

SCIARRA & CATRAMBONE, L.L.C.
Matthew R. Curran, Esq. - Attorney ID No. 024172005
1130 Clifton Avenue
Clifton, New Jersey 07013
(973) 242-2442
(973) 242-3118 [Facsimile]
mcurran@sciarralaw.com
Attorneys for Plaintiff

WILLIAM NEWTON,

Plaintiff,

-v-

TOWN OF DOVER,

Defendant.

: SUPERIOR COURT OF NEW
: JERSEY
: LAW DIVISION
: MORRIS COUNTY
:
: DOCKET NO: MRS-L- -23
:
: CIVIL ACTION
:
: **VERIFIED COMPLAINT**
:
: **ACTION IN LIEU OF**
: **PREROGATIVE WRITS**
:
: **OPEN PUBLIC RECORDS ACT,**
: **("OPRA"), N.J.S.A. 47:1A-1, *et seq.***
:

Plaintiff William Newton ("Plaintiff"), by way of the Verified Complaint for a Summary Action, herein alleges as follows:

INTRODUCTION

1. This matter is brought under the New Jersey Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 *et seq.*
2. Defendant Town of Dover ("Defendant") is a governmental entity and a public agency subject to OPRA.

3. Plaintiff files the within Verified Complaint as an Action in Lieu of Prerogative Writs, pursuant to R. 4:69-1 et seq. and as a Summary Action pursuant to R. 4:67-1 et seq. An Order to Show Cause is being filed herewith.

JURISDICTION

4. This Court has jurisdiction over this matter pursuant to N.J.S.A. 47:1A-6.
5. Pursuant to that provision of OPRA, this matter shall proceed in a summary manner.
6. Venue is properly laid in the County of Morris.

COUNT ONE

(Requests Dated November 2, 2023)

7. Plaintiff, through his counsel, made a written OPRA request dated November 2, 2023, a true and accurate copy of which is attached hereto as ***Exhibit A***, for the following government records:
 - a. Any emails between Carolyn Blackman (from either her personal or Dover email account) and Jonathan Delaney on October 13-15, 2019.
 - b. Any emails between Edward Correa (from either her personal or Dover email account) and Jonathan Delaney on October 13-15, 2019.
 - c. Any emails between Fernando Barrios (from either her personal or Dover email account) and Jonathan Delaney on October 13-15, 2019.
 - d. Any emails between Tim Downs (from either her personal or Dover email account) and Jonathan Delaney on October 13-15, 2019.

8. A true and accurate copy of the email forwarding this OPRA request to Dover Acting Municipal Clerk Reynaldo Julve is attached hereto as ***Exhibit B***.
9. The above are lawful requests for government records under the OPRA statute.
10. The records sought are identifiable governmental records and are not subject to any applicable exemption under OPRA or any valid assertion of privilege.
11. Dover did not respond to these November 2, 2023 OPRA requests.
12. Based upon the Town's failure to respond to these OPRA requests, on November 17, 2023, the undersigned sent a follow-up correspondence to Dover Acting Municipal Clerk Reynaldo Julve. A true and accurate copy of same is attached hereto as ***Exhibit C***. Therein, the undersigned requested that Dover respond to Plaintiff's November 2, 2023 OPRA requests. Ibid. I requested that the Town provide responses by end-of-business November 22, 2023 in order to avoid the within OPRA lawsuit. Ibid.
13. As of today's date, Dover still has failed to respond to Plaintiff's November 2, 2023 OPRA requests.
14. Pursuant to N.J.S.A. 47:1A-5i, failure to respond to an OPRA request shall be deemed a denial.
15. Thus, Defendant denied Plaintiff's valid requests for government records, in violation of OPRA.

