

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1243-10T1

M&J COMPRELLI REALTY, LLC,
JOSEPH COMPRELLI, JOSEPH SUPOR, III,
J. SUPOR & SON TRUCKING & RIGGING
CO., INC. and S&B REALTY CO.,

Plaintiffs-Appellants/
Cross-Respondents,

vs.

TOWN OF HARRISON,

Defendant-Respondent/
Cross-Appellant.

Argued: November 30, 2011 - Decided: August 15, 2012

Before Judges Cuff and Waugh.

On appeal from the Superior Court of New
Jersey, Law Division, Hudson County, Docket
No. L-1179-10.

Paul H. Schafhauser argued the cause for
appellants/cross-respondents (Herrick,
Feinstein, LLP, attorneys; Mr. Schafhauser
and Chester R. Ostrowski, on the briefs).

Gregory J. Castano, Jr., argued the cause
for respondent/cross-appellant (Castano
Quigley, LLC, attorneys; Mr. Castano, on the
brief).

PER CURIAM

In this appeal, we review an order requiring defendant Town
of Harrison (Harrison) to produce all records demanded in a

series of Open Public Records Act (OPRA)¹ requests and assessing attorneys' fees in favor of plaintiff M&J Comprelli Realty, LLC and Joseph Comprelli (Comprelli). Comprelli appeals from the amount of the fee award. In its cross-appeal, Harrison contends the judge erred by holding it failed to respond to a valid OPRA request and contests the fee award. Harrison has produced all documents as directed by the order. The only remaining issues are the propriety and the award of attorneys' fees.

The nature of the dispute requires this court to consider whether defendant town properly objected to the several requests for documents served on it by plaintiff. We hold that the town's initial objections to many of the requests were well-grounded in law because the earlier requests for documents went beyond the scope of a proper OPRA request. However, the final amended OPRA request contained in large part proper requests for public records and did not warrant a blanket denial or a prolonged period to fully comply with the order requiring production of the documents. We, therefore, affirm the award of attorneys' fees.

Plaintiff Comprelli owns and operates several commuter parking lots in Harrison. This OPRA litigation is one of several civil actions commenced in state and federal court, all

¹ N.J.S.A. 47:1A-1 to -13.

generally related to the adoption by Harrison of an amended redevelopment plan in 2003.²

Comprelli complained in November 2009 that Harrison officials or employees entered its lots without permission and conducted inspections of its operations. In a letter dated November 24, 2009, Comprelli's attorney demanded that Harrison cease and desist "its harassment of Comprelli," expressed his concern that Comprelli was being "singled out," and requested Harrison "produce all documents, including but not limited to any field notes, assessments, studies and/or evaluations, relating or referring to any inspections or visits with respect to their commuter parking lots and/or facilities (including parking garage(s)) within the Town of Harrison, too." The letter contained no reference to OPRA.

² The 2003 Harrison Redevelopment Plan prohibited surface parking as a principal permitted use but permitted surface parking as an interim use approved by the Planning Board. Comprelli and Supor filed a complaint in lieu of prerogative writs in 2009 challenging the redevelopment plan and actions taken by Harrison regarding the surface parking lots operated by them. Joseph Comprelli, M&J Comprelli Realty, LLC, Joseph Supor, III, J. Supor & Son Trucking & Rigging Co., Inc. and S&B Realty Co. v. Town of Harrison, The Town Council of the Town of Harrison, and Paul J. Zarbetski, Clerk of the Town of Harrison, L-3169-10. By order dated October 19, 2010, the complaint was dismissed; this court affirmed, A-2506-10 (App. Div. May 7, 2012). A complaint entitled Comprelli v. Town of Harrison, No. 10-3013 (D.N.J. Nov. 16, 2000) filed in federal court alleging constitutional violations, antitrust claims, and claims for tortuous interference was also dismissed and the dismissal affirmed on appeal, 465 Fed. Appx. 146, 150 (3d Cir. 2012).

A December 9, 2009 letter from Comprelli reiterated the initial request, referenced OPRA, the Open Public Meetings Act (OPMA),³ and the common law right to access public documents, and made an additional request for

all documents, including minutes, transcripts, notes or other materials, in the custody, possession or control of the Township of Harrison or its agents or officials relating to (i) commuter parking lots; (ii) commuter parking licenses; or (iii) Comprelli or its parking lots The foregoing request is to include all communications between the Township of Harrison and Harrison Redevelopment Agency and/or the designated redeveloper regarding such matters.

