

PATRICK DUFF OPRA Request # 010920-1(A)
INDEX

<u>Records Requested:</u>	<u>Responses and/or documents responsive to OPRA Request</u>	<u>Bates Stamped #s of redacted pages</u>	<u>Justification for Redactions/Exemptions (Refer to LEGEND or EXEMPTIONS)</u>
Your OPRA request sought access to the following: <i>This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message. Records requested:</i> <i>Email communications to and from the following employees with the following queries from December 1st 2017 though January 8th 2020.</i> <i>Employee:</i> <i>John O'Hare</i> <i>Paul Schopp</i> <i>Sharron Musher</i> <i>Michelle McDonald</i> <i>Tom Kinsella</i> <i>Harvey Kesselman</i> <i>Brian Kowalski</i> <i>Ellen D. Bailey</i>	[R]equest for email communications to and from the following employee John O'Hare [sic] from December 1st, 2017 to January 8th, 2020 with the queries: <i>"Patrick Duff"</i> <i>"MLK House"</i> <i>"753 Walnut"</i> <u>Response:</u> See documents attached hereto. [R]equest for email communications to and from employee Paul Schopp from December 1st, 2017 to January 8th, 2020 with the queries: <i>"Patrick Duff"</i> <i>"MLK House"</i> <i>"753 Walnut"</i> <u>Response:</u>	<i>N.J.S.A. 47:1A-1.1(2) – Page(s): 1, 3, 5, 10-12, 14, 16, 18, 19,20-24, 33, 43, 49, 51-52, 54-64, 68-84, 86-89, 92, 99, 103, 105, 108, 110-11, 113-15, 117-18, 120-21, 123-25, 127, 129-44, 146, 148, 150, 152, 163, 165,168, 170, 172-79, 186-187, 191-92, 194, 198, 202, 204, 209, 214, 220, 224, 226-29, 232, 248-249, 261, 263, 265, 268-69, 271, 274-75, 278-85, 288, 292, 294-95, 298. 300, 303, 305, 308, 310, 313-317, 319-20, 323-24, 328, 332-33, 336, 337-41, 343, 345, 348, 351, 353-54, 356, 358, 364-65, 367-68, 374, 386-87, 389-90, 392-93, 395,</i> ----- <i>N.J.S.A. 47:1A-1.1(21)(a) - Page(s): 103-104, 163, 165,168, 170, 172-79, 187, 226, 230, 235, 238, 241, 250, 266, 305, 337-41.</i> ----- <i>FERPA – Page(s): 26-32,35-42, 50-51, 249, .</i> ----- <i>N.J.S.A. 47:1A-1 – Page(s): 49, 94, 103, 164, 166, 249, 332</i>	Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(2)</i> - Inter-agency or intra-agency advisory, consultative or deliberative material ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(21)(a)</i> -Certain records of higher education institutions: a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project ----- Exempt from disclosure under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. §1232g (implemented by regulations at 34 CFR Part 99) which regulates the disclosure of student information and education records. ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1. – Privacy interest.</i> Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(2)</i> - Inter-agency or intra-agency advisory, consultative or deliberative material ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(21)(a)</i> -Certain records of higher education institutions: a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project -----

PATRICK DUFF OPRA Request # 010920-1(A)