COUNT TWO

(Requests Dated November 3, 2023)

16. Plaintiff incorporates by reference the facts pled above.

17. Plaintiff, through his counsel, made a written OPRA request dated November 3, 2023, a true and accurate copy of which is attached hereto as ***Exhibit D***, for the following government records:

- a. All versions of the Town of Dover's Personnel Policies and Procedures Manual for 2019-2022.
- b. Tara Petoni's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- c. Ashley Wilson's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- d. Bill Reyes's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- e. Pat Lavery's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- f. Mike Stalter's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- g. Erica Vinales's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- h. John Bennett's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- i. Lisa Newkirk's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- j. Donald Travesano's name, title, position, salary, length of service, date of separation, and the reasons for separation.
- k. Victoria Dobrusin's name, title, position, salary, and length of service.

- l. John Gross's name, title, position, salary, and length of service.
 - m. James Tricarico's name, title, position, salary, and length of service.
 - n. Sharon Hoeland's name, title, position, salary, and length of service.
 - o. Patrica Mashig's name, title, position, salary, and length of service.
 - p. Carmela Hahl's name, title, position, salary, and length of service.
 - q. William Isselin's name, title, position, salary, and length of service.
 - r. Any employment contracts between John Bennett and the Town of Dover.
 - s. Any settlement agreements or other forms of agreements between Charlie Peterson and the Town of Dover to resolve his lawsuit filed in Morris County Superior Court.
 - t. Any settlement agreements or other forms of agreements between Charlie Peterson and the Town of Dover to resolve or dismiss Peterson's July 11, 2019 Final Notice of Disciplinary Action.
 - u. A copy of Chapter 57 of the Code of the Town of Dover as it existed in 2019.
18. A true and accurate copy of the email forwarding this OPRA request to Dover Acting Municipal Clerk Reynaldo Julve is attached hereto as ***Exhibit E***.
19. The above are lawful requests for government records under the OPRA statute.
20. The records sought are identifiable governmental records and are not subject to any applicable exemption under OPRA or any valid assertion of privilege.
21. Dover did not respond to these November 3, 2023 OPRA requests.
22. Based upon the Town's failure to respond to these OPRA requests, on November 17, 2023, the undersigned sent a follow-up correspondence to Dover

Acting Municipal Clerk Julve. (Exhibit C). Therein, the undersigned requested that Dover respond to Plaintiff's November 3, 2023 OPRA requests. Ibid. I requested that the Town provide responses by end-of-business November 22, 2023 in order to avoid the within OPRA lawsuit. Ibid.

23. As of today's date, Dover still has failed to respond to Plaintiff's November 3, 2023 OPRA requests.

24. Pursuant to N.J.S.A. 47:1A-5i, failure to respond to an OPRA request shall be deemed a denial.

25. Thus, Defendant denied Plaintiff's valid requests for government records, in violation of OPRA.

WHEREFORE, Plaintiff seeks judgment against Defendant from this Court under the OPRA statute, N.J.S.A. 47:1A-1 *et seq.*, as follows:

A. Ordering that Defendant comply with Plaintiff's OPRA requests dated November 2, 2023 and November 3, 2023 as attached hereto and as outlined above;

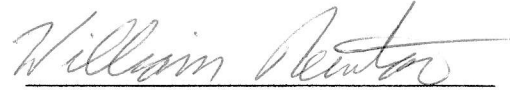
B. Ordering an award of attorneys' fees to Plaintiff pursuant to OPRA as a prevailing requestor pursuant to N.J.S.A. 47:1A-6;

C. Ordering an assessment of civil penalties and the imposition of disciplinary proceedings pursuant to N.J.S.A. 47:1A-11; and

D. Granting such other relief as the court deems equitable and just.

VERIFICATION

William Newton, of full age, hereby swears and/or affirms that the allegations of this Verified Complaint are true to the best of my knowledge and based upon the information available to me.


William Newton

Dated: 11/28/23

DESIGNATION OF TRIAL COUNSEL

Please take notice that Matthew R. Curran, Esq. is hereby designated as trial counsel for Plaintiff in this matter, pursuant to Rule 4:25-4.

Respectfully submitted,
Sciarra & Catrambone, LLC
Attorney for Plaintiff William Newton

By: /s/ Matthew R. Curran (Atty ID 024172005)

Dated: November 28, 2023

CERTIFICATION PURSUANT TO RULE 4:5-1

Following my initial review of this matter, it appears that there are no other persons who should be joined as parties. Further, this matter is not the subject of any other court or administrative proceedings other than those indicated herein.