Harrison responded on December 11 by sending an e-mail message with an OPRA request form; on December 23, Comprelli returned the OPRA request form with its December 9 letter attached.

On January 5, 2010, Harrison provided Comprelli with a five page log of "car counts" containing dates and number of cars in response to Comprelli's request for field notes, assessments, studies and/or evaluations. Harrison also advised Comprelli the remainder of the request was "overly broad" and needed clarification. The letter included a portion of the New Jersey OPRA Handbook for Records Custodian.

³ N.J.S.A. 10:4-6 to -21.

Two days later, Comprelli responded with an eighty-one item OPRA request. This request is appended to this opinion as Appendix I. This request included the following:

1. All permits, approvals, licenses and/or variances issued with respect to Comprelli and/or Joseph Comprelli, or with respect to any parking lots and/or facilities owned and/or operated by them.

. . . .

10. Any agreements between Comprelli and/or Joseph Comprelli and the Town of Harrison.

. . . .

70. All documents prepared and/or executed by Mayor McDonough ("McDonough") concerning commuter parking lots and/or facilities within the Town of Harrison.

On January 19, 2010, Harrison denied the request stating the "amended request setting forth 81 categories of documents is so overly broad and vague that it does not comply with OPRA standards and is therefore impossible to answer." Additionally, Harrison explained some documents would be exempt from disclosure as inter-agency or intra-agency advisory, consultative, or deliberative material, attorney-client privilege, or confidential information. On the other hand, Harrison informed Comprelli it was willing to discuss revisions to the request to permit compliance with OPRA and production of reasonably identifiable and non-exempt information.

On January 21, 2010, Comprelli responded that its January 7, 2010 request complied with OPRA and stated its intention to file suit. The next day, Harrison replied by letter stating it "would be pleased to produce" documents as soon as Comprelli submitted a request that "identif[ied] with specificity the documents it would like to review (or have copied) . . . without the need for the Town to 'search its files and analyze, compile, and collate the requested information'. . . ." Harrison explained that the phrases "'any and all' and 'all documents related to' not only render[] [the] request outside of the intent and purview of OPRA, it makes it impossible to answer." By letter dated February 24, 2010, Comprelli responded that it disagreed with Harrison's characterization of its requests. Nevertheless, Comprelli amended its request to delete "any" and "all."

In a letter dated March 5, 2010, Harrison wrote to Comprelli reiterating its prior position. It explained that, as rephrased, the request does not specify identifiable records. The letter states

[b]y way of example, the amended request 1. from your February 24, 2010 letter reads: "Permits, approvals, licenses and/or variances issued with respect to Comprelli and/or Joseph Comprelli, or with respect to parking lots and/or facilities owned and/or operated by them." This request simply does not name specifically identifiable records. Not only would a custodian have to research

the Town's files to figure out which records, if any, might be responsive to that request, the custodian would also have to guess at what the requestor meant by the various terms used. Clearly, this request is improper as it is overly broad and unclear. The balance of the requests are similarly improper.

Comprelli filed a five count complaint the same day alleging Harrison violated OPRA, the OPMA, and the common law right to access public records. It sought production of the requested documents and attorneys' fees.

The trial court entered an order to show cause on March 9, returnable on April 1, 2010. One day after entry of the order to show cause, Joseph Supor, III, J. Supor & Son Trucking & Rigging Co., Inc., and S&B Realty Co. (collectively Supor) submitted a ninety-five item OPRA request. This request is appended to this opinion as Appendix II. Eighty-nine of the ninety-five requests contained the word "all" and the others contained the word "any." While this request included requests for specific documents, such as certificates of occupancy issued to M&J Comprelli and Supor (Request Nos. 7-9), it also included requests that were open-ended, such as

16. Any agreements between M&J Comprelli and Harrison.

. . . .

18. All records referring to M&J Comprelli.

. . . .

26. All records referring to S&B Realty and/or Supor.

. . . .

40. All records referring to [Hudson County Improvement Authority (HCIA)].

. . . .

