



**OFFICE OF THE COUNTY PROSECUTOR
JENNIFER WEBB-MCRAE
CUMBERLAND COUNTY PROSECUTOR**

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March 8, 2024

Via email to: opra+request-58561-0ae714fc@requests.opramachine.com

Re: Records request

Dear Ms. Erin:

Please accept this letter in response to your records request which was first received by this Records Custodian on February 19, 2024. Your request is for the following records: "(1) Lesley Snock's emails to and from HUDSON COUNTY CORRECTIONAL FACILITY regarding Jason Samaritano and/or Erin Samaritano including the TO, FROM, SUBJECT, DATE, TIME, COPIED INDIVIDUALS and all ATTACHMENTS from July 1, 2023 to September 1, 2023; (2) Lesley Snock's emails to and from Cumberland County Jail staff regarding Jason and/or Erin Samaritano from January 1, 2023 to November 1, 2023 including the TO, FROM, SUBJECT, DATE, TIME, COPIED INDIVIDUALS and all ATTACHMENTS."

With regard to requests (1) and (2), these requests are invalid as they do not provide necessary email addresses which could be utilized in order to conduct a search of this office's email records within the specified parameters you have given. Please note that while all responsive records to both of these requests appear to have been previously provided to you in compliance with your previous OPRA request dated January 13, 2024, to the extent that your current request is seeking to provide more refined and less voluminous results than what was previously provided to you, you have not provided sufficient information in your current requests to conduct a more refined search than was previously conducted. Where a previous search was conducted for all emails sent to or received by Lesley Snock utilizing your specified search parameters and those results were previously provided to you, a broader search than your presently requested search has already been conducted on your behalf and those responsive records provided to you in response to your OPRA request dated January 13, 2024. However, as you have not provided any email addresses that could be utilized to further narrow your search, your present requests are both invalid as presently posed.

OPRA "is 'not intended [to be] a research tool [that] litigants may use to force government officials to identify and siphon useful information,'" *In re N.J. Firemen's Ass'n*

Obligation, 230 N.J. 258, 276 (2017) (quoting *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 546 (App. Div. 2005)). Except for Lesley Snock, this request would require a custodian to perform research and conduct an investigation in order to determine the email addresses for every individual from the "HUDSON COUNTY CORRECTIONAL FACILITY" as well as the "Cumberland County Jail Staff". Requests that require a custodian to exercise discretion in interpretation, survey employees, or undertake research to determine whether a particular record is responsive are overly broad and invalid under OPRA. Doe v. Rutgers, State Univ. of, 466 N.J. Super. 14, 27-28 (App. Div. 2021); see also N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 172 (App. Div. 2007) and Renna v. County of Union, 407 N.J. Super. 230, 245 (App. Div. 2009) (request must contain sufficient information to enable custodian to make threshold determine as to nature of request and whether it falls within scope of OPRA).

Please provide the email addresses which you wish to be utilized for an electronic search of this office's records, and such a search will be immediately conducted for you. As Lesley Snock is a member of this office, you do not need to provide an email address for Lesley Snock. However, please provide the email addresses for the individuals you are also seeking email correspondence from from the Hudson County Correctional Facility and the Cumberland County Jail, and that refined search will be immediately conducted for you.

However, once again please note that you appear to have already been provided the responsive records to both requests (1) and (2) of this request pursuant to your prior OPRA request dated January 13, 2024, wherein you requested every such email either sent to or recieved by Lesley Snock which occurred between the dates January 1, 2023 and November 3, 2023 utilizing your specified subject matter keyword. As this time period covers the entirety of both your current OPRA requests and was for emails sent to or recieved by Lesley Snock utilizing your specified keyword search terms, the responsive records provided in response to your OPRA request dated January 13, 2024 would appear to contain all responsive records responsive to your present requests (1) and (2). If you would like a more refined search to be conducted of those same records, please provide the email addresses of the individuals to which you are referring other than Lesley Snock and that records search will be immediately conducted for you.

The Cumberland County Prosecutor's Office reserves the right to raise any other ground for denial not raised in this response. The failure of the Cumberland County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial. If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Cumberland County Prosecutor's Office to deny access. At your option, you may institute a proceeding in the Superior Court of New Jersey. All questions regarding complaints filed in Superior Court should be directed to the Court.

Sincerely,



Stephen C. Sayer [114352015]

Assistant Prosecutor

Alternate Records Custodian