The above statements are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,
Sciarra & Catrambone, LLC
Attorney for Plaintiff William Newton

By: /s/ Matthew R. Curran (Atty ID 024172005)

Dated: November 29, 2023

SCIARRA & CATRAMBONE, L.L.C.
 Matthew R. Curran, Esq. – Attorney ID No. 024172005
 1130 Clifton Avenue
 Clifton, New Jersey 07013
 (973) 242-2442
 (973) 242-3118 [Facsimile]
Attorney for Plaintiff

WILLIAM NEWTONN,

Plaintiff,

v.

TOWN OF DOVER,

Defendant.

:
 : **SUPERIOR COURT OF NEW JERSEY**
 : **LAW DIVISION - CIVIL PART**
 : **MORRIS COUNTY**
 : **DOCKET NO. MRS-L-_____ -23**
 :
 :
 : **ORDER TO SHOW CAUSE**
 :
 :
 :
 :

THIS MATTER, being opened to the Court by Sciarra & Catrambone, LLC, Matthew R. Curran, Esq., on behalf of Plaintiff William Newton (APlaintiff@), pursuant to the Open Public Records Act (AOPRA@) as provided by N.J.S.A. 47:1A-1, et seq., R. 4:69-1 et seq., and R. 4:67-1 et seq., with a Verified Complaint / Action in Lieu of Prerogative Writs, with attachments, and supporting letter brief being filed with the Court herewith against Defendant Town of Dover (ADefendant@), with the OPRA statute, N.J.S.A. 47:1A-6 providing that this matter shall proceed in a summary manner; and good cause having been shown therefore,

IT IS on this _____ day of _____, 2023,;

ORDERED that Defendant show cause before the Superior Court of New Jersey, Honorable _____, _____ Morris County Courthouse, located at 56 Washington Street, Morristown, New Jersey on the _____ day of _____ 2023, at _____ am / pm, or as soon thereafter as Counsel can be heard, why Plaintiff is not entitled to all of the relief sought by way of Verified Complaint / Action in Lieu of Prerogative Writs filed herewith; and **IT IS FURTHER**

ORDERED that Plaintiff shall serve and file any additional affidavits, briefs and other papers in support of this application on or before the _____ day of _____, 2023; and **IT IS FURTHER**

ORDERED that Defendant shall serve and file any affidavits, briefs and other papers in opposition to this application on or before the _____ day of _____, 2023; and **IT IS FURTHER**

ORDERED that the Plaintiff shall serve and file any reply papers, on or before the _____ day of _____, 2023; and **IT IS FURTHER**

ORDERED that a copy of this filed Order to Show Cause shall be served upon Defendant within _____ days of the date hereof.

SO ORDERED.

, J.S.C.

SCIARRA & CATRAMBONE, L.L.C.
 Matthew R. Curran, Esq. – Attorney ID No. 024172005
 1130 Clifton Avenue
 Clifton, New Jersey 07013
 (973) 242-2442
 (973) 242-3118 [Facsimile]
Attorney for Plaintiff

WILLIAM NEWTONN,

Plaintiff,

v.

TOWN OF DOVER,

Defendant.

:
 : **SUPERIOR COURT OF NEW JERSEY**
 : **LAW DIVISION - CIVIL PART**
 : **MORRIS COUNTY**
 : **DOCKET NO. MRS-L-_____ -23**
 :
 : **FINAL ORDER**
 :
 :
 :
 :

THIS MATTER, being opened to the Court by Sciarra & Catrambone, LLC, Matthew R. Curran, Esq., on behalf of Plaintiff William Newton (APlaintiff@), pursuant to the Open Public Records Act (AOPRA@) as provided by N.J.S.A. 47:1A-1 et seq., R. 4:69-1 et seq., and R. 4:67-1 et seq., with a Verified Complaint / Action in Lieu of Prerogative Writs being filed against Defendant Town of Dover (“Defendant”), and the Court having filed the Order to Show Cause and having heard this matter in a summary manner, and based upon the parties’ written submissions and oral argument of counsel, and good cause having been shown,

