

ADELINNY PLAZA

From: Jorge de Armas <jdearmas@sh-law.com>
Sent: Thursday, June 4, 2020 3:49 PM
To: ADELINNY PLAZA
Cc: Michael A. Jimenez
Subject: WNY - OPRA #9647 Response
Attachments: settlement agreement - Yousef Awadallah.pdf; settlement agreement - carlos irimia.pdf; Settlement Agreement - Alberto Bringa.pdf; Complaint Bringa.pdf; Summons & Complaint (R. Rivera V. C Wiley).pdf; Summons & Complaint (Rene A Berdugo v. WNY).pdf; Summons & Complaint- Marcos Garciga v. Town of West New York.pdf; Summons and Complaint- Yousef Awadallah.pdf; Settlement Agreement-(Yosbel Montpellier).pdf; Settlement Agreement-(Thomas Mannion).pdf; Settlement agreement Rivera v West New York - response to item #12.pdf; Settlement Agreement-(Sergio Sanchez).pdf; Settlement Agreement -Marcos Garciga.pdf; settlement agreement - carlos irimia.pdf

Dear Ms. Plaza:

Enclosed please find records identified as being potentially responsive to the above OPRA request 9647, provided to us for review, that consists of:

1. Summonses and Complaints; and
2. Settlement Agreements.

The Town is required to disclose settlement agreements under the Open Public Records Act, N.J.S.A. 47A:1-1 et seq., ("OPRA"). See Asbury Park Press v. Cty. of Monmouth, 201 N.J. 5, 7 (2010) and Paff v. Borough of Cliffside Park, 2014 N.J. Super. Unpub. LEXIS 437, *1 (Law Div. February 28, 2014). As such, the confidential settlement agreements provided for review may be provided to the requestor under the terms thereof, as they permit disclosure of the settlement agreement if required by OPRA.

The Town has also identified potentially responsive records related to litigation concerning plaintiff Richard Rivera, that it is understood is presently in off-site storage, and not capable of being retrieved by Tomorrow, due to present limitations imposed by the COVID-19 State of Emergency.

N.J.S.A. 47:1A-5(i)(2) provides that during a declared "state of emergency, public health emergency, or state of local disaster emergency . . . the custodian of a government record shall make a reasonable effort, as the circumstances permit, to respond to a request for access to a government record within seven business days or as soon as possible thereafter."

We recommend requesting at least a two-week extension to enable the Town to retrieve such records, through June 19, 2020.

The within documents are provided merely because they have been identified as responsive to the requestor's request under the Open Public Records Act, N.J.S.A. 48:1A-1 et seq., and are subject to disclosure under OPRA and for no other reason or purpose.

Neither this production nor anything contained in this production of records is intended to - nor shall be taken as - an admission, statement, or representation, whether express or implied, as to any statement, averment or allegation contained in any of the provided complaints

settlementa, or other provided records, or any matter raised or referred to therein, including but not limited to any an admission, statement, or representation concerning the accuracy or veracity of same or any part htereof, on behalf of the Town, or its officers, employees, or agents, past or present.

This memorandum can be provided to the requestor.

Please let us know of any questions.

Thank you,

Jorge R. de Armas | Counsel

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