

If you read the policy carefully, the County is not denying your OPRA on grounds that the OPRA request itself is invalid. The County reserves its discretion to partake on websites like OPRA Machine. The County is required to take specific steps to protect individual privacy whenever it uses third-party websites and applications to engage with the public. Upon examination of OPRA Machine's privacy policy, the County has determined that the third party website is not appropriate for the County's use.

If you wish to move forward with the request, the County will require a secondary e-mail address.

Thank you,

Catherine Kim, Esq., Associate  
 Cleary | Giacobbe | Alfieri | Jacobs LLC  
 955 State Route 34  
 Suite 200  
 Matawan, NJ 07747  
 (732) 583-7474 ext 151 Office  
 (732) 290-0753 Fax

email address: [email address]

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Time to Change- Jersey Style **July 18, 2018**

Unknown

Dear Catherine Kim,

The county cannot discriminate against which email addresses that it will respond to. There is nothing in the OPRA statute or New Jersey case law that authorizes the County to exercise any "discretion" over whether or not these requests are valid. The e-mail address that I already provided is legally valid. Please comply with my legally valid OPRA request within 6 business days.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, **July 19, 2018**

Ms. Coombs,

Despite the County's attempt to cooperate with you, you continue to refuse to provide an alternative e-mail address. As a result, your OPRA request is denied.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the County of Monmouth to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at [email address], or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc) (<http://www.state.nj.us/grc>). The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Thank you,

Catherine Kim, Esq., Associate  
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 955 State Route 34  
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 Matawan, NJ 07747  
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## **Exhibit E**

Printed from https://opramachine.com/request/contracts\_2 on September 04, 2018 12:20

# Contracts



Time to Change- Jersey Style made this OPRA request to [Monmouth County](#)

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1 follower

Response to this request is **long overdue**. By law, under all circumstances, [Monmouth County](#) should have responded by now ([details](#)). You can [complain](#) by [requesting an internal review](#).

Time to Change- Jersey Style **June 06, 2018**

Unknown

Dear Monmouth County,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.  
Records requested:

1. Applications and RFP's for all contracts for 2017 and 2018 received by Monmouth County as well as the resolutions for each contract.
2. Applications and RFP's for all contracts for 2017 and 2018 received by Monmouth County as well as the resolutions for each contract.

Yours faithfully,

Time to Change- Jersey Style

Masnick, Marion, Monmouth County **June 07, 2018**

Got it

Marion Masnick  
Clerk of the Board  
County of Monmouth  
732-431-7380  
[email address]

[show quoted sections](#)

Catherine Kim, **June 19, 2018**

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in regards to your OPRA request submitted on June 6, 2018, received on June 7, 2018. Currently, the County is searching for the responsive records. Due to the volume of records and various departments involved in this request, including the required redactions, we respectfully request a thirty (30) business day extension.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

955 State Route 34

Suite 200

Matawan, NJ 07747

(732) 583-7474 ext 151 Office

(732) 290-0753 Fax

email address: [1][\[email address\]](#)

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References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

Catherine Kim, **June 19, 2018**

Good afternoon,

Please be advised this office represents the County of Monmouth ("County") in regards to your OPRA request submitted on June 6, 2018, received on June 7, 2018. Currently, the County is searching for the responsive records. Due to the volume of records and various departments involved in this request, including the required redactions, we respectfully request a thirty (30) business day extension.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you,

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955 State Route 34

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References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

Catherine Kim, July 13, 2018

**1 Attachment**

Policy Statement.pdf

631K [Download](#) [View as HTML](#)

Good morning Ms. Coombs,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. Attached hereto is a statement regarding the new County OPRA policy that modifies the processing mechanism for certain OPRA requests. Please review carefully and return the filled-out statement. Once I am in receipt of the statement, the County will proceed with processing your OPRA request.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your cooperation.

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

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#### References

#### Visible links

1. [mailto:\[email address\]](mailto:[email address])

Time to Change- Jersey Style **July 13, 2018**

**Unknown**

Dear Catherine Kim,

I'm not legally required to fill out the agency's form and that my email request is legally valid. Please comply with my legally valid OPRA request within the legal time period of 7 business days. Pursuant to Renna v. County of Union (App. Div. 2009), OPRA requests should be on the agency's official OPRA request form. However, a written request that is not on the agency's official OPRA request form cannot be denied solely because the request is not on the request form. Written requests which are not on the form must mention OPRA. Therefore, if a requestor elects not to use an agency's official OPRA request form, he/she must submit an otherwise written request that clearly identifies itself as an OPRA request.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, **July 17, 2018**

Ms. Coombs,

If you read the policy carefully, the County is not denying your OPRA on grounds that the OPRA request itself is invalid. The County reserves its discretion to partake on websites like OPRA Machine. The County is required to take specific steps to protect individual privacy whenever it uses third-party websites and applications to engage with the public. Upon examination of OPRA Machine's privacy policy, the County has determined that the third party website is not appropriate for the County's use.