IT IS on this _____ day of _____, 2023,

ORDERED that Plaintiff is hereby **granted** the relief sought by way of the Verified Complaint in this matter, as follows:

1. Defendant shall provide all government records responsive to Plaintiff's February 2, 2023 OPRA requests to Plaintiff's counsel within twenty (20) days of this Order;
2. Defendant shall provide all government records responsive to Plaintiff's February 3, 2023 OPRA requests to Plaintiff's counsel within twenty (20) days of this Order;
3. Plaintiff is hereby awarded attorneys' fees pursuant to OPRA as a prevailing requestor pursuant to N.J.S.A. 47:1A-6, to be paid by Defendant, with Plaintiff's counsel to file the appropriate certification as to the quantum of fees within twenty (20) days of this Order; &
4. The Court herein orders an assessment of civil penalties and the imposition of disciplinary proceedings pursuant to N.J.S.A. 47:1A-11 against Defendant, as follows:

_____.

SO ORDERED.

, J.S.C.

Law Offices

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Of Counsel
Deborah Masker Edwards*
Cathie Perselay Seidman*
Alan Serrins+

Associate
Frank C. Cioffi

*Admitted NJ & NY Bars
+ Admitted NY Bar
Admitted NJ & PA Bars

November 29, 2023

via eCourts & NJLS

Civil Division Clerk
Superior Court of New Jersey
Morris County Courthouse
Washington & Court Streets
Morristown, NJ 07963

Re: Newton v. Town of Dover, et al.
Docket # MRS-L-_____-23
Our File # 23-131

**Plaintiff's Letter Brief in support of his
Order to Show Cause & Verified Complaint**

Dear Sir/Madam:

The undersigned represents Plaintiff William Newton in the above referenced matter. It is respectfully requested that the Court accept the within Letter-Brief in lieu of a more formal brief in support of Plaintiff's Order to Show Cause and Verified Complaint, filed herewith.

For the reasons set forth below, this Court should execute the within Order to Show Cause, and, upon briefing and argument, rule in a summary manner in

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November 29, 2023 - Page 2

favor of Plaintiff, and order that Defendant Town of Dover produce all documents sought by way of Plaintiff's requests as outlined in the Verified Complaint and attachments filed herein with the Court, under the New Jersey Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1, *et seq.*, with an award of attorneys' fees and costs.

FACTUAL BACKGROUND AND RELEVANT PROCEDURAL HISTORY

The detailed allegations in, and attachments to, Plaintiff's Verified Complaint are incorporated herein in order to provide context to this Court regarding this OPRA matter.

LEGAL ARGUMENT

THE RECORDS SOUGHT HEREIN ARE SUBJECT TO DISCLOSURE UNDER OPRA.

The purpose of OPRA, N.J.S.A. 47:1A-1 et seq., is "to insure that government records, unless exempted, are readily accessible to citizens of New Jersey for the protection of the public interest." Mason v. City of Hoboken, 196 N.J. 51, 57 (2008) (*citing* N.J.S.A. 47:1A-1). OPRA advances "the State's long-standing public policy favoring ready access to most public records." See Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 36 (App. Div. 2005) (other citation omitted).

OPRA manifests this State's public policy of government transparency. "The purpose of OPRA 'is to maximize public knowledge about public affairs in

Newton v. Town of Dover et al. – OPRA Lawsuit

November 29, 2023 - Page 3

order to ensure an informed citizenry and to minimize the evils inherent in a secluded process.” Times of Trenton Publ’g Corp. v. Lafayette Yard Cmty. Dev. Corp., 183 N.J. 519, 535 (2005) (other citation omitted). Thus, OPRA directs that “government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest, and any limitations on the right of access...shall be construed in favor of the public’s right of access.” N.J.S.A. 47:1A-1.

