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December 11, 2025

Via email

John Certo

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

Re: Open Public Record Act ("OPRA") Request

Dear Mr. Certo:

Please be advised that my office represents the Borough of Matawan ("Borough"). Please accept this correspondence in response to the Open Public Records Act ("OPRA") request you submitted to the Borough.

You requested the following records:

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*

Your request is granted, in part. The responsive documents are enclosed as well as a log of redactions made to the documents. However, the Borough needs an additional **three (3) weeks** to respond to the remaining requests. Pursuant to N.J.S.A. 47:1A-5(i), “in the event a records custodian is unable to fulfill a records request due to unforeseen circumstances or circumstances that otherwise reasonably necessitate additional time to fulfill the records request, the custodian shall be entitled to a reasonable extension of any response deadline and shall notify the requestor of the time extension within seven business days after receiving the request.”

These categories require searches across multiple Borough departments, third-party custodians (including insurers/JIF/MEL), archived files, and various email systems. Several categories also require document-by-document review for confidentiality, privilege, and statutory redactions, including potential attorney–client communications, attorney work product, personal identifiers, deliberative material, and any exempt internal communications.

Because of the scope and complexity of the request, as well as the need to coordinate searches with outside entities who maintain portions of the requested records, the Borough cannot reasonably complete its review within the initial statutory seven-business-day period. Accordingly, the Borough anticipates providing an initial response or production by **January 2, 2026**, which also accounts for holiday-related staffing limitations and office closures.

If you would like to narrow the scope of your request, whether by date range, subject matter, or document category, please let us know, as doing so may allow us to provide a more efficient response. We appreciate your understanding.

If you have any questions or require further clarification, feel free to contact this office.

Sincerely,
/s/ Veronica A. Acevedo
Veronica A. Acevedo, Esq.