

FILED

APR 30 2010

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Prepared by the Court

KATHRYN A. BROCK
J.S.C.

JOHN PAFF,
Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION UNION COUNTY
DOCKET NO. UNN-L-1089-10

v.

Civil Action

BOROUGH OF GARWOOD,
Defendant.

CASE MANAGEMENT ORDER

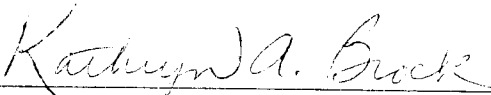
THIS MATTER having come before the Court on the return date of an Order to Show Cause, in which the Plaintiff seeks a declaration that the Borough violated the Open Public Records Act (OPRA) and the common law right of access to public records by refusing to provide the Plaintiff with a copy of a certain DVD which the Plaintiff requested, which is opposed by the Defendant Borough, and the court having reserved decision until June 11, 2010 as to whether the Borough violated the common law right of access to public records pending additional submissions and argument, and the court having determined that notice of the Plaintiff's application should be given to Gennaro J. Mirabella, who is the person depicted in the DVD, and his counsel in the related criminal matter, and that a final determination cannot be made on the claim of an OPRA violation pending receipt of a Certification from Chief William Legg of the Garwood Police Department, and for good cause shown:

IT IS on this 30th day of April, 2010 ORDERED that:

1. Within two weeks, counsel for the Plaintiff shall notify Mr. Mirabella, and the firm of Cammarata, Nulty & Garrigan, L.L.C. of the nature of this proceeding and provide copies of the Verified Complaint, Order to Show

Cause and briefs and Certifications.

2. Within one week, Chief William Legg must file and serve a Certification as to the facts included in his statement of March 26, 2010.
3. Any proofs which the Plaintiff wishes to submit in support of his argument that the subject matter of the DVD is a matter of public interest and controversy must be filed and served by May 26, 2010. Any additional papers in support of the non-disclosure of the DVD under the common law right of access to public records must be filed and served by the Defendant by June 3, 2010, and any reply by the Plaintiff must be filed and served by June 7, 2010.
4. The court will consider the additional submissions and additional argument on June 11, 2010, or at a convenient time to be agreed upon between counsel and the court.
5. A filed copy of this Order is being served by the court on counsel for the parties by fax, and counsel for the Plaintiff is directed to serve a copy of the Order on Gennaro J. Mirabella and his counsel along with copies of the other documents listed in the first paragraph of this Order..


KATHRYN A. BROCK, J.S.C.