To serve this policy and purpose, OPRA provides that “[t]he public agency shall have the burden of providing that the denial of access is authorized by law.” N.J.S.A. 47:1A-6. As such, the agency “must produce specific reliable evidence sufficient to meet a statutorily recognized basis for confidentiality. Absent such a showing, a citizen’s right of access is unfettered.” Courier News v. Hunterdon County Prosecutor’s Office, 358 N.J. Super. 373, 383 (App. Div. 2003).

With regard to an OPRA request, “[t]he first inquiry is whether the requested documents meet the statutory definition of government record, and if so, whether any exemption established in or recognized by any other law bars disclosure of the requested documents.” Wilson v. Brown, 404 N.J. Super. 557, 571 (App. Div. 2009), *certif. denied*, 198 N.J. 473 (2009)). OPRA defines “government record” or “record” broadly under N.J.S.A. 47:1A-1:

[A]ny paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document,

information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business...or that has been received in the course of his or its official business. N.J.S.A. 47:1A-1.1.

Here, because the records sought herein do not fall under any exemption under the OPRA statute, Plaintiff is entitled to disclosure of the documents sought. Defendant has not asserted any exemption or any other legitimate rationale for their utter failure to respond to Plaintiff's numerous requests as outlined in detail in Plaintiff's Verified Complaint.¹

In short, Plaintiff seeks specifically identified government records as outlined in his February 24, 2020 written OPRA request, as outlined the Verified Complaint. A review of the specific, targeted requests reveals requests which were made with "reasonable clarity" and are for records which are "identifiable." *See, e.g., Burke v. Brandes*, 429 N.J. Super. 169 (App. Div. 2012) (holding that request for records regarding EZ Pass benefits afforded to Port Authority retirees was not over-broad under OPRA); *Burnett v. County of Gloucester*, 415 N.J. Super. 506 (App. Div. 2010) (holding that attorney's request for settlement agreements without specification of matters to which they pertained constituted a request for specific documents, triggering the requirements of OPRA).

¹ Plaintiff will of course address any such arguments or any other issues raised by Defendant by way of our additional filing of papers, as appropriate.

At issue in Burnett was a request for “any and all settlements, releases or similar documents entered into, approved or accepted from 1/1/2006 to the present.” 415 N.J. Super. at 508. The Appellate Division noted that “OPRA superseded the Right to Know Law. Its purpose is “to maximize public knowledge about public affairs in order to ensure an informed citizenry.” Id. at 512. “OPRA requires that all government records be disclosed upon request except those exempted by statute, legislative resolution, administrative regulation, executive order, rules of court, judicial decisions, or federal law.” Ibid. The Court also noted the Legislative intent favoring disclosure:

... government records shall be readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest, and any limitations on the right of access...shall be construed in favor of the public's right of access... Ibid., citing N.J.S.A. 47:1A-1.

Even though the request did not specify the matters to which the settlements pertained, the Court found that the plaintiff in Burnett did not make a “general request.” Id. at 513. Plaintiff here nonetheless specifically identifies the subject matter of each request.

The Court in both Burnett and Burke distinguished the “broad generic request” for records to the ABC regarding cases involving liquor licenses prosecuted in the past which were at issue in MAG Entertainment LLC v. Div. of Alcohol Beverage Control, 375 N.J. Super. 534 (App. Div. 2005). Similarly, the

requests at issue here do not seek “general information” as was the case in Bent v. Twp. of Stafford Police Dept., 381 N.J. Super. 30 (App. Div. 2005).

Here, Plaintiff’s requests for records are specific and descriptive, and cannot be considered “generic” in nature. The requests require Defendant to “search,” or “to go or look carefully in order to find something missing or lost,” as is permitted under OPRA, and not to “conduct research,” which instead involves “a close or careful study to find new facts or information”. See Burnett, 415 N.J. Super. at 515. The retrieval of records sought by Plaintiff in the subject requests requires a search, not research, and thus the County is obligated under OPRA to conduct that search and produce the records sought. Id. at 516.²

The Court’s language as follows in Burke is controlling here with regard to each of the individual requests:

Because plaintiff described the records sought with the requisite specificity and narrowed the scope of the inquiry to a discrete and limited subject matter, we conclude his request was neither vague or overbroad. *The request sought the records themselves, not data, information or statistics to be extracted, gleaned or otherwise derived therefrom.* Involving no research or analysis, but only a search for, and production of, what proved to be identifiable records, plaintiff’s properly circumscribed and tailored request was wrongly invalidated as overbroad. 429 N.J. Super. at 177- 78 (emphasis added).