INDEX

<i>Brittany Medio</i> <i>Queries:</i> <i>"Patrick Duff"</i> <i>"Mr Duff"</i> <i>"753 Walnut"</i> <i>"MLK House"</i> <i>"Martin Luther King"</i> <i>"MLK"</i> <i>"Maple Shade"</i> <i>"Camden"</i>	See documents attached hereto.	<i>N.J.S.A. 47:1A-1.1(21)(a)</i> - Page(s): 103-104, 163, 165,168, 170, 172-79, 187, 226, 230, 235, 238, 241, 250, 266, 305, 337-41. ----- <i>FERPA</i> – Page(s): 26-32,35-42, 50-51, 249, . ----- <i>N.J.S.A. 47:1A-1</i> – Page(s): 49, 94, 103, 164, 166, 249, 332	Exempt from disclosure under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. §1232g (implemented by regulations at 34 CFR Part 99) which regulates the disclosure of student information and education records. ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1</i>. – Privacy interest.
You subsequently clarified as follows: <i>When I said queries, I meant to search the emails of the employees mentioned for those terms. Does that make sense to you now?</i> By letter dated 2/11/2020, you amended your OPRA Request as follows: <i>Ok, just do:</i> <i>Patrick Duff</i> <i>MLK House</i> <i>753 Walnut</i>	[R]equest for email communications to and from employee Sharron Musher from December 1st, 2017 to January 8th, 2020 with the queries: <i>"Patrick Duff"</i> <i>"MLK House"</i> <i>"753 Walnut"</i> <u>Response:</u> See documents attached hereto.	<i>N.J.S.A. 47:1A-1.1(2)</i> – Page(s): 1, 3, 5, 10-12, 14, 16, 18, 19,20-24, 33, 43, 49, 51-52, 54-64, 68-84, 86-89, 92, 99, 103, 105, 108, 110-11, 113-15, 117-18, 120-21, 123-25, 127, 129-44, 146, 148, 150, 152, 163, 165,168, 170, 172-79, 186-187, 191-92, 194, 198, 202, 204, 209, 214, 220, 224, 226-29, 232, 248-249, 261, 263, 265, 268-69, 271, 274-75, 278-85, 288, 292, 294-95, 298. 300, 303, 305, 308, 310, 313-317, 319-20, 323-24, 328, 332-33, 336, 337-41, 343, 345, 348, 351, 353-54, 356, 358, 364-65, 367-68, 374, 386-87, 389-90, 392-93, 395, ----- <i>N.J.S.A. 47:1A-1.1(21)(a)</i> - Page(s): 103-104, 163, 165,168, 170, 172-79, 187, 226, 230, 235, 238, 241, 250, 266, 305, 337-41. ----- <i>FERPA</i> – Page(s): 26-32,35-42, 50-51, 249, . ----- <i>N.J.S.A. 47:1A-1</i> – Page(s): 49, 94, 103, 164, 166, 249, 332	Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(2)</i> - Inter-agency or intra-agency advisory, consultative or deliberative material ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(21)(a)</i> -Certain records of higher education institutions: a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project . . . ----- Exempt from disclosure under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. §1232g (implemented by regulations at 34 CFR Part 99) which regulates the disclosure of student information and education records. ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1</i>. – Privacy interest.
	[R]equest for email communications to and from employee Michelle McDonald from December 1st, 2017 to January 8th, 2020 with the queries: <i>"Patrick Duff"</i>	<i>N.J.S.A. 47:1A-1.1(2)</i> – Page(s): 1, 3, 5, 10-12, 14, 16, 18, 19,20-24, 33, 43, 49, 51-52, 54-64, 68-84, 86-89, 92, 99, 103, 105, 108, 110-11, 113-15, 117-18, 120-21, 123-25, 127, 129-44, 146, 148, 150, 152, 163, 165,168, 170, 172-79, 186-187, 191-92, 194, 198, 202, 204, 209, 214, 220, 224, 226-29, 232, 248-249, 261, 263, 265, 268-69, 271, 274-75,	Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(2)</i> - Inter-agency or intra-agency advisory, consultative or deliberative material ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(21)(a)</i> -Certain records of higher

PATRICK DUFF OPRA Request # 010920-1(A)

INDEX

<i>"MLK House"</i> <i>"753 Walnut"</i> <u>Response:</u> See documents attached hereto.	278-85, 288, 292, 294-95, 298. 300, 303, 305, 308, 310, 313-317, 319-20, 323-24, 328, 332-33, 336, 337-41, 343, 345, 348, 351, 353-54, 356, 358, 364-65, 367-68, 374, 386-87, 389-90, 392-93, 395, ----- <i>N.J.S.A. 47:1A-1.1(21)(a)</i> - Page(s): 103-104, 163, 165,168, 170, 172-79, 187, 226, 230, 235, 238, 241, 250, 266, 305, 337-41. ----- FERPA – Page(s): 26-32,35-42, 50-51, 249, . ----- <i>N.J.S.A. 47:1A-1</i> – Page(s): 49, 94, 103, 164, 166, 249, 332	education institutions: a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project ----- Exempt from disclosure under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. §1232g (implemented by regulations at 34 CFR Part 99) which regulates the disclosure of student information and education records. ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1</i>. – Privacy interest.
[R]equest for email communications to and from employee Tom Kinsella from December 1st, 2017 to January 8th, 2020 with the queries: <i>"Patrick Duff"</i> <i>"MLK House"</i> <i>"753 Walnut"</i> <u>Response:</u> See documents attached hereto.	<i>N.J.S.A. 47:1A-1.1(2)</i> – Page(s): 1, 3, 5, 10-12, 14, 16, 18, 19,20-24, 33, 43, 49, 51-52, 54-64, 68-84, 86-89, 92, 99, 103, 105, 108, 110-11, 113-15, 117-18, 120-21, 123-25, 127, 129-44, 146, 148, 150, 152, 163, 165,168, 170, 172-79, 186-187, 191-92, 194, 198, 202, 204, 209, 214, 220, 224, 226-29, 232, 248-249, 261, 263, 265, 268-69, 271, 274-75, 278-85, 288, 292, 294-95, 298. 300, 303, 305, 308, 310, 313-317, 319-20, 323-24, 328, 332-33, 336, 337-41, 343, 345, 348, 351, 353-54, 356, 358, 364-65, 367-68, 374, 386-87, 389-90, 392-93, 395, ----- <i>N.J.S.A. 47:1A-1.1(21)(a)</i> - Page(s): 103-104, 163, 165,168, 170, 172-79, 187, 226, 230, 235, 238, 241, 250, 266, 305, 337-41. ----- FERPA – Page(s): 26-32,35-42, 50-51, 249, . ----- <i>N.J.S.A. 47:1A-1</i> – Page(s): 49, 94, 103, 164, 166, 249, 332	Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(2)</i> - Inter-agency or intra-agency advisory, consultative or deliberative material ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(21)(a)</i> -Certain records of higher education institutions: a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project ----- Exempt from disclosure under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. §1232g (implemented by regulations at 34 CFR Part 99) which regulates the disclosure of student information and education records. ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1</i>. – Privacy interest.
[R]equest for email communications to and from	<i>N.J.S.A. 47:1A-1.1(2)</i> – Page(s): 1, 3, 5, 10-12, 14, 16, 18, 19,20-24, 33, 43, 49, 51-52, 54-64, 68-84,	Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(2)</i> - Inter-agency or intra-agency

