A PAUL KIENZLE, JR., ESQUIRE
Labor Relations Administrator/House Counsel
Bridgeton Public Schools
Bank Street Administration Building
P.O. BOX 657
Bridgeton, New Jersey 08302
(856) 455-8030, ex 1882
Attorney for Respondent

| | | |
|---|---|---|
| JOHN PAFF,<br><br>Plaintiff,<br>vs.<br><br>BRIDGETON BOARD OF EDUCATION,<br><br><br>Defendant. | : | SUPERIOR COURT OF NEW JERSEY<br>LAW DIVISION, CIVIL PART<br>CUMBERLAND COUNTY<br><br>Docket No.: L-992-11<br><br>Civil Action<br><br>**OPPOSITION TO MOTION FOR SUMMARY JUDGMENT** |

## Preliminary Statement

Plaintiff claims to have attended an August 10, 2010 meeting of the Bridgeton Board of Education and appears to have provided a letter to the Board on the same date. Defendant has no reason to dispute Plaintiff's assertion. Plaintiff claims to have requested information from the Bridgeton Board of Education related to three meetings. This request was allegedly sent on September 12, 2011 and asked for meeting minutes for the June, July and August 2011 meetings. A Complaint in Lieu of Prerogative Writ was filed on October 24, 2011.

Meeting minutes of the Bridgeton Board of Education are publicly available on the day following each meeting and are posted on the website of the Bridgeton Public School System.

## LEGAL ARGUMENT

### A. Summary Judgment

The Plaintiff correctly references the standard for determination of Summary Judgment. Plaintiff does not, however, meet the burden of showing that there are no genuine issues of material facts for the Honorable Court to determine. The lengthy brief presented glosses over this failing and moves directly to an argument more appropriately presented in the trial brief.

In Brill v Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995) the Court required that the, ". . . party opposing the motion has come forward with evidence that creates a 'genuine issue as to any material fact challenged.'" The Brill Court cited a U.S. Supreme Court case, *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986), where, at "477 U.S. at 319-20, 106 S. Ct. at 2551, 91 L. Ed. 2d at 271-72, [t]he Court held that after passage of adequate time to complete the discovery, summary judgment should be granted "against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." Id. at 322, 106 S. Ct. at 2552, 91 L. Ed. 2d at 273. Celotex also held that the standard for granting summary judgment "'mirrors the standard for a directed verdict under Federal Rule of Civil Procedure 50(a) . . . .'" Id. at 323, 106 S. Ct. at 2552-53, 91 L. Ed. 2d at 273-74 (quoting Liberty Lobby, supra, 477 U.S. at 250, 106 S. Ct. at 2511, 91 L. Ed. 2d at 213). Thus, Celotex established a weighing process in non-defamation summary judgment cases."

Plaintiff also fails to state, with specificity, the relief requested. The request for a general injunction fails in this matter as the Plaintiff does not identify decisions of the

Board that should be the subject of injunctive relief. The Executive Sessions, to which the Plaintiff refers and claims a violation exists, were informational sessions where no formal decision or action was maintained.

**B. Timely Filing**

In the present matter the Plaintiff has failed file his Complaint in a timely manner as required by N.J.S.A. 10:4-15, which states, in relevant part,

> "a. Any action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court, which proceeding may be brought by any person within 45 days after the action sought to be voided has been made public; provided, however, that a public body may take corrective or remedial action by acting de novo at a public meeting held in conformity with this act and other applicable law regarding any action which may otherwise be voidable pursuant to this section; and provided further that any action for which advance published notice of at least 48 hours is provided as required by law shall not be voidable solely for failure to conform with any notice required in this act."

The Complaint in the instant matter was filed on October 24, 2011. Counting backwards, forty-five (45) days prior to the filing date is September 9, 2011. The meetings subject to the Complaint are dated June 7, 2011, July 12, 2011 and August 9, 2011. The general minutes for these meetings are available the day following each meeting. It is the nature of the general minutes, specifically the description of the Executive Sessions, which is the basis of the Plaintiff's Complaint.