Here, Defendant cannot meet its burden to demonstrate how any of the requests at issue are not valid under OPRA.

² Defendant cannot credibly dispute that all of the records sought herein are in their possession.

Newton v. Town of Dover et al. – OPRA Lawsuit
November 29, 2023 - Page 7

Lastly, the undersigned will submit the appropriate certification as to our fees and costs incurred should Plaintiff prevail in this matter, pursuant to N.J.S.A. 47:1A-6.

CONCLUSION

For the foregoing reasons, this Court should enter the Order to Show Cause, and, after hearing this matter in a summary manner, award Plaintiff the relief sought in the Verified Complaint, including but not limited to Defendant's production of all government records sought, and an award of attorneys' fees.

We thank the Court for its courtesies and attention to this matter.

Respectfully,
Sciarra & Catrambone, L.L.C.
By: /s/ Matthew R. Curran (Atty ID 024172005)

MRC/m

Enclosures

cc: Town of Dover (*via Personal Service w/ encls.*)
Michael DiFazio, Esq. (*via eCourts & Email w/ encls.*)
Client

Law Offices

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Of Counsel
Deborah Masker Edwards*

Associate
Frank C. Cioffi

*Admitted NJ & NY Bars
Admitted NJ & PA Bars

November 2, 2023

via email

Mr. Rey Julve
37 N. Sussex Street
Dover, NJ 07801

Re: Newton v. Town of Dover, et al.
Docket # MRS-L-2697-21
Our File # 20-815

OPRA Request

Dear Mr. Julve:

The undersigned represents Plaintiff William Newton in the above referenced matter. This is a request for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. I also make this request under the common law right of citizens of the state to obtain access to public documents. South Jersey Publishing Co. v. New Jersey Expressway Auth., 124 N.J. 4788, 487-89 (1991). ***This request is being made on behalf of William Newton.***

Please note that this letter contains the statutory requirements for a written OPRA request and I am not required to fill out an official form. Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009). Under penalty of N.J.S.A. 2C:28-3, I certify that neither the undersigned nor my client have been convicted of any indictable offense under the laws of New Jersey, or any other state, or the United States.

I am requesting the following documents as set forth below.

1. **Any emails between Carolyn Blackman (from either her personal or Dover email account) and Jonathan Delaney on October 13-15, 2019.**
2. **Any emails between Edward Correa (from either her personal or Dover email account) and Jonathan Delaney on October 13-15, 2019.**
3. **Any emails between Fernando Barrios (from either her personal or**

Newton v. Dover

November 2, 2023 - Page 2

Dover email account) and Jonathan Delaney on October 13-15, 2019.

- 4. Any emails between Tim Downs (from either her personal or Dover email account) and Jonathan Delaney on October 13-15, 2019.**

I prefer deliver of the records by e-mail (mcurran@sciarralaw.com). If that is not possible, please contact me to arrange for delivery. Access to electronic records shall be provided free of charge. N.J.S.A. 47:1A-5(b). Pursuant to Communication Workers of America v. McCormac, 417 N.J. Super. 412, 442 (2008), please provide specific reasons if access is denied to the requested records.

Finally, please confirm receipt of this OPRA request. I thank you for your attention to this matter.

Very truly yours,

Sciarra & Catrambone, L.L.C.

By: /s/ Matthew R. Curran # 024172005

MRC/m

cc: Michael D. DiFazio II, Esq. (Via email)
Client

Matthew Curran

From: Matthew Curran
Sent: Thursday, November 2, 2023 9:00 PM
To: 'rjulve@dover.nj.us'
Cc: mdifazio@decotiislaw.com; 'Jeffrey Catrambone'
Subject: OPRA Request on behalf of William Newton
Attachments: 2023-11-02 - OPRA Request_emails.pdf

Please see the attached OPRA request.

