

Karen Wynne

From: John Certo <opra+request-83460-83c39764@requests.opramachine.com>
Sent: Sunday, November 16, 2025 1:26 PM
To: Opra Request
Subject: OPRA request - OPRA Request – All Lawsuits, Settlements, Legal Costs, Insurance Impacts & Premium Increases (1/1/2017–Present)

[You don't often get email from opra+request-83460-83c39764@requests.opramachine.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Matawan Borough Record Custodian,

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-6(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested:

Pursuant to the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., I request copies of all public records relating to any lawsuit, claim, tort notice, settlement, demand, or legal action involving the Borough of Matawan, its officials, employees, departments, boards, commissions, or insurers from January 1, 2017, through the date of this request.

This request is divided into precise, legally recognized categories:

1. Settlement Records (2017–Present)

For each lawsuit or claim resolved:

- Fully executed settlement agreement, release, stipulation, or order of dismissal.
- Gross settlement amount.
- Amount paid by the Borough.
- Amount paid by insurer/JIF/MEL/excess carrier.
- Date(s) settlement payments were issued.
- Payee(s).
- Any confidentiality clauses (void under NJ law).
- Any Borough Council approvals, resolutions, votes, or authorizations.
- Meeting minutes documenting settlement approval.
- Warrants of satisfaction or insurer closing documents.

Authority: *Asbury Park Press v. Monmouth*, 406 N.J. Super. 1 (2009); *Payton v. NJTA*, 148 N.J. 524 (1997).

2. Defense Legal Fees & Costs (2017–Present)

For each lawsuit or claim:

- All invoices, billing statements, line-item entries, hourly rates.
- Total defense fees paid by the Borough.
- Retainer/engagement letters with outside counsel.
- Any insurance reimbursements or indemnification records.
- All billing-related correspondence with counsel or insurer.

Authority: *NJ Div. of Law v. Paff*, 235 N.J. 1 (2018); *Gannett v. Middlesex*, 379 N.J. Super. 205 (2005).

3. Insurance Carrier Records (2017–Present)

For each matter:

- Name of insurance carrier, policy number, claim number.
- All correspondence between Borough and insurer regarding settlement approval or payment.
- All indemnification or reimbursement documents.
- Any risk management assessments tied to litigation.

4. Lawsuit/Claim Identification Records

Provide:

- Case name
- Docket number
- Filing date
- Parties
- Resolution date
- Method of disposition (e.g., settled, dismissed, verdict)

If no list exists: Produce any and all records sufficient to identify each matter, as required by *Mason v. City of Hoboken*, 196 N.J. 51 (2008).

5. Settlement-Related Communications (2017–Present)

All emails, letters, memoranda, or reports between:

- Borough officials
- Borough Attorney

- Defense counsel
- JIF/MEL
- Insurers
- Risk managers
- Council members

that discuss:

- settlement approval
- payments
- legal fees
- insurance coverage
- cost analysis
- litigation impact on Borough finances

Narrative privilege may be narrowly redacted but cannot be used to withhold entire emails.

6. Insurance Premium Increases, Surcharges & Risk Rating Changes

For each year (2017–present):

A. Annual Premium Records

All invoices for:

- JIF
- MEL
- Excess liability
- Law enforcement liability

- Public officials liability
- EPLI
- Workers comp
- General liability

B. Premium Change Documentation

Records showing:

- premium increases/decreases
- surcharges
- deductible shifts
- self-insured retention changes
- risk-tier/risk-category changes

C. Litigation-Linked Adjustments

All notices showing lawsuits or settlements triggered:

- premium hikes
- special assessments
- elevated risk category
- corrective action requirements
- actuarial changes

D. Loss-Run Reports

All loss-runs showing:

- amounts paid per claim
- reserves
- deductibles
- insurer payouts
- impact on future premiums

E. Correspondence About Premium Increases

Emails, letters, reports discussing:

- premium changes
- underwriting decisions
- actuarial assessments
- claims-driven premium increases
- litigation risk evaluations

7. Format Requested

Electronic PDF or native digital format.

Do not print and scan unless no digital version exists.

8. Redaction/Denial Standards (Mandatory)

All redactions must:

1. Be narrowly tailored
2. Cite the precise OPRA statutory exemption
3. Include a Vaughn-style index describing:

- o document name
- o portion withheld
- o specific exemption used

Blanket denials violate N.J.S.A. 47:1A-5(g) and 47:1A-11.

9. Public Interest Statement

This request concerns the expenditure of public funds, insurance premium increases, and taxpayer-funded liabilities. These are the highest priority public records recognized by OPRA.

Because litigation settlements directly influence public expenditures through premium increases, surcharges, and risk-rating adjustments, all responsive insurance records are public under OPRA, and any claim of confidentiality is void as a matter of law.

10. Mandatory Acknowledgment

Please confirm receipt within 7 business days per N.J.S.A. 47:1A-5(i).

11. Required Search Obligations (Paff v. Galloway)

A full search must be performed across:

- Borough email servers
- Borough Attorney
- Insurer/JIF/MEL communications
- Local devices used for Borough business
- Shared drives, cloud storage
- Paper and digital archives

- Risk manager systems

12. Overly Broad Denial Prohibited

This request is not overly broad because it:

- identifies a specific timeframe,
- lists discrete, well-defined categories, and
- requests classic OPRA-discoverable records.

13. "Information vs. Records" Denial Prohibited

This request exclusively seeks records, not explanations or answers.

14. Deliberative Process Denial Prohibited

The deliberative process privilege cannot be invoked to withhold:

- settlements
- fees
- insurance payments
- premium changes
- financial impacts

(Gannett v. Middlesex, *supra*)

15. Certification of Completeness (Mandatory)

If any portion is denied or "no records exist," you must provide a:

Certification of Non-Existence or Completeness as required by Paff v. NJ DOC and N.J.S.A. 47:1A-5(g).

False certification exposes the custodian to personal liability.

16. Anti-Retaliation Notice

This request is submitted pursuant to statutory right.

Any retaliation or interference violates the First Amendment and Article I, Paragraph 18 of the New Jersey Constitution.

17. Preservation Notice

This OPRA request serves as a formal legal hold.

No responsive record, digital or physical, may be deleted, altered, or destroyed.

Any such action may constitute spoliation.

Respectfully,

John Certo

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-83460-83c39764@requests.opramachine.com

Is opra.request@matawanborough.com the wrong address for OPRA requests to Matawan Borough? If so, please contact us using this form:

https://opremachine.com/change_request/new?body=matawan_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opremachine.com/help/officers>

View this OPRA request & responses online:

https://opremachine.com/request/opra_request_all_lawsuits_settle

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAMachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."

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Tracking Information		Final Cost	
Tracking #		Total	
Rec'd Date	11-17-25	Deposit	
Ready Date	12-11-25	Balance Due	
Total Pages		Balance Paid	
Records Provided			
Custodian Signature		Date	
[Signature]		11-20-25	