



**OFFICE OF THE COUNTY PROSECUTOR
COUNTY OF MONMOUTH**

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ACTING MONMOUTH COUNTY PROSECUTOR

September 15, 2022

Erin

opra+request-35271-d1ad606e@requests.opramachine.com

Re: OPRA request dated September 10, 2022

Dear Erin,

This office received your records request under OPRA and common law dated September 10, 2022, via email and received by the records custodian on the same date. You requested the following:

- 1) Emails to and from Assistant Prosecutor Margaret Koping relating to defendant Jason Samaritano from February 2019 to present including emails between her and Matthew Samel (current or former law clerk to Judge Jill O'Malley).*
- 2) Emails to and from Assistant Prosecutor Lindsay Ashwal relating to defendant Jason Samaritano from February 2019 to present including emails between her and Matthew Samel (current or former law clerk to Judge Jill O'Malley).*

Enclosed are publicly available email records relating to your request. The records you requested have been redacted. The basis for redactions are based in part off of the Advisory, consultative or deliberative material exemption. Inter-agency or intra-agency advisory, consultative or deliberative material are protected from disclosure via the "deliberative process" privilege, which permits the government to withhold information that reflect advisory opinions, recommendations, and deliberations comprising part of a process by which governmental decisions are formulated. Education Law Ctr. v. N.J. Dept. of Educ., 198 N.J. 274 (2009); *See also* N.J.S.A. 47:1A-1.1 (definition of "government record" "shall not include inter-agency or intra-agency advisory, consultative or deliberative material.") In re the Liquidation of Integrity Ins. Co., 165 N.J. 75 (2000); O'Shea v. West Milford Bd. of Educ., 391 N.J. Super. 534 (App. Div. 2007), certif. denied 192 N.J. 292 (2007); Gannett New Jersey Partners, LP v. County Of Middlesex, 379 N.J. Super. 205 (App. Div. 2005); In re Readoption with Amendments of Death Penalty Regulations N.J.A.C. 10A:23, by the N.J. Dep't of Corr., 367 N.J. Super. 61 (App. Div.), certif. denied, 182 N.J. 149 (2004).

The emails have also been redacted under the work product exemption. Documents that fall within the work-product doctrine are exempt from OPRA. *See* R. 4:10-2; O'Boyle v.

Borough of Longport; 218 N.J. 168, 185 (2014); Gannett New Jersey Partners, LP v. County Of Middlesex, 379 N.J. Super. 205 (App. Div. 2005) and unlisted telephone numbers are exempt from OPRA pursuant to N.J.S.A. 47:1A-5(a).

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

LORI LINSKEY
ACTING MONMOUTH COUNTY PROSECUTOR

/s/ *Janine N. DeLucia*

By: Janine N. DeLucia
Staff Attorney
OPRA Custodian of Records