

**TRUE COPY
SUPERIOR COURT OF NEW JERSEY**

Donald M. Doherty, Jr., Esq. - Id. # 051981994
The Law Office of Donald M. Doherty, Jr.
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West Berlin, NJ 08091
(609) 336-1297
Attorney for the Plaintiff



John Schmidt,
Plaintiff,

vs.

Gloucester Township Housing Authority and Debra A.
Calabrese, Deputy Executive Director,
Defendants.

: NEW JERSEY SUPERIOR COURT
: Camden County- LAW DIV.
: DOCKET NO. CAM-L- *3690-14*
:
: **Order to Show Cause**

This matter having been open to the court by Donald M Doherty, Jr., Esq., attorney for the Plaintiff John Schmidt, and seeking relief by way of summary action pursuant to rule 4:67-1 (a) based upon the facts set forth in the verified complaint and supporting papers filed here with; and the Court having determined this matter may be commenced by order show cause as a summary proceeding pursuant to N.J.S.A. 47:1A-6 and for other good cause shown,

IT IS on this *2nd* day of October, 2014 **ORDERED** that Defendants Gloucester Township Housing Authority and Debra A. Calabrese, Deputy Executive Director, appear and show cause on the *14th* day of November, 2014 before The Honorable Deborah Silverman Katz, A.J.S.C. in the Camden County Courthouse, 101 S. 5th St., Camden, NJ. *8:30am*; or soon thereafter as counsel can be heard, why judgment should not be entered as follows:

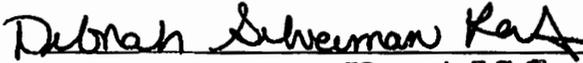
- A. Ordering the Defendants to provide plaintiff with immediate access to the requested *records*;
- B. Awarding plaintiff reasonable counsel fees and costs of suit;
- C. Awarding other such relief as the court would deem fair and equitable.

And it is **further ORDERED** that:

- 1. A copy of this order to show cause, verified complaint and all supporting certifications and other documents submitted in support of this application be served upon the defendants personally or by certified mail, return receipt requested, within 5 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.
- 2. The plaintiff *will* ~~was~~ file with this court proof of service of the pleadings on the defendants no later

than ~~three~~^{ten} days before the return date.

3. Defendants shall file and serve a written answer and opposition papers to this order to show cause and the relief requested in the verified complaint by Oct. 10th, 2014. The answering opposition papers must be filed with the clerk of the Superior Court in the County listed above and a copy of the papers must be sent directly to the chambers of the judge.
4. Plaintiff must file any written reply to the defendants' opposition by Oct 17th, 2014. The reply papers must be filed with the clerk of Superior Court in the County listed above a copy of the reply papers must be sent directly to the chambers of the judge.
5. If the defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least ~~three~~^{ten} days prior to the return date.
6. If the plaintiff has not already done so, a proposed form of order address addressing the relief sought on the return date (along with a self-addressed return envelope would return address and postage) must be submitted to the court no later than ~~three~~^{ten} days before the return date.
7. Defendants take notice: the plaintiff has filed a lawsuit against you in the New Jersey Superior Court. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer and opposition papers and proof of service before the return date of the order to show cause. Paragraph 3 outlines the date by which you are required to respond. These documents must be filed with the clerk of the Superior Court in the County listed above. You must also send a copy of your answer and opposition papers to the plaintiff's attorney whose name and address appears above. A telephone call will not protect your rights; you must file and serve your answer and opposition papers (with the fee) or judgment may be entered against you by default.
8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services.
9. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised the contrary no later than two days before the return date.
10. ~~The Defendants shall provide the Court with an unredacted copy of the documents and provide a Vaughn index to both the Court and Plaintiff's Counsel as part of the responsive filings.~~


Deborah Silverman Katz, A.J.S.C.