As these meetings were held more than forty-five (45) days from the filing date of the Complaint, the Plaintiff will be unable to prevail. Plaintiff admits that he attended a public meeting of the Bridgeton Board of Education on August 10, 2010, more than a year prior to the Complaint, to raise the issue of possible violations of the Open Public Meetings Act. Plaintiff's request for copies of minutes from the three meetings in

question was sent to the Bridgeton Board of Education on September 12, 2011. By the time the request was sent to the Board, the 45 day limit had tolled.

**C. Requirements of N.J.S.A. § 10:4-13a**

N.J.S.A. § 10:4-13a states, in relevant part, "No public body shall exclude the public from any meeting to discuss any matter described in subsection 7. b. until the public body shall first adopt a resolution, at a meeting to which the public shall be admitted: a. Stating the general nature of the subject to be discussed." The meetings to which the Plaintiff refers do list the general nature of the subject to be discussed.

Plaintiff's reliance on McGovern v. Rutgers, 418 N.J.Super. 458, 14 A.3d 75, 265 Ed. Law Rep. 333 (N.J.Super.A.D. Feb 18, 2011) may be premature as this matter is currently pending appeal with the New Jersey Supreme Court as of June 7, 2011 when Certification was granted. However, this case distinguishes the issues raised in the current matter. The McGovern Court stated, "This conclusion is not inconsistent with our determination in La Fronz v. Weehawken Board of Education, 164 N.J.Super. 5, 8, 395 A.2d 538 (App.Div.1978), certif. denied, *471 79 N.J. 491, 401 A.2d 246 (1979), that listing "personnel" on the agenda was sufficient notice. We conclude La Fronz is distinguishable, because there the privacy of particular employees was at issue." In the instant matter the Plaintiff's assertion that listing "personnel matters" on the agenda as being out of compliance with N.J.S.A. § 10:4-13a is incorrect.

With respect to the reference to "pending litigation" on an agenda, this question could not be determined in a Motion for Summary Judgment as the Court would need to complete an *in camera* review of the minutes to determine if more detailed disclosure is warranted. The Plaintiff offers an interesting hypothetical as an example of one type of

litigation that may not need the protection of an executive session but provides no facts relevant to the meetings in question to allow the Honorable Court to make a determination on compliance with the Open Public Meetings Act.

**D. Exclusion from the Public**

Plaintiff identifies three topics believed to be outside the scope of the exclusion from the public as allowed under N.J.S.A. § 10:4-12(b)(8). These topics are, "possible contract issues related to terminating the old phone system, matters of labor negotiations and the status of arbitration for an increment withholding. The Plaintiff is correct that subsection (b)(8) does not allow these exclusions. These exclusions are allowed under N.J.S.A. § 10:4-12(b)(4) and (7). Specifically, these sections allow exclusions when, "(4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body" and "(7) Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer."

The phone system discussion was an advisory report by the Board Solicitor regarding a contract matter falling under the attorney-client privilege allowed as an exclusion under subsection (b)(7). The labor negotiations and increment withholding arbitration issues fall squarely under subsection (b) (4).

**E. Disclosure of Executive Session Matters.**

N.J.S.A. § 10:4-13 b. says, "Stating *as precisely as possible* [emphasis added], the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public." Plaintiff believes the statement "it is anticipated at this time that the above stated subject matters will be made public when appropriate" is inappropriate. The inquiry to determine the appropriateness of this statement is fact specific and would require a review of the actual discussions to determine if the Board knew, in advance, when disclosure could take place. On its face, the language utilized by the Board does not violate the Act absent a showing that this statement is not "as precisely as possible."

**F. Information Contained in Executive Minutes**

The Plaintiff's examples of concerns related to violations of N.J.S.A. § 10:4-14 are not examples where a determination was made during the executive sessions in question. Each example reports only information provided to the Board on personnel or litigation matters. As no decision was reported and no actions were taken, there is no violation.

