



Mail to:

James L. Plosia, Jr.
Jonathan F. Cohen
Donald S. Dinsmore
Veronica A. Acevedo

51 Gibraltar Drive,
Suite 3B
Morris Plains, NJ 07950
(908) 888-2547 (p)
(908) 888-2548 (f)
www.pclawnj.com

Monmouth County:
1129 Broad Street
Shrewsbury, NJ 07702

December 9, 2025

Via email

John Certo

opra+request-83838-01787725@requests.opramachine.com

Re: Open Public Record Act ("OPRA") Request

Dear Mr. Certo:

Please be advised that my office represents the Borough of Matawan ("Borough"). Please accept this correspondence in response to the Open Public Records Act ("OPRA") request you submitted to the Borough.

You requested the following records:

I request all Borough Attorney billing records, legal invoices, itemized statements, time entries, billing descriptions, memoranda, and all legal communications related to legal services performed for the Borough of Matawan from January 1, 2024 to the present. This request includes all outside attorneys, special counsel, redevelopment counsel, bond counsel, labor counsel, conflict counsel, Cannabis Counsel, and any other attorney or law firm that billed or advised the Borough in any capacity. This request includes but is not limited to the following:

1. All attorney billing records:

- All invoices, itemized bills, time entries, dates of service, descriptions of work performed, hours billed, and total amounts charged.*
- All billing records from the Borough Attorney, special counsel, outside counsel, Cannabis Counsel, redevelopment counsel, land use counsel, bond counsel, labor counsel, conflict counsel, and any attorney or law firm under contract or engagement with the Borough.*

2. *All legal communications with Borough officials:*
 - *All emails, letters, memos, and correspondence between any attorney and Borough officials including the Mayor, Borough Administrator, Councilmembers, Municipal Clerk, CFO, DPW, Engineering, Planning, Zoning, Construction, or any staff member.*
 - *All communications referencing legal advice, risk assessments, disputes, litigation exposure, redevelopment, bonding, personnel issues, cannabis licensing or cannabis zoning, OPRA compliance, or OPMA issues.*
3. *All attorney communications referencing the requestor (John Certo):*
 - *All emails, memos, correspondence, notes, or discussions that reference “Certo,” “John Certo,” “OPRA Certo,” “records request,” or any internal discussion about responding to or handling OPRA requests from the requestor.*
4. *All legal communications involving OPRA:*
 - *All emails, memos, and notes where attorneys advised on OPRA responses, OPRA delays, OPRA extensions, OPRA redactions, OPRA denials, and OPRA procedures.*
 - *All internal guidance given to staff on OPRA compliance.*
5. *All communications relating to executive session legal topics:*
 - *All attorney correspondence concerning anticipated litigation, pending litigation, contract negotiations, real estate transactions, redevelopment issues, cannabis applications, or personnel matters.*
 - *All summaries or discussions of legal topics presented during executive session..*
6. *All legal work relating to Bond Ordinances 25-18 and 25-19:*
 - *All billing entries, emails, memos, drafts, and communications relating to bond preparation, financial structure, property acquisition, negotiations, or debt service impact.*
 - *All legal work related to land acquisition or redevelopment associated with these ordinances.*
7. *All legal work involving Cannabis Counsel:*
 - *All invoices, time entries, correspondence, reviews, legal opinions, or memos involving cannabis licensing, cannabis zoning, cannabis*

redevelopment, cannabis business applications, cannabis approvals, cannabis-related property reviews, or Borough cannabis ordinances.

8. *All legal work involving public comments, public criticism, communications strategy, or resident disputes:*

- *Any billing or correspondence related to communication strategy, public messaging, political issues, public reaction, or interactions with residents.*

This request applies to ALL attorneys and law firms that performed work for, billed, advised, or communicated with the Borough of Matawan. Records held by outside counsel, Cannabis Counsel, or any contracted attorney are government records and must be retrieved and produced in full compliance with OPRA.

Pursuant to N.J.S.A. 47:1A-5(i), the Borough requires an extension of time to respond. Your request is exceptionally broad and encompasses numerous categories of records across multiple years, including (but not limited to): 1) Attorney invoices, time entries, billing descriptions, and memoranda; 2) emails, letters, and correspondence between counsel and Borough officials; 3) Communications referencing legal advice, litigation, personnel matters, redevelopment, cannabis issues, OPRA and OPMA compliance, and executive-session legal topics; 4) Records involving Bond Ordinances 25-18 and 25-19; 5) all legal communications referencing the requestor; and 6) attorney guidance regarding public comments, strategy, or resident interactions.

Many of the records requested, particularly legal communications, billing narratives, litigation-related correspondence, personnel discussions, and attorney-client exchanges, require careful document-by-document legal review to determine what, if anything, may be released under OPRA. This includes evaluating whether records are protected by the attorney–client privilege, work-product doctrine, litigation strategy exemptions, personnel/confidentiality restrictions, and executive-session protections under the Open Public Meetings Act.

Additionally, responsive materials may be held by several outside law firms, consultants, and special counsel. The Borough must identify which firms may have responsive records, request them, wait for their delivery, and then conduct the same legal review before producing or denying access.

Because this process requires coordination across numerous departments and external attorneys, and because the records involve privileged legal matters that must be reviewed with heightened scrutiny, **the Borough requires a three (3) week extension** to conduct the necessary searches and review records.

Accordingly, the Borough anticipates providing an initial response or production by **December 31, 2025**, which also accounts for holiday-related staffing limitations and office closures.

Should you wish to limit the scope of your request, whether by date range or document type, please inform us, as this may facilitate a more efficient response. We appreciate your understanding.

If you have any questions or require further clarification, feel free to contact this office.

Sincerely,

/s/ Veronica A. Acevedo

Veronica A. Acevedo, Esq.