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Gloucester Township Housing Authority and Debra A. Calabrese, Deputy Executive Director,
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: NEW JERSEY SUPERIOR COURT
: Camden County- LAW DIV.
: DOCKET NO. CAM-L-
: Civil Action

3690-14

: COMPLAINT

Plaintiff, John Schmidt, complains against the Defendants as follows:

Background

1. Plaintiff John Schmidt sought government records from the Gloucester Township Housing Authority.
2.
 - a. Defendant Gloucester Township Housing Authority (GTHA) is a government entity or department located in New Jersey and subject to the Open Public Records Act.
 - b. Defendant Debra A. Calabrese, is the Deputy Executive Director of the GTHA and served as the Records Custodian regarding Plaintiff's OPRA request.
3. Plaintiff's August 19, 2014 request sought materials defined as government records by N.J.S.A. 487:1A-1 (et. seq.), to wit:

Requested Records:

1. The closed session/executive session meeting minutes of the Gloucester Township Housing Authority from 1/1/11 to 6/1/11; 1/1/12 to 6/1/12; 1/1/13 to 6/1/13 and from 12/1/13 to present.
2. The resolutions which pursuant to N.J.S.A. 10:4-13, authorized each nonpublic (i.e. executive or closed) meeting for minutes supplied in response to #3. If no resolutions exist and they were done in the form of a motion please provide only the page of the meeting minutes which contain the motion.
3. The lawsuit that was filed, the response to the lawsuit and all motions, briefs and reply's in the matter of Rogers v. Gloucester Township Housing Authority et. al. filed in the New Jersey District Court, Case Number 1:2014cv01268.
4. All legal bills for the following FY: 2011, 2012, 2013 and 2014. If it is easier to provide to a computer run that is fine, except I would like the actual attorney bills from 1/1/2014 to present.

4. On September 16, 2014 Defendants responded to the request.
5. As regard the legal billings and invoices, Defendants provided excessively redacted responsive documents. In some cases Defendants redacted attorney billing rates, bill totals and nearly all information about what the lawyers actually did.
6. Defendants did not provide a Vaughn index explaining the bases for the redactions of the attorney billings.
7. Regarding the Executive Session Minutes sought, Plaintiff was provided with documents that also contained excessive redactions. In some instances, the minutes reference "the litigation" and then are redacted for multiple pages; there is no indication of the name, nature, type of litigation or any identifying information. In other instances, the minutes just reflect that the Board went to Executive Session with all other information - even the barest of explanations as to why - being redacted.
8. Defendants did not provide a Vaughn index explaining the bases for redacting the Executive Session Minutes.

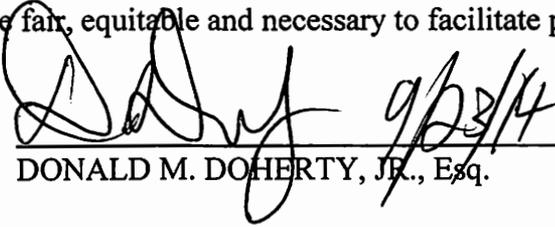
COUNT ONE

(Open Public Records Act - N.J.S.A. 47:1A-1 et. seq.)

9. The excessive redaction of responsive records is a violation of the Open Public Records Act.
10. Redacting records without providing a Vaughn index and/or other explanation is a violation of OPRA.

WHEREFORE, Plaintiff requests judgement as follows:

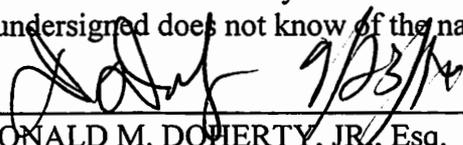
- a. Directing the immediate release of the records sought without redactions;
- b. Compelling a Vaughn index or similar explanation of any redactions upheld by the Court;
- c. Awarding counsel fees and costs of suit;
- d. Awarding other such relief as may be fair, equitable and necessary to facilitate public access goals.



DONALD M. DOHERTY, JR., Esq.

RULE 4:5-1 CERTIFICATION

The undersigned hereby certifies that the matter in controversy is not the subject of any other pending action or arbitration proceeding. The undersigned does not know of the names of any other parties who should be joined in the action.



DONALD M. DOHERTY, JR., Esq.

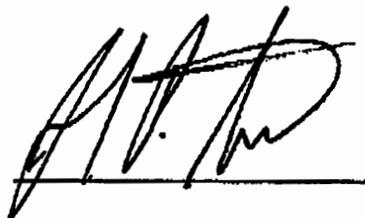
VERIFICATION

I, John Schmidt, do hereby verify the following statements on the following bases:

Paragraphs 1- 8 are made based upon my personal knowledge.

Paragraphs 9-10 are based upon information and belief, as I am not an attorney and this is my understanding of the law as it has been explained to me.

I certify the foregoing statements made by me are true and that if the statements are willfully false or misleading, I understand that I am subject to punishment.

A handwritten signature in black ink, appearing to read 'John Schmidt', is written over a horizontal line. The signature is stylized and cursive.

John Schmidt