One of the cases on which the Plaintiff relies sheds additional light on the requirements of this section. Liebeskind v. Mayor and Mun. Council of Bayonne, 265 N.J.Super. 389 (App.Div.1993). Plaintiff begins by citing a relevant part in that the statute does not require a, "word for work recitation of every event or a verbatim detailing of every public comment or objection." Plaintiff fails to offer further analysis in this case which seems to detail what is required. "The minutes indicated the action contemplated; declared who was present at the meeting; recited public notice; reflected who moved and seconded the resolution to amend the 1976 salaries ordinance; stated the

names of the public participants, and recounted which council members voted in favor of passage of the amendment. We are satisfied that these minutes adequately reflect what transpired at the meeting and that a citizen of Bayonne who reviewed the minutes along with the ordinance, which included a new salary schedule with retroactive effect, *402 would fully understand what had occurred." Ibid.

In the instant matter, the Plaintiff would have the Court believe that specific details of discussions are required. This assertion is beyond the scope and in excess of the requirements of the Act.

## CONCLUSION

As a matter of law, Plaintiff has failed to show there is no genuine issue of material fact for the Court to determine. As such, Plaintiff's request should be denied.

Date: June 28, 2012

A. PAUL KIENZLE, JR., ESQUIRE

A PAUL KIENZLE, JR., ESQUIRE
Labor Relations Administrator/House Counsel
Bridgeton Public Schools
Bank Street Administration Building
P.O. BOX 657
Bridgeton, New Jersey 08302
(856) 455-8030, ex 1882
Attorney for Respondent

| | | |
|---|---|---|
| JOHN PAFF,<br><br>Plaintiff,<br>vs.<br><br>BRIDGETON BOARD OF EDUCATION,<br><br><br>Defendant. | : | SUPERIOR COURT OF NEW JERSEY<br>LAW DIVISION, CIVIL PART<br>CUMBERLAND COUNTY<br><br>Docket No.: L-992-11<br><br>Civil Action<br><br>**CERTIFICATION IN SUPPORT OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT** |

I, A. Paul Kienzle, Jr., Esquire, certify as follows:

1. I am In House Counsel for the Bridgeton Board of Education, County of Cumberland, State of New Jersey.

2. I am fully aware of the facts in this case.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: June 28, 2012

A. PAUL KIENZLE, JR., ESQUIRE

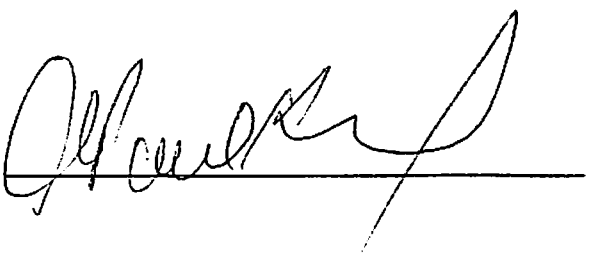
A PAUL KIENZLE, JR., ESQUIRE
Labor Relations Administrator/House Counsel
Bridgeton Public Schools
Bank Street Administration Building
P.O. BOX 657
Bridgeton, New Jersey 08302
(856) 455-8030, ex 1882
Attorney for Respondent

| | | |
|---|---|---|
| JOHN PAFF, | : | SUPERIOR COURT OF NEW JERSEY |
| | : | LAW DIVISION, CIVIL PART |
| Plaintiff, | : | CUMBERLAND COUNTY |
| vs. | : | |
| | : | Docket No.: L-992-11 |
| BRIDGETON BOARD OF EDUCATION, | : | |
| | : | Civil Action |
| | : | |
| | : | |
| Defendant. | : | PROOF OF FILING AND MAILING |
| | : | |

I, A. Paul Kienzle, Jr., Esq., hereby certify that on this date I caused true and correct copies of the enclosed Defendant's Opposition to Plaintiff's Motion for Summary Judgment to be to be filed with the Court and served upon the Plaintiff via FACSIMILE and REGULAR MAIL

John Paff
P.O.Box 5424
Somerset, New Jersey 088875
Facsimile: (908) 325-0129

DATED: June 28, 2012



# John Paff

P.O. Box 5424
Somerset, NJ 08875-5424
Telephone – 732-873-1251 E-mail – paff@pobox.com Fax – 908-325-0129
JULY 9, 2012

Superior Court of New Jersey
Law Division – Civil Part
60 W Broad Street
Bridgeton, NJ 08302

RE: Paff v. Bridgeton Board of Education
Docket No. L-992-11
**Returnable July 13, 2012**

Dear Sir or Madam:

Enclosed please find: a) two (2) Replies to the Defendant's Opposition to my motion for summary judgment and b) a Certification of Service. Would you please file one Reply and the Certification **and deliver that second Reply to Assignment Judge Curio's chambers**?

