

BRADLEY D. TISHMAN, Partner

btishman@cgailaw.com

Reply to: Oakland Office

July 21, 2023

Via Electronic Mail [\[opra+request-47177-5d7476db@requests.opramachine.com\]](mailto:opra+request-47177-5d7476db@requests.opramachine.com)

Michael Gottesman

Re: Open Public Records Act Request

Dear Mr. Gottesman:

Our firm serves as counsel to the Hanover Township Board of Education ("District"). The District received your Open Public Records Act ("OPRA") and common law request ("Request") on June 27, 2023. On July 7, 2023, the District obtained an extension of time to respond to your Request until July 24, 2023. As such, the District is timely in responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

Copies any and all legal bills submitted to the Board of Education for services rendered by any attorney or Law Firm relating to the legal actions taken against the Board of Education or School District by the New Jersey Attorney General's office and New Jersey Division on Civil Rights for the period of January 1, 2023 to present.

As the District does not create a separate billing file for attorney fees specifically pertaining legal action taken against them, please note that your request would clearly require the District's records custodian to conduct research in order to identify responsive records, which is clearly beyond the obligations of a records custodian. See Scarano v. City of Asbury Park, GRC Complaint No. 2011-314 (March 2013) (noting with respect to a request for legal expenses that a custodian is not required to conduct research from among its records and correlate data from various government records in its possession, and is not required to create records that do not otherwise exist); see also Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request). Accordingly, the District is denying your Request.

Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Oakland Office: 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601

Somerville Office: 50 Division Street, Suite 501, Somerville, NJ 08876 Tel 732 583-7474 Fax 908 524-0096

Haddonfield Office: 255 Kings Highway East, Haddonfield, NJ 08033 Tel 732 583-7474 Fax 732 290-0753

Matawan Office: 955 State Route 34, Suite 200, Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753

Very truly yours,

s/ *Bradley D. Tishman*

Bradley D. Tishman

BDT:msr

Cc: Vanessa M. Wolsky, Business Administrator/Board Secretary