52. All records referring to Little Man.

Harrison responded by letter dated March 19, 2010, stating the requests were "overly broad and vague." The town informed Supor, however, it was willing to discuss revision of its requests to permit production of documents in accordance with OPRA. Harrison did, however, produce the car count records in its possession (Supor Request 82) and certificates of occupancy for 1000 Frank E. Rodgers Boulevard South (Supor Request 87). Harrison informed Supor it needed addresses or block and lot numbers to produce other certificates of occupancy (Requests 7, 8, 9, 31, 43, 55).

Then, following a March 23, 2010 conference call among Harrison, Comprelli and Supor, Comprelli and Supor submitted a one hundred thirty-one item amended joint OPRA request on March 31, 2010. This request is appended to this opinion as Appendix III. This request contains some requests that are very specific, such as

2. All building or construction permits issued by Harrison to M & J Comprelli Realty

and/or S&B Realty Co. with respect to the premises located at 1000 Frank E. Rogers Boulevard South, Harrison, NJ, for the following years:

- a. 2006
- b. 2007
- c. 2008
- d. 2009
- e. 2010

and others that are substantially less specific and open-ended, such as

22. All records, including documents, prepared by or on behalf of Mayor Raymond McDonough ("McDonough") since January 1, 2004 identifying or referring to the premises located at 1000 Frank E. Rogers Boulevard South, Harrison, NJ.

23. All records, including documents, prepared by or on behalf of Peter Higgins ("Higgins") since January 1, 2004 identifying or referring to the Premises located at 1000 Frank E. Rogers Boulevard South, Harrison, NJ.

Harrison issued a blanket denial to this request citing the open-ended form of the questions and the disruption of public services.

On the same date as it served its amended OPRA request, Comprelli and Supor filed an amended complaint including reference to the amended March 31, 2010 OPRA request. Harrison filed its answer, a counterclaim seeking relief pursuant to N.J.S.A. 2A:15-59.1, and a motion to dismiss. On April 28, 2010, the adjourned return date of the order to show cause,

Harrison argued most of the requests were not proper requests for public documents under OPRA. It contended the requests were vague, complex and disruptive of municipal operations. Comprelli and Supor responded that Harrison failed to meet its burden of proof that it properly denied its several requests. The judge commented that some of the requests "are still vague . . . but not all of them."

By order dated April 30, 2010, Judge DeCastro granted access to the requested documents. In her opinion, the judge found Harrison failed to show a valid reason for denying access under OPRA, OPMA, or the common law right of access. She held the records requested by Comprelli and Supor were identifiable and not otherwise exempt from disclosure. The successive amendments made the requests more specific by identifying particular documents for specific addresses or specific periods of time. Nevertheless, the judge found Harrison had not produced these documents. Addressing the March 31, 2010 amended joint request, the judge determined that "plaintiff's OPRA requests are not blanket requests for documentation" because the requests specifically identify the documents sought for specific entities for specific periods of time. Judge DeCastro rejected the argument pressed by Harrison that its records custodian would still have to "guess" what documents Comprelli and Supor

sought and the custodian should have been able to produce some, if not all, of the documents requested.

Judge DeCastro also found that Harrison did not articulate a valid reason to justify its blanket denial of the amended joint March 31, 2010 OPRA request. Moreover, the judge observed that Harrison had not addressed the common law right of access to public records, then held the requested documents met the definition of a public record, and found Harrison had not articulated a basis to withhold the requested documents.

Further discussions occurred between the parties to provide access to the requested documents. For example, on June 14, 2010, Harrison provided all authorizations for municipal or HCIA officials to inspect 1000 Frank E. Rogers Boulevard South but informed plaintiffs' counsel that other requests were still too vague. A June 28, 2010 letter from the Harrison records custodian to counsel for Comprelli and Supor noted that Requests 95-122 and 124-25 designated one property but its most recent correspondence designated six properties. The records custodian also enclosed documents in response to Requests 34-49, which generally related to permits, licenses, variances, certificates of occupancy, notices of violation, citations, complaints or appraisals issued by the HCIA or LAZ Parking or Harrison for premises located at 890 South Third Street, Harrison. He also enclosed records in response to Requests 63-64, 95-110, and 124-

125. These requests included 1) documentation of commuter parking receipts of and commuter parking taxes paid by the premises located at 890 South Third Street in Harrison; 2) applications for building or construction permits, parking licenses, variances and other approvals for the premises at 206 Essex Street in Harrison; any certificates, licenses, permits, approvals and variances issued for that premises; notices of violations, citations, summonses, complaints and appraisals for that premises; and 3) commuter parking tax receipts from and commuter parking taxes paid by the operator of the premises at 206 Essex Street, Harrison.

