

KEARNEY AND ASSOCIATES, P.C.  
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Attorneys for defendant, City of Gloucester City

JOHN P. SCHMIDT and : SUPERIOR COURT OF NEW JERSEY  
MICHAEL WALTERS : LAW DIVISION-CAMDEN COUNTY

Plaintiff(s), :

v. :

CITY OF GLOUCESTER CITY, KATHY JENTSCH in her official capacity as : DOCKET NO.: CAM L-001287-11  
City of Gloucester City Clerk and : (Civil Action)  
Records Custodian, GLOUCESTER :

CITY BOARD OF EDUCATION, :  
MARGARET McDONNELL in her :  
Official capacity as Gloucester City :  
Board of Education Business :  
Administrator and Records :  
Custodian; GLOUCESTER CITY :  
HOUSING AUTHORITY and SUE :  
McELHATTON in her official capacity :

As Gloucester City Housing Authority : DEFENDANTS, CITY OF GLOUCESTER  
Records Custodian, : CITY and KATHY JENTSCH'S ANSWER  
: AND COUNTERCLAIM TO PLAINTIFFS'  
Defendant(s) : COMPLAINT

Defendants, City of Gloucester City and Kathy Jentsch, by way of answer to  
plaintiffs' complaint states:

1. Denied to the answering defendants.
2. Denied.
3. This paragraph does not apply to these answering defendants.
4. This paragraph does not apply to these answering defendants.
5. Plaintiff is left to his proofs.
6. Plaintiff is left to his proofs.

7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. This paragraph does not apply to these answering defendants.
12. This paragraph does not apply to these answering defendants.
13. This paragraph does not apply to these answering defendants.
14. This paragraph does not apply to these answering defendants.
15. This paragraph does not apply to these answering defendants.
16. This paragraph does not apply to these answering defendants.
17. This paragraph does not apply to these answering defendants.
18. Admitted.
19. Admitted.
20. Plaintiff is left to his proofs.
21. Plaintiff is left to his proofs.
22. Denied.
23. Denied as these defendants have no idea what plaintiffs believe.
24. Plaintiff is left to his proofs.
25. Admitted.
26. Admitted.
27. Admitted.
28. Plaintiffs are left to their proofs.
29. Denied.

30. Denied as to a secret meeting. Admitted as to no notice as no meeting took place.
31. Plaintiff is left to his proofs.
32. Plaintiff is left to his proofs.
33. Denied.
34. Denied.
35. Denied.
- 36-44. These paragraphs do not apply to these answering defendants.

#### COUNT I

45. Defendants incorporate paragraphs 1-44 of this answer.
46. Denied.
47. Denied.
48. Denied.

#### COUNT II

49. Defendants incorporate paragraphs 1-48 of this answer.
50. Admitted.
51. Denied.
52. Denied.
53. Denied.
54. Wherefore, Defendants, City of Gloucester City and Kathy Jentsch demands judgment dismissing plaintiffs' complaint.

**COUNT III**

55. Defendants incorporate paragraphs 1-54 of this answer.

56. Admitted.

57. Denied.

58. Denied.

59. Wherefore, Defendants, City of Gloucester City and Kathy Jentsch demands judgment dismissing plaintiffs' complaint.

**COUNT IV**

60-62. These paragraphs do not apply to these answering defendants.

**COUNT V**

63-65. These paragraphs do not apply to these answering defendants.

Wherefore, Defendants, City of Gloucester City and Kathy Jentsch demands judgment dismissing plaintiffs' complaint.

**COUNTERCLAIM**

By way of Counterclaim against Plaintiffs, Defendants, City of Gloucester City and Kathy Jentsch state:

**COUNT I**

1. Between January 1, 2011 and March 1, 2011, Plaintiffs' Walters and Schmidt have filed a total of 154 requests pursuant to the Open Public Records Act with Acting Clerk Jentsch, requiring her to spend close to 26 hours in responding.

2. By law Ms. Jentsch is obligated to provide a response to each and every request within seven days.

3. In December of 2010, when it became apparent that the plaintiffs were undertaking a campaign of harassment via OPRA, the City reached out to the Government Records Council (GCR), the body charged with oversight of OPRA, for advice and direction.

4. In response, the GCR responded that there may be some relief provided in the substantial disruption provision of N.J.S.A. 47:1A-5.g.

5. Further, GCR advised that as OPRA does not contain any provision addressing OPRA harassment the best option to pursue a harassment complaint would be in Court.

Wherefore, Defendant counterclaimants demand judgment declaring that the actions of the plaintiffs constitute a substantial disruption under OPRA and seek the Court's directive in controlling and regulating plaintiffs OPRA requests.

## COUNT II

6. Defendant counterclaimant repeats each and every paragraph of this counterclaim as if set fourth at length herein.

7. The acts of the plaintiffs as aforesaid have no legitimate purpose and are motivated by a desire to dispute the normal efficient functioning of the municipal government and to harass the elected and appointed officials of the City.

Wherefore, the defendant counterclaimants demand judgment declaring that the actions of the plaintiffs as aforesaid constitute harassment and limiting plaintiffs use of OPRA for legitimate purposes.

CERTIFICATION

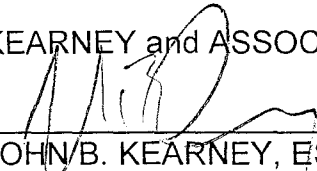
PURSUANT TO R.4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court or of any pending arbitration proceeding, and that no other action nor arbitration proceeding is contemplated, and that I know of no other party who should be joined in this action.

I hereby certify that a copy of the within pleading was served upon plaintiff's counsel within the time prescribed by Rule 4:6.

KEARNEY and ASSOCIATES, P.C.

BY:

  
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JOHN B. KEARNEY, ESQUIRE  
Attorney for Defendants, City of Gloucester  
City and Kathy Jentsch

Dated:

4.12.11