PATRICK DUFF OPRA Request # 010920-1(A)

INDEX

	employee Harvey Kesselman from December 1st, 2017 to January 8th, 2020 with the queries: <i>"Patrick Duff"</i> <i>"MLK House"</i> <i>"753 Walnut"</i> <u>Response:</u> See documents attached hereto.	86-89, 92, 99, 103, 105, 108, 110-11, 113-15, 117-18, 120-21, 123-25, 127, 129-44, 146, 148, 150, 152, 163, 165,168, 170, 172-79, 186-187, 191-92, 194, 198, 202, 204, 209, 214, 220, 224, 226-29, 232, 248-249, 261, 263, 265, 268-69, 271, 274-75, 278-85, 288, 292, 294-95, 298. 300, 303, 305, 308, 310, 313-317, 319-20, 323-24, 328, 332-33, 336, 337-41, 343, 345, 348, 351, 353-54, 356, 358, 364-65, 367-68, 374, 386-87, 389-90, 392-93, 395, ----- <i>N.J.S.A. 47:1A-1.1(21)(a)</i> - Page(s): 103-104, 163, 165,168, 170, 172-79, 187, 226, 230, 235, 238, 241, 250, 266, 305, 337-41. ----- FERPA – Page(s): 26-32,35-42, 50-51, 249, . ----- <i>N.J.S.A. 47:1A-1</i> – Page(s): 49, 94, 103, 164, 166, 249, 332	advisory, consultative or deliberative material ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1.1(21)(a)</i> -Certain records of higher education institutions: a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project . . . ----- Exempt from disclosure under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 <i>U.S.C. §1232g</i> (implemented by regulations at 34 CFR Part 99) which regulates the disclosure of student information and education records. ----- Exempt from disclosure under <i>N.J.S.A. 47:1A-1</i>. – Privacy interest.
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PATRICK DUFF OPRA Request # 010920-1(A)

INDEX

	[R]equest for email communications to and from employee [Brian Kowalski, Esq./Ellen Bailey, Esq. /Brittany Medio, Esq.] from December 1st, 2017 to January 8th, 2020 with the queries: <i>"Patrick Duff"</i> <i>"MLK House"</i> <i>"753 Walnut"</i> <u>Response:</u> 1. The requested documents fall within an exempt category. Brian Kowalski, Esq., is General Counsel for Stockton University, and has been employed in this position at all times relevant to the request. Ellen D. Bailey, Esq., is Deputy General Counsel for Stockton University, and has been employed in this position at all times relevant to the request. Brittany Medio, Esq., is Associate General Counsel for Stockton University, and has been employed at Stockton University, and in this position since November 25, 2019. Emails to and from Kowalski, Bailey, and Medio, with the above referenced "queries" are exempt from disclosure under <u>N.J.S.A. 47:1A-1</u> as attorney-client		
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PATRICK DUFF OPRA Request # 010920-1(A)

INDEX

	privileged materials and attorney work-product. Furthermore, emails to and from identified counsel containing the referenced “queries” were generated related to reasonably anticipated future and pending litigation by Patrick Duff. In addition, in December 2017, Requestor Duff emailed then Records Custodian Thomas Chester and stated: “Today I filed a denial of access complaint with the GRC. If you would like me to cancel it please provide me with the information requested, if not, see you in court.” Documents that satisfy the OPRA definition of government record are not subject to public access if they fall within the attorney-client privilege, or attorney work-product doctrine. <u>Sussex Commons Assocs., LLC v. Rutgers</u>, 210 N.J. 531, 550–51, 46 A.3d 536, 548 (2012), J. Albin, concurring (“All records relating to the attorney-client and work-product privileges are exempt from disclosure.”). <u>See also N.J.S.A. 47:1A–1.1</u> (including attorney-client privilege among categorical exemptions to OPRA); N.J.S.A. 47:1A–9 (stating that privileges		
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PATRICK DUFF OPRA Request # 010920-1(A)

INDEX

	granted by court rule which “may duly be claimed to restrict public access to a public record or government record” shall remain unaffected by OPRA); see R. 4:10–2(c) (describing attorney work-product privilege). In addition, attorney work product prepared in anticipation of litigation is exempt from disclosure under OPRA. <i>M.G. v. E. Camden Cty. Reg’l Sch. Dist. Bd. of Educ. Records Custodian</i>, No. A-1829-11T4, 2012 WL 6600306, at *5 (N.J. Super. Ct. App. Div. Dec. 19, 2012).		
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