Regards,

Matthew R. Curran, Esq.
Sciarra & Catrambone, LLC
1130 Clifton Avenue
Clifton, New Jersey 07013
mcurran@sciarralaw.com
Phone: (973) 242-2442
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Matthew Curran

From: Matthew Curran
Sent: Friday, November 17, 2023 10:21 AM
To: 'rjulve@doover.nj.us'
Cc: 'Michael DiFazio II'; 'Jeffrey Catrambone'
Subject: Newton v. Dover - OPRA Requests - follow-up
Attachments: 2023-11-17 - Follow-up to OPRA Request_emails re endorsement.pdf; 2023-11-02 - OPRA Request_emails.pdf; 2023-11-03 - OPRA Requests.pdf

Please see the attached.

Regards,

Matthew R. Curran, Esq.
Sciarra & Catrambone, LLC
1130 Clifton Avenue
Clifton, New Jersey 07013
mcurran@sciarralaw.com
Phone: (973) 242-2442
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Law Offices

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Of Counsel
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*Admitted NJ & NY Bars
Admitted NJ & PA Bars

November 17, 2023

via NJLS & email

Mr. Rey Julve
37 N. Sussex Street
Dover, NJ 07801

Re: Newton v. Town of Dover, et al.
Docket # MRS-L-2697-21
Our File # 20-815

Follow-up to OPRA Requests

Dear Mr. Julve:

The undersigned represents Plaintiff William Newton in the above referenced matter. This is a follow-up to my client William Newton's November 2, 2023 and November 3, 2023 requests for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. These requests were also made under the common law right of citizens of the state to obtain access to public documents. South Jersey Publishing Co. v. New Jersey Expressway Auth., 124 N.J. 4788, 487-89 (1991). ***These requests were made on behalf of William Newton.*** Copies of these requests are enclosed for your reference.

I would like to avoid having to file a Superior Court Complaint against Dover for failing to respond to these OPRA requests. To that end, upon receipt of this correspondence, please advise if your office will be responding to our OPRA requests. If you require additional time to provide responses, we will work with you.

Please respond to this correspondence by end-of-business Wednesday November 22, 2023. If we do not hear from you by that date, it will be our assumption that Dover will not be responding to our OPRA requests. We will then file a lawsuit where, in addition to the documents, we will seek attorneys' fees and costs.

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I thank you for your attention to this matter.

Very truly yours,

Sciarra & Catrambone, L.L.C.

By: /s/ Matthew R. Curran # 024172005

MRC/m

Enclosures

cc: Michael D. DiFazio II, Esq. (Via email w/ encls.)
Client

Law Offices

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*Admitted NJ & NY Bars
Admitted NJ & PA Bars

November 3, 2023

via email

Mr. Rey Julve
37 N. Sussex Street
Dover, NJ 07801

Re: Newton v. Town of Dover, et al.
Docket # MRS-L-2697-21
Our File # 20-815

OPRA Requests

Dear Mr. Julve:

The undersigned represents Plaintiff William Newton in the above referenced matter. This is a request for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. I also make this request under the common law right of citizens of the state to obtain access to public documents. South Jersey Publishing Co. v. New Jersey Expressway Auth., 124 N.J. 4788, 487-89 (1991). ***This request is being made on behalf of William Newton.***

Please note that this letter contains the statutory requirements for a written OPRA request and I am not required to fill out an official form. Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009). Under penalty of N.J.S.A. 2C:28-3, I certify that neither the undersigned nor my client have been convicted of any indictable offense under the laws of New Jersey, or any other state, or the United States.

I am requesting the following documents as set forth below.

- 1. All versions of the Town of Dover's Personnel Policies and Procedures Manual for 2019-2022.**
- 2. Tara Petoni's name, title, position, salary, length of service, date of separation, and the reasons for separation.**
- 3. Ashley Wilson's name, title, position, salary, length of service, date of**

separation, and the reasons for separation.