By order dated August 26, 2010, the judge assessed attorneys' fees in favor of Comprelli and Supor in the amount of \$28,951.36 for the period commencing March 26, 2010 and through July 31, 2010. Plaintiffs had requested \$67,365.50, plus costs and disbursements totaling \$1,897.86. In the opinion accompanying the order, Judge DeCastro found the rates charged by counsel fair and reasonable. One attorney at the inception of the matter charged \$495 an hour and his rate increased to \$520 an hour effective January 1, 2010. Another attorney primarily responsible for the matter charged \$450 an hour. Judge DeCastro did not consider, however, the hours expended prior to the March 26, 2010 consent order, which permitted submission of the March 31, 2010 OPRA request and filing of an amended complaint.

The judge also found plaintiffs were entitled to fees for the efforts expended by counsel to gain compliance with her April 30, 2010 order. On January 4, 2011, the judge awarded an additional \$14,687 for attorneys' fees incurred during August, September, October and November 2010. The judge denied Harrison's motions to stay payment of the fees ordered on August 26, 2010 and January 4, 2010 pending appeal. On March 14, 2011, the judge ordered Harrison to pay an additional \$9,859 and costs and disbursements totaling \$30 incurred from December 1, 2010 through February 28, 2011. This court granted a partial stay of the February 4, 2011 order. According to the three orders under review, Harrison has been ordered to pay \$53,527.36.

In New Jersey, citizens may obtain access to public records through 1) OPRA, 2) civil litigation discovery procedures, and 3) common law right of access. MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 543 (App. Div. 2005). OPRA's function is "to make identifiable government records 'readily accessible for inspection, copying, or examination.'" Id. at 546 (quoting N.J.S.A. 47:1A-1). "[A]ny 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.

An OPRA applicant "must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's

documents. OPRA does not authorize unbridled searches of an agency's property." Bent v. Twp. of Stafford Police Dep't, Custodian of Records, 381 N.J. Super. 30, 37 (App. Div. 2005); see also Renna v. Cnty. of Union, 407 N.J. Super. 230, 245 (App. Div. 2009) ("The custodian must have before it sufficient information to make the threshold determination as to the nature of the request and whether it falls within the scope of OPRA."); Gannett N.J. Partners, LP v. Cnty. of Middlesex, 379 N.J. Super. 205, 212 (App. Div. 2005) ("OPRA requires a party requesting access to a public record to specifically describe the document sought."). OPRA "is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." MAG Entm't, supra, 375 N.J. Super. at 546.

In general, the custodian must respond to OPRA requests within seven days. N.J.S.A. 47:1A-5i. The time limit does not apply, however, if the requestor fails to "specifically identify the documents it [seeks], as required by N.J.S.A. 47:1A-5(f)." N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 171 (App. Div.), certif. denied, 190 N.J. 394 (2007). Hence, the record custodian may deny "[w]holesale requests for general information to be analyzed, collated and compiled by [the custodian]" because such requests "are not encompassed" by OPRA. MAG Entm't, supra, 375 N.J. Super. at 549; see also Gannett, supra, 379 N.J. Super. at 212 ("OPRA does

not authorize a party to make a blanket request for every document"). Likewise, if the request "would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency." N.J.S.A. 47:1A-5g. The court can infer compliance would disrupt agency operations where the request "does not comply with OPRA and demands assessment and preliminary inquiry" N.J. Builders Ass'n, supra, 390 N.J. Super. at 181-82.

If the custodian denies the OPRA request, the applicant may file a denial of access complaint with the Government Records Council (GRC) or seek an order to show cause supported by a verified complaint in the Law Division. N.J.S.A. 47:1A-6. If the applicant chooses to file a complaint in the Law Division, the court will hold a summary hearing pursuant to Rule 4:67 by which it will "make findings of fact, either by adopting the uncontested facts in the pleadings after concluding that there are no genuine issues of fact in dispute, or by conducting an evidentiary hearing." MAG Entm't, supra, 375 N.J. Super. at 551. The custodian has "the burden of proving that the denial of access is authorized by law." N.J.S.A. 47:1A-6. Under N.J.S.A. 47:1A-6, if the custodian improperly denied access, the court must order access and grant the prevailing requestor

reasonable attorney's fees. Conversely, if the custodian properly denied the request or if the request is "far removed from the type of OPRA request anticipated by the Legislature," the OPRA fee shifting provision does not apply. N.J. Builders Ass'n, supra, 390 N.J. Super. at 179.

