From: Lori Buckelew
To: fmarshall@njlm.org
Subject: Teaneck OPRA article
Date: Monday, November 4, 2019 10:57:07 AM

YOU CAN'T FIGHT CITY HALL CAN YOU? THIS GUY DID AND IT COST TEANECK NEARLY $40,000
By Megan Burrow of the North Jersey Record

TEANECK — The township's yearslong legal battle with a resident over his access to public records has come to an end.

The state Supreme Court has denied Teaneck's motion for the court to review an Appellate Division decision in favor of Elie Jones, a resident who submitted hundreds of public records requests over the span of a couple of months.

The township sued Jones in 2017 to bar him from filing additional requests and to relieve officials from the obligation of fulfilling his requests that were still outstanding. Township attorneys argued Jones was abusing the state's Open Public Records Act to harass employees and disrupt municipal business.

Jones prevailed in Superior Court in 2017 and, after an appeal by the township, the Appellate Division ruled in his favor in July. The township's last recourse was a petition for the state Supreme Court to review the case, which it denied in an order last week.

"I have the right to file an OPRA and Teaneck has a responsibility to answer them accordingly without retaliation and without spite," Jones said. "This is a directive to Teaneck to comply with the laws of OPRA or face legal consequences."

The Appellate Court dismissed Teaneck's appeal as moot because the records requests Jones had submitted had either been fulfilled or withdrawn.

John Shahdanian, the township attorney, argued that the Appellate Division had not addressed the substantive issues of the case and that the Supreme Court should weigh in to set a precedent for towns in similar situations.

"We're obviously disappointed that the Supreme Court chose not to review the Appellate Division decision," Shahdanian said. "Certainly these matters are capable of repetition but they escape review once the documents are provided to the party. That doesn't mean the underlying issue shouldn't be adjudicated."

Jones was awarded nearly $20,000 in legal fees for the trial court and about $17,000 for the appellate court case. Walter Luers, Jones' attorney, said he is still negotiating his fees for his work before the Supreme Court.

The case should serve as a warning to other municipalities to honor residents' requests for public records, Luers said.

"Public agencies have to understand that the public has the right to submit OPRAs even if they may deem them to be voluminous or burdensome," Luers said. "This was a fight that Teaneck

picked, and I think they were wrong to pick it. Litigation against a requester is never appropriate unless there's the rare instance where there is criminal harassment going on."