- 4. Bill Reyes's name, title, position, salary, length of service, date of separation, and the reasons for separation.**
- 5. Pat Lavery's name, title, position, salary, length of service, date of separation, and the reasons for separation.**
- 6. Mike Stalter's name, title, position, salary, length of service, date of separation, and the reasons for separation.**
- 7. Erica Vinales's name, title, position, salary, length of service, date of separation, and the reasons for separation.**
- 8. John Bennett's name, title, position, salary, length of service, date of separation, and the reasons for separation.**
- 9. Lisa Newkirk's name, title, position, salary, length of service, date of separation, and the reasons for separation.**
- 10. Donald Travesano's name, title, position, salary, length of service, date of separation, and the reasons for separation.**
- 11. Victoria Dobrusin's name, title, position, salary, and length of service.**
- 12. John Gross's name, title, position, salary, and length of service.**
- 13. James Tricarico's name, title, position, salary, and length of service.**
- 14. Sharon Hoeland's name, title, position, salary, and length of service.**
- 15. Patrica Mashig's name, title, position, salary, and length of service.**
- 16. Carmela Hahl's name, title, position, salary, and length of service.**
- 17. William Isselin's name, title, position, salary, and length of service.**
- 18. Any employment contracts between John Bennett and the Town of Dover.**
- 19. Any settlement agreements or other forms of agreements between Charlie Peterson and the Town of Dover to resolve his lawsuit filed in Morris County Superior Court.**
- 20. Any settlement agreements or other forms of agreements between Charlie Peterson and the Town of Dover to resolve or dismiss Peterson's July 11, 2019 Final Notice of Disciplinary Action.**
- 21. A copy of Chapter 57 of the Code of the Town of Dover as it existed in**

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2019.

I prefer deliver of the records by e-mail (mcurran@sciarralaw.com). If that is not possible, please contact me to arrange for delivery. Access to electronic records shall be provided free of charge. N.J.S.A. 47:1A-5(b). Pursuant to Communication Workers of America v. McCormac, 417 N.J. Super. 412, 442 (2008), please provide specific reasons if access is denied to the requested records.

Finally, please confirm receipt of this OPRA request. I thank you for your attention to this matter.

Very truly yours,

Sciarra & Catrambone, L.L.C.

By: /s/ Matthew R. Curran # 024172005

MRC/m

cc: Michael D. DiFazio II, Esq. (Via email)
Client

Matthew Curran

From: Matthew Curran
Sent: Friday, November 3, 2023 2:12 PM
To: 'rjulve@doover.nj.us'
Cc: mdifazio@decotiislaw.com; 'Jeffrey Catrambone'
Subject: Newton, William - OPRA Requests
Attachments: 2023-11-03 - OPRA Requests.pdf

Please see the attached OPRA requests.

Regards,

Matthew R. Curran, Esq.
Sciarra & Catrambone, LLC
1130 Clifton Avenue
Clifton, New Jersey 07013
mcurran@sciarralaw.com
Phone: (973) 242-2442
Fax: (973) 242-3118

THE INFORMATION CONTAINED IN THIS EMAIL COMMUNICATION IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT NAMED ABOVE. This message may be an Attorney-Client communication and, as such, is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this communication in error, and that your review, dissemination, distribution, or copying of the message is strictly prohibited. If you have received this transmission in error, please destroy this transmission and notify us immediately by telephone and/or reply email.

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-002119-23

Case Caption: NEWTON WILLIAM VS TOWN OF DOVER

Case Initiation Date: 11/29/2023

Attorney Name: MATTHEW R CURRAN

Firm Name: SCIARRA & CATRAMBONE

Address: 1130 CLIFTON AVE

CLIFTON NJ 070130000

Phone: 9732422442

Name of Party: PLAINTIFF : Newton, William

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

Document Type: Verified Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: William Newton? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

11/29/2023
Dated

/s/ MATTHEW R CURRAN
Signed