In MAG Entertainment, the applicant filed an OPRA request for:

"all documents or records evidencing that the [Division of Alcoholic Beverage Control (ABC)] sought, obtained or ordered revocation of a liquor license for the charge of selling alcoholic beverages to an intoxicated person in which such person, after leaving the licensed premises, was involved in a fatal auto accident," and "all documents or records evidencing that the ABC sought, obtained or ordered suspension of a liquor license exceeding 45 days for charges of lewd or immoral activity."

[375 N.J. Super. at 539-40.]

This court denied the request because it lacked "any specificity or particularity" and "provided neither names nor any identifiers other than a broad generic description" of the documents sought. Id. at 549. In fact, the "request did not identify any specific case by name, date, docket number or any other citation[.]" Id. at 540. Notably, this court held the request improperly required the custodian

to manually search through all of the agency's files, analyze, compile and collate the information contained therein, and identify for [the applicant] the cases

relative to its selective enforcement defense in the [Office of Administrative Law] litigation. Further, once the cases were identified, the records custodian would then be required to evaluate, sort out, and determine the documents to be produced and those otherwise exempted.

[Id. at 549.]

In New Jersey Builders Association, the applicant submitted a "five-page, thirty-nine paragraph request" which "describe[d] the documents and data sought as those 'used' or 'considered' by COAH or 'support[ing],' 'demonstrat[ing],' 'justif[ying]' or 'verif[ying]' various determinations relevant to COAH's determinations" 390 N.J. Super. at 172, 178. We highlighted one item which requested:

[a]ny and all documents and data which [were] relied upon, considered, reviewed, or otherwise utilized by any employee or staff member of COAH or DCA . . . in calculating the second proposed third round affordable housing methodology and the regulations proposed on July 13, 2004 to be published in August 2004.

[Id. at 172.]

This court held the requests were "far removed from the type of OPRA request anticipated by the legislature" because they improperly "asked COAH to identify the documents, which is [the applicant's] obligation under OPRA." Id. at 178-79. We found "the agency's need to survey employees, identify information and generate new records and the requestor's need

for more than ten business days to review what the agency provided" was sufficient proof of agency disruption. Id. at 181-82.

In Paff v. New Jersey Department of Labor, 392 N.J. Super. 334, 337 (App. Div. 2007), an OPRA applicant requested all of the Department of Labor's (DOL) records regarding a judgment of debt against her. The DOL denied the request, alleging the documents were "confidential because they contained confidential wage and tax information." Ibid. The GRC found "a majority of the information in the documents was confidential . . . [and] ordered the department to release the six documents after redacting all information it found to be confidential." Id. at 338.

On appeal, the applicant alleged "the DOL engaged in routine document destruction" and "failed to provide a sworn certification listing the documents that were destroyed or stating that the requested documents were still intact." Id. at 340-41. This court found the GRC and the DOL

produced all of the requested non-confidential information still in existence. With respect to future requests, however, the agency to which the request is made shall be required to produce sworn statements by agency personnel setting forth in detail the following information:

- (1) the search undertaken to satisfy the request;

(2) the documents found that are responsive to the request;

(3) the determination of whether the document or any part thereof is confidential and the source of the confidential information;

(4) a statement of the agency's document retention/destruction policy and the last date on which documents that may have been responsive to the request were destroyed.

[Id. at 341.]

In Bart v. Passaic County Public Housing Agency, 406 N.J. Super. 445, 448 (App. Div. 2009), the applicant requested the agency's "sign(s) currently posted in conformance with N.J.S.A. 47:1A-5(j)" and all of the agency's "signs that have been posted in conformance with N.J.S.A. 47:1A-5(j) since July 7, 2002." This court affirmed the GRC's determination that the applicant failed to request specific documents: the request improperly required the custodian "to undertake some legal research and analysis in order to identify the signs to which [the applicant] was referring" Id. at 452.

