

Please reply to:

92 West Main Street
Freehold, New Jersey 07728
(848) 207-3500

February 7, 2018

Phil Stilton
opra+request-1194-fb6ae@requests.opramachine.com

Re: OPRA request dated January 30, 2018

Dear Mr. Stilton:

Your OPRA request was forwarded to me as Special County Counsel to handle the response. Your request is dated January 30, 2018, and was received on that date. The County's response is due February 8, 2018. Therefore, this response is timely.

You have requested a number of documents filed with the New Jersey District Court in the matter of Curley v. Monmouth County Board of Chosen Freeholders, et al., Case 3:17-cv-123000-BRM-TJB. The documents you have requested have been redacted pursuant to Local Civ. R. 5.3 due to the nature of the document and pursuant to court-ordered seal. See Archbrook v. New Age Electronics, No. 08-1421 (KSH) 2008 WL 2987164 (DNJ 2008) (holding that sealing documents involving confidential HR investigation was appropriate). Certain Exhibits to the Complaint and Amended Complaint are also not available to the general public.

N.J.S.A. 47:1A-1 recognizes exemptions from OPRA disclosure found in other statutes and court rules, both state and federal. N.J.S.A. 47:1A-9 recognizes the continuing confidentiality of certain records, such as sexual harassment investigations and other personnel matters. See N.J.S.A. 47:1A-10 (limiting information that can be released to public from employee's personnel file). Consequently, the redactions and sealed documents comply with the statutory scheme set forth in N.J.S.A. 47:1A-1 et seq., and the County is not mandated by OPRA to provide unredacted documents or the sealed documents to you in order to fulfill your request.

Accordingly, you are being provided the following documents as responsive to your request:

1. Complaint with Exhibits C and D;
2. Brief in Support of Plaintiff's Application for TRO and Preliminary Injunction;
3. First Amended and Supplemental Complaint with Exhibits C through G;

4. Notice of Motion to find Defendants in Contempt and for Sanctions with supporting Brief;
5. Letter/Order dated December 29, 2017, for extension of time;
6. Brief on Behalf of Defendants Michael Fitzgerald and Teri O'Connor in response to motion to hold in contempt and for sanctions;
7. Brief on Behalf of Defendants, Monmouth County Board of Freeholders, et al., with Exhibits A, D, and E.
8. Minutes of Proceedings filed December 4, 2017;
9. Letter/Order dated February 1, 2018, granting extension for Defendants Fitzgerald and O'Connor to respond to Amended Complaint.

Because these documents are being transmitted electronically, there is no charge.

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 to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "P. Quelch", with a stylized flourish at the end.

Patricia B. Quelch, Esq.
Special Monmouth County Counsel

c Michael Fitzgerald, Esq.
County Counsel