If you wish to move forward with the request, the County will require a secondary e-mail address.

Thank you,

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Time to Change- Jersey Style **July 18, 2018**

**Unknown**

Dear Catherine Kim,

The county cannot discriminate against which email addresses that it will respond to. There is nothing in the OPRA statute or New Jersey case law that authorizes the County to exercise any "discretion" over whether or not these requests are valid. The e-mail address that I already provided is legally valid. Please comply with my legally valid OPRA request within 6 business days.

Yours sincerely,

Time to Change- Jersey Style

Catherine Kim, **July 19, 2018**

Mc. Coombs,

Despite the County's attempt to cooperate with you, you continue to refuse to provide an alternative e-mail address. As a result, your OPRA request is denied.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the County of Monmouth to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at [email address], or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc) (<http://www.state.nj.us/grc>). The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Thank you,

Catherine Kim, Esq., Associate  
Cleary | Giacobbe | Alfieri | Jacobs LLC  
955 State Route 34  
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(732) 583-7474 ext 151 Office  
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## **Exhibit F**

Printed from https://opramachine.com/request/opra\_requests\_407 on September 04, 2018 12:07

# OPRA requests



Gavin Rozzi made this OPRA request to [Monmouth County](#)

[Follow](#) 2 followers

Response to this request is **long overdue**. By law, under all circumstances, [Monmouth County](#) should have responded by now ([details](#)). You can **complain** by [requesting an internal review](#).

Gavin Rozzi **July 13, 2018**

Unknown

Dear Monmouth County,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.

Records requested:

Copies of all OPRA requests received by the County of Monmouth for the period of July 1st, 2018 to July 13th, 2018.

Please note that I am not requesting copies of the actual documents provided in response to the requests, just the requests themselves and the county's initial responsive approving or denying access to same.

Yours faithfully,

Gavin Rozzi

Catherine Kim, **July 18, 2018**

## 1 Attachment

Policy Statement.pdf

631K [Download](#) [View as HTML](#)

Good morning Mr. Rozzi,

Please be advised this office represents the County of Monmouth (“County”) in the above-referenced matter. Attached hereto is a statement regarding the new County OPRA policy that modifies the processing mechanism for certain OPRA requests. Please review carefully and return the filled-out statement. Once I am in receipt of the statement, the County will proceed with processing your OPRA request.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your cooperation.

Catherine Kim, Esq., Associate

Cleary | Giacobbe | Alfieri | Jacobs LLC

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email address: [1][\[email address\]](#)

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References

Visible links

1. [mailto:\[email address\]](mailto:[email address])

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## **Exhibit G**

Printed from https://opramachine.com/request/june\_2018\_legal\_bills\_for\_cleary on September 04, 2018 12:08

# June, 2018 legal bills for Cleary, Giacobbe Alfieri & Jacobs



[Jeff Epstein](#) made this OPRA request to [Monmouth County](#)

[Follow](#)

1 follower

The request was **refused** by [Monmouth County](#).

Jeff Epstein **July 13, 2018**

Unknown

Dear Monmouth County,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.  
Records requested:

All legal bills for Cleary, Giacobbe, Alfieri & Jacobs During the month of June, 2018.

Yours faithfully,

Jeff Epstein

Catherine Kim, **July 18, 2018**

**1 Attachment**

Policy Statement.pdf

631K [Download](#) [View as HTML](#)

Good morning Mr. Epstein,

Please be advised this office represents the County of Monmouth ("County") in the above-referenced matter. Attached hereto is a statement regarding the new County OPRA policy that modifies the processing mechanism for certain OPRA requests. Please review carefully and return the filled-out statement. Once I am in receipt of the statement, the County will proceed with processing your OPRA request.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your cooperation.

Catherine Kim, Esq., Associate

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#### References

#### Visible links

1. [mailto:\[email address\]](mailto:[email address])

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# Civil Case Information Statement

## Case Details: MONMOUTH | Civil Part Docket# L-003195-18

**Case Caption:** COOMBS JENNIFER VS COUNTY OF MONMOUTH

**Case Initiation Date:** 09/04/2018

**Attorney Name:** WALTER MICHAEL LUERS

**Firm Name:** WALTER M LUERS LLC

**Address:** 122 W MAIN ST STE 2

CLINTON NJ 08809

**Phone:**

**Name of Party:** PLAINTIFF : Coombs, Jennifer

**Name of Defendant's Primary Insurance Company**

(if known): None

**Case Type:** OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

**Document Type:** Verified Complaint

**Jury Demand:** NONE

**Hurricane Sandy related?** NO

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

09/04/2018  
Dated

/s/ WALTER MICHAEL LUERS  
Signed