Thank you for your attention to this matter.

Very truly yours,

John Paff

cc. A. Paul Kienzle, Jr., Esq., with enclosures

| | | |
|---|---|---|
| JOHN PAFF,<br>Plaintiff,<br><br>vs.<br><br>BRIDGETON BOARD OF EDUCATION<br>Defendant | : | SUPERIOR COURT OF NEW JERSEY<br>LAW DIVISION, CIVIL PART<br>CUMBERLAND COUNTY<br>DOCKET NO. L-992-11<br><br>Civil Action |

**REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

John Paff
P.O. Box 5424
Somerset, NJ 08875-5424
Tel. 732-873-1251
Email: paff@pobox.com
Plaintiff

TABLE OF CONTENTS

## TABLE OF AUTHORITIES

### Cases



### Statutes

## Other Authorities



## Rules

In accordance with R.4:46-1, Plaintiff replies to Defendant Board's June 28, 2012 Opposition to Plaintiff's Motion for Summary Judgment.

**Point I: Statement of Material Facts**

In its opposition, the Board did not "file a responding statement either admitting or disputing each of the facts in the [Plaintiff's] statement." R.4:46-2(b). Indeed, in its Preliminary Statement on the first page of its Opposition, the Board concedes at least some of Plaintiff's alleged facts. As a matter of law, each of the factual assertions in the three numbered paragraphs of Plaintiff's Statement of Material Facts are deemed admitted since they are sufficiently supported and have not been specifically disputed by the Board. Id.

**Point II: Defendant improperly attempts to introduce facts into the record.**

In the last paragraph of its Preliminary Statement, the Board asserts that "[m]eeting minutes of the Bridgeton Board of Education are publicly available on the day following each meeting and are posted on the website of the Bridgeton Public School System." Yet, there is no certification supporting this assertion.

Averments of fact in an attorney's brief are no substitute for a certification, affidavit or testimony of someone with actual knowledge of those facts. Celino v. General Acc. Ins., 211 N.J. Super. 538, 544 (App. Div. 1986). ("The function of the brief is a written presentation of legal argument. Facts intended to be relied on which do not already appear of record and which are not judicially noticeable are required to be

submitted to the court by way of affidavit or testimony." Accordingly, the Court should disregard this improper assertion as well as the one identified in Point VI, *infra*.

**Point III: Defendant improperly interprets the summary judgment rule.**

In its Point A, the Board claims that Plaintiff has failed to "meet the burden of showing that there are no genuine issues of material facts" to be determined. The Board is confused about the nature of a summary judgment motion. Plaintiff has proffered a Statement of Material Facts, in accordance in R.4:46-2(a) and has presented argument in his brief demonstrating why certain legal rulings should flow from those undisputed facts. The Board, as the party opposing the motion must then offer facts that are substantial or material in order to defeat the grant of summary judgment. Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 75 (1954). Yet, the Board has introduced no facts and has even admitted that it "has no reason to dispute" the facts proffered by Plaintiff. Accordingly, the asserted facts proffered by the Plaintiff stand uncontested and summary judgment should issue.

Also in it Point A, the Board claims that Plaintiff has "fail[ed] to state, with specificity, the relief requested. Yet, the form of Order proposed by Plaintiff sets forth in PP 1 though 6, six very specific and substantive requests for relief that this court is authorized to impose in accordance with the flexible and adaptable power to enforce conferred by N.J.S.A. 10:4-16. Loigman v. Township Committee of Middletown, 308 N.J. Super. 500, 503 (App. Div. 1998).

Finally in Point A, the Board claims that the executive session meetings complained about "were informational sessions where no formal decision or action was maintained." Yet, the remedies available under the Open Public Meetings Act (OPMA) "can be invoked to question meetings even when no action is taken, but where some violation of OPMA has occurred, such as inadequate notice, or exclusion of all or some part of the public; or not keeping minutes or making them promptly available." Id.