In Spectraserv, Inc. v. Middlesex County Utilities Authority, this court denied a request as "overly broad and generalized" because

[t]hirteen of [the] sixteen requests with multiple subparts sought "any and all" documents from the [agency]. Of those, several requests failed to specify a

specific document by date, title, and author and instead sought records that "reflect," "explain," "detail," or "demonstrate" the "rationale," "decision," or "purpose" of, among other things, various chemical processes of a highly technical and complex nature. As if this were not sufficiently inclusive, [the] last request sought the agency's "entire project file."

[416 N.J. Super. 565, 578 (App. Div. 2010).]

Finally, in Bent, supra, 381 N.J. Super. at 33-34, a criminal defendant requested:

documents comprising the "entire file" of his criminal investigation conducted jointly by the Stafford Township Police Department (STPD), the United States Attorney for New Jersey, and a special agent of the Internal Revenue Service. Additionally, [he] requested that the custodian provide him with "the factual basis underlying documented action and advice to third parties to act against my interest [having] been credited to SPD under a Federal Grand Jury credit card investigation."

[(Footnote omitted).]

The GRC submitted a certification, informing the defendant certain documents had already been provided and the others were improper requests for "interpretations and opinions," rather than records. Id. at 35. This court found the GRC properly "concluded there was no denial of access under OPRA" because the defendant's "general request for 'information' neither identif[ied] nor describe[d] with any specificity or particularity the records sought." Id. at 38-39.

Harrison argues the OPRA requests served by Comprelli and Supor were void because the requests were vague, complex and disruptive to ordinary operations of municipal government. It also contends the judge erred by finding it failed to comply with a request filed after plaintiffs filed their complaint. Comprelli and Supor respond that it submitted specific requests for readily identifiable public records and Harrison failed to provide sufficient evidence to support its blanket refusal to submit the requested documents.

We have related the entire history of the Comprelli and Supor quest to receive public records pursuant to OPRA in order to place in context the April 30, 2010 order granting access to the requested documents and the various orders assessing attorneys' fees and costs. Between December 2009 and March 31, 2010, Comprelli, Supor and Harrison communicated continuously about the form of the OPRA request and the nature of the documents sought by Comprelli and Supor. The town appropriately rebuffed the earliest OPRA requests. Many, if not most, of the requests were vague, unfocused and open-ended. The January 5, 2010 OPRA request was more like a request for production of documents in civil litigation than an OPRA request. In fact, the March 10 and 31, 2010 OPRA requests still contained questions that were not proper OPRA requests. For example, the request for all records referring to M&J Comprelli and all

records referring to HCIA (March 10, 2010 OPRA requests 18 and 40 respectively) are patently improper OPRA requests. So, too, are requests 22 and 23 from the March 31, 2010 OPRA requests.⁴ A request for all records prepared by or for the mayor referring to a specific address would necessarily require a search through all municipal files and require analysis to determine whether the identified documents conformed to the request. This is not a proper OPRA request.

However, the bulk of the requests focused on the precise documents, e.g., building or construction permits, for a specific address, e.g., 1000 Frank E. Rogers Boulevard South, and a specific time period, e.g., 2006-2010. Moreover, Comprelli and Supor phrased the request pursuant to the express instructions of the records custodian. Accordingly, as found by Judge DeCastro, there was no basis to issue a blanket denial to the March 31, 2010 amended OPRA request. Viewed in the context of the communications among the parties since December 2009, Harrison could not reasonably consider the March 31, 2010 request as an initial request and nothing justified a blanket refusal to produce any public records.

⁴ By highlighting only requests 22 and 23 from the March 31, 2010 OPRA request, we do not suggest these are the only improper requests.

On the other hand, we reject Comprelli and Supor's argument that Judge DeCastro erred by limiting the fee award to fees and costs incurred after March 26, 2010. As discussed, plaintiffs finally presented a substantially conforming OPRA request on March 31, 2010. Contrary to plaintiffs' argument, given the largely open-ended, vague, and non-conforming requests previously submitted, an award of attorneys' fees for work prior to March 26, 2010, would not have been appropriate.

We are also satisfied that there is no basis to disturb the fee award. N.J.S.A. 47:1A-6 authorizes, indeed mandates, an award of attorneys' fees to a prevailing party. Mason v. City of Hoboken, 196 N.J. 51, 75-76 (2008). Comprelli and Supor are prevailing parties. Moreover, we will not disturb a fee determination, unless we are confronted with a clear abuse of discretion. Rendine v. Pantzer, 141 N.J. 292, 317 (1995). This record does not support such a finding.

Affirmed.