



BOROUGH OF BOUND BROOK

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Jasmine D. McCoy
Borough Clerk/ Assistant Administrator

February 14, 2023

Via Email (opra+request-37358-76267dcb@requests.opramachine.com)

Anonymous

Re: OPRA Request

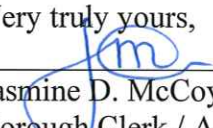
Dear Anonymous:

The Borough of Bound Brook (the "Borough") is in receipt of your request, dated January 2, 2023, and received the same day, pursuant to the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq. and common law right of access. Your request stated the following:

- 1. I'm requesting copies of all attorney invoices for Bound Brook from January 1, 2020 to December 13, 2022.*
- 2. I'm requesting copies of all litigation settlement agreements from January 1, 2020 through December 12, 2022.*

In response to your request the Borough produced documents on January 24, 2023 and February 8, 2023. It has come to our attention that these documents have been inadvertently produced without proper redactions made pursuant to the response letters and Vaughn Indexes you received with those productions. These documents contain privileged and confidential materials. Any inadvertent production containing material protected by the attorney-client privilege, work-product doctrine, or any other applicable privilege or protection is not a waiver of any privilege. See Shebar v. Sanyo Business Sys. Corp., 111 N.J. 276, 291 (1988) (holding it must be shown that the party charged with waiver knew their legal rights and deliberately intended to relinquish them). See also Gannett New Jersey Partners, LP v. Cnty. of Middlesex, 379 N.J. Super. 205, 213 (App. Div. 2005) (holding in the context of OPRA, a **voluntary** disclosure may waive a claim to confidentiality) (emphasis added). Accordingly, the Borough demands that you immediately return and/or destroy any and all attorney invoices produced on January 24, 2023 and February 8, 2023, and upon notice that same have been returned and/or destroyed the Borough will promptly provide the requested documents in the properly redacted format.

Very truly yours,


Jasmine D. McCoy
Borough Clerk / Assistant Administrator