**Point IV: Defendant misapprehends the nature of the relief requested.**

In Point B, the Board cites N.J.S.A. 10:4-15 and apparently argues that Plaintiff is prevented, on account of a statute of limitations, from seeking an order to void noncompliant action taken at the June 7, 2011, July 12, 2011 and August 9, 2011 public and closed meetings. But, this argument fails because Plaintiff is not seeking to void Board action in accordance with N.J.S.A. 10:4-15, but rather to "assure [prospective] compliance with the provisions of the Act" in accordance with N.J.S.A. 10:4-16.

The question of what statute of limitations, if any, applies to an action under N.J.S.A. 10:4-16, was considered in Burnett v. Gloucester, 409 N.J. Super. 219 (App. Div. 2009). In Burnett, at 244-45, the Appellate Division held that 45-day limits imposed by N.J.S.A. 10:4-15 and R.4:69-6 do not apply to actions taken pursuant to N.J.S.A. 10:4-16. Rather, the Appellate Division directed the trial courts to adjudicate citizen complaints that are brought in a "reasonably prompt" manner after an alleged

violation occurred. Id. at 245. ("The heart of the [Meetings] Act seeks to avoid "secrecy in public affairs," which undermines the faith of the public in government. The public interest demands no less than the court's scrutiny of a citizen's challenge to the government's wrongful restraint on the public's participation in the work of the people." Ibid, internal quotations and citations omitted.)

Here, Plaintiff attended the Board's August 10, 2010 and publicly addressed the inadequacies of the Board's nonpublic session resolutions and minutes. Then on September 12, 2011, a little more than a year after attending that meeting, Plaintiff submitted an Open Public Records Act (OPRA) request for the resolutions and minutes of the June 7, 2011, July 12, 2011 and August 9, 2011 closed meetings. Then, shortly after receiving and reviewing the documents responsive to his OPRA request, Plaintiff filed the present action on October 24, 2011.

Like the plaintiff in Burnett, Plaintiff has alleged "a recent violation and gave numerous examples of what he suggests shows the Board's past disregard for the Act's statutory mandate, which constitutes a public injury that must not go unchecked." Burnett at 245. The Legislature did not intend "to burden citizens with the obligation to file repeated complaints alleging OPMA violations every forty-five days in order to successfully obtain prospective injunctive relief." Id. at 244. Plaintiff has abided by the rules and this court could not deprive him, on procedural grounds, of the adjudication he seeks.

**Point V: Defendant misinterprets N.J.S.A. 10:4-13(a) and La Fronz v. Weehawken Board of Education.**

In Point C, the Board first questions the precedential effect of the holding in McGovern v. Rutgers, 418 N.J. Super. 458 (App. Div. 2011) because that case "is currently pending appeal with the New Jersey Supreme Court as of June 7, 2011 when Certification was granted." The Board cites no authority, and Plaintiff knows of none, holding that a published Appellate Division decision loses its binding effect on the trial courts (see Pressler, Current N.J. Court Rules, comment 3 on R. 1:36-3 (2012)) merely because the Supreme Court has granted certification in accordance with R.2:2-1(b).

Next, the Board cites La Fronz v. Weehawken Board of Education, 164 N.J. Super. 5, 8 (App.Div.1978), certif. denied, 79 N.J. 491 (1979) and correctly states that McGovern left intact La Fronz's holding that it is sufficient for a body to list "personnel," without more, in its closed session resolutions when to reveal more would have "disserved the public interest or invaded the privacy of particular individuals." La Fronz at 471.

But, there is nothing in the record to suggest that the Board, by more accurately describing any of the alleged "personnel" matters discussed during the June 7, 2011, July 12, 2011 or August 9, 2012 nonpublic meetings, would have violated anyone's privacy rights or otherwise disserved the public interest. Indeed, any citizen who read the minutes of June 7, 2011 Executive Session (P16), would have known, for example,

that one of the issues privately discussed was "the suspension of an administrator." Instead of simply advising that "personnel matters" were going to be discussed, the June 7, 2011 resolution that authorized the executive meeting of the same date could have listed "the suspension of an administrator" as one of the matters to be privately discussed. Such would have been in keeping with McGovern's mandate while still protecting personal privacy interests.

Finally, in Point C the Board, apparently referring to the August 9, 2011 meeting, chides Plaintiff for "provid[ing] no facts" about the litigation discussed during that evening's executive discussion "to allow the Honorable Court to make a determination on compliance with the Open Public Meetings Act." The Board's argument contains a degree of chutzpah, the "vastly overused" term defined as "that quality enshrined in a man, who having killed his mother and father, throws himself upon the mercy of the court because he is an orphan." Yates v. City of New York, 2006 WL 2239430 (S.D.N.Y, August 4, 2006) quoting Williams v. State, 190 S.E.2d 785, 785 (Ga. App. 1972). Here, the Board is taking Plaintiff to task for "provid[ing] no facts" when such has been rendered impossible by the Board's failure to abide by McGovern's holding regarding N.J.S.A. 10:4-13(a) or the "reasonably comprehensible" mandate of N.J.S.A. 10:4-14.

**Point VI: The Board misapprehends Point IV of Plaintiff's brief.**

In its Point D, the Board argues that the "possible contract issues related to terminating the old phone system" privately discussed on June 7, 2011 and "matters of labor negotiations" and "the status of arbitration for an increment withholding" discussed on July 11, 2011 were allowed to be discussed under N.J.S.A. 10:4-12(b)(4) and (7). This may be true, but Plaintiff's point in Point IV was that it was incorrect for the Board to discuss these matters when N.J.S.A. 10:4-12(b)(8) was the **sole** justification given for the executive session.

Stated another way, there is nothing offensive about the Board describing all types of exempt matters in a single closed meeting **provided** that it first identifies each discussion topic in the resolution it must pass in accordance with N.J.S.A. 10:4-13(a) and McGovern v. Rutgers.

Also, Plaintiff objects to final paragraph of Point D, because it attempts to bring facts into the record without the benefit of competent testimony or a certification. See Point II, supra.

**Point VII: The Board misinterprets N.J.S.A. 10:4-13(b).**

In its Point E, the Board defends its practice of simply informing the public, in its closed session resolutions, that it is anticipated at this time that the above stated subject matters will be made public when appropriate." Plaintiff rests on Point V of his opening brief.

**Point VIII: Content of executive minutes.**

As stated in Plaintiff's opening brief at Point VI, there isn't a great deal of case law to provide guidance on exactly what the "reasonably comprehensible" standard in N.J.S.A. 10:4-14 requires. Plaintiff posits that it must mean something more than the vague, boilerplate statements, such as that contained in the Board's August 7, 2011 executive minutes (P20) that the Board was "updated . . . on pending litigation related to vendor contract and personnel cases regarding two certified staff members." Through filing this and similar actions, Plaintiff seeks court decisions that will clarify this question and help guide the Board and other public bodies.

**Point IX: Costs**

Defendant's submission does not oppose Plaintiff's request for costs, as set forth in Point VII of his opening brief. Accordingly, the Court should deem this request uncontested.

Respectfully, submitted,

July 6, 2012 John Paff

John Paff
P.O. Box 5424
Somerset, NJ 08875-5424
Tel. 732-873-1251
Email: paff@pobox.com
Plaintiff

| | | |
|---|---|---|
| JOHN PAFF, | : | SUPERIOR COURT OF NEW JERSEY |
| Plaintiff, | : | LAW DIVISION, CIVIL PART |
| | : | CUMBERLAND COUNTY |
| vs. | : | DOCKET NO. L-992-11 |
| | : | |
| BRIDGETON BOARD OF EDUCATION | : | Civil Action |
| | : | |
| Defendant | : | CERTIFICATION OF SERVICE |
| | | : |

John Paff, Plaintiff, certifies as follows:

1. I am the Plaintiff in this action and fully aware of all facts in this case.

2. On July 9, 2012, I served a true copy of my Reply upon Defendant by regular mail to its attorney, A. Paul Kienzle, Bridgeton Public Schools, P.O. Box 657, Bridgeton, NJ 08302.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 9, 2012

_____
John Paff, Plaintiff