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Christopher E. Martin
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December 15, 2014

Via Federal Express

Clerk's Office
Appellate Division
P.O. Box 006
Trenton, New Jersey 08625

RE: John Paff v. Bergen County and Captain William Edgar
Docket No.: BER-L-7739-14
MM File No.: 10058444

Dear Sir/Madam:

This firm represents, defendants, Bergen County and Captain William Edgar in the above matter.

Enclosed please find an original and two (2) copies of Notice to Appeal, Civil Case Information Statement, copy of Order entered on November 6, 2014 by the Honorable Peter E. Doyne, A.J.S.C. and copy of Court Transcript Request form. We have enclosed our check in the amount of \$250.00 payable to Treasurer, State of New Jersey to cover the filing fee. We kindly request that you file the original with the court and return the filed-stamped copy to this office in the self-addressed stamped envelope provided for your convenience.

By copy of this letter, we are serving copies on the trial court judge and all counsel via Federal Express.

If you have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,



Christopher E. Martin

CEM/yo

Enclosures

Cc: Hon. Peter E. Doyne, A.J.S.C. (Via Federal Express)
Donald M. Doherty, Esq. (Via Federal Express)
Jeffrey P. Mongiello, D.A.G. (Via Federal Express)



**New Jersey Judiciary
Superior Court - Appellate Division
NOTICE OF APPEAL**

Type or clearly print all information. Attach additional sheets if necessary.		ATTORNEY / LAW FIRM / PRO SE LITIGANT (2)				
TITLE IN FULL (AS CAPTIONED BELOW): (1) John Paff, Plaintiff v. Bergen County and Captain William Edgar, Defendants		NAME Christopher E. Martin, Esq./Morrison Mahoney LLP				
		STREET ADDRESS Waterview Plaza, 2001 US Highway 46, Suite 200				
		CITY Parsippany	STATE NJ	ZIP 07054	PHONE NUMBER 973-257-3526	
		EMAIL ADDRESS cmartin@morrisonmahoney.com				

ON APPEAL FROM		
TRIAL COURT JUDGE (3) Hon. Peter E. Doyne, A.J.S.C.	TRIAL COURT OR STATE AGENCY (4) Superior Court, Law Div., Bergen County	TRIAL COURT OR AGENCY NUMBER (5) BER-L-7739-14

(7) Notice is hereby given that **(6)** Bergen County and Captain William Edgar appeals to the Appellate Division from a Judgment or Order entered on November 6, 2014 in the Civil Criminal or Family Part of the Superior Court or from a State Agency decision entered on _____.

(8) If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.
If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

(9) Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (in consolidated actions, all issues as to all parties in all actions must have been disposed of.) Yes No
If not, has the order been properly certified as final pursuant to R. 4:42-2? Yes No

For criminal, quasi-criminal and juvenile actions only:

0A) Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

0B) This appeal is from a conviction post judgment motion post-conviction relief.
If post-conviction relief, is it the 1st 2nd other _____ specify

0C) Is defendant incarcerated? Yes No
Was bail granted or the sentence or disposition stayed? Yes No

0D) If in custody, name the place of confinement:

Defendant was represented below by:
 Public Defender self private counsel _____ specify

(11) Notice of appeal and attached case information statement have been served where applicable on the following:

	Name	Date of Service
Trial Court Judge	Honorable Peter E. Doyne, A.J.S.C.	December 15, 2014
Trial Court Division Manager	Kathleen Andes-Stylianou	December 15, 2014
Tax Court Administrator		
State Agency		
Attorney General or Attorney for other Governmental body pursuant to R. 2:5-1(a), (e) or (h)		
Other parties in this action:		

Name and Designation	Attorney Name, Address and Telephone No.	Date of Service
John Paff, Plaintiff	Donald M. Doherty, Esq. 125 North Route 73 West Berlin, N.J. 08091 609-336-1297	December 15, 2014

(12) Attached transcript request form has been served where applicable on the following:

	Name	Date of Service	Amount of Deposit
Trial Court Transcript Office	Bergen County Transcript Office	12/15/14	\$350.00
Court Reporter (if applicable)	Nicholas Keller	12/15/14	
Supervisor of Court Reporters	Diane Sajle	12/15/14	
Clerk of the Tax Court			
State Agency			

(13) Exempt from submitting the transcript request form due to the following:

- No verbatim record.
- Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).
List the date(s) of the trial or hearing:
- Motion for abbreviation of transcript filed with the court or agency below. Attach copy.
- Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2 has been paid.

(14) 12/15/14
DATE

(15) 
SIGNATURE OF ATTORNEY OR PRO SE LITIGANT



**New Jersey Judiciary
Superior Court - Appellate Division
CIVIL CASE INFORMATION STATEMENT**

Please type or clearly print all information.

TITLE IN FULL (1) John Paff, Plaintiff v. Bergen County and Captain William Edgar, Defendants	TRIAL COURT OR AGENCY DOCKET NUMBER (2) BER-L-7739-14
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■ Attach additional sheets as necessary for any information below.

(3) APPELLANT'S ATTORNEY EMAIL ADDRESS: cmartin@morrisonmahoney.com

PLAINTIFF DEFENDANT OTHER (SPECIFY)

NAME Chrisotpher E. Martin, Esq./Morrison Mahoney LLP		CLIENT Bergen County and Captain William Edgar			
STREET ADDRESS 2001 US Hoghway 46 East, Suite 200	CITY Parsippany	STATE NJ	ZIP 08876	TELEPHONE NUMBER 973-257-3526	

(4) RESPONDENT'S ATTORNEY * EMAIL ADDRESS: dmd@donalddoherty.com

NAME
Donald M. Doherty, Esq.

CLIENT
John Paff

STREET ADDRESS 125 North Route 73	CITY West Berlin	STATE NJ	ZIP 08091	TELEPHONE NUMBER 609-336-1297	
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* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

(5) GIVE DATE AND SUMMARY OF JUDGMENT, ORDER, OR DECISION BEING APPEALED AND ATTACH A COPY:
Order of November 6, 2014 ordering Defendants to provide Plaintiff with un-redacted copies of requested documents sought within five (5) days of Order and awarding Plaintiff counsel fees of \$6,156.00 and costs of suit of \$282.69. (Order attached)

(6) Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees? YES NO

If so, has the order been properly certified as final pursuant to R. 4:42-2? (If not, leave to appeal must be sought. R. 2:2-4,2:5-6) YES NO

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.)

Were any claims dismissed without prejudice? YES NO

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

(7) Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(h)) YES NO

(8) GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:
Plaintiff served a request on Defendants, pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1, et. seq. ("OPRA") seeking a log of Internal Affairs complaints at the jail filed between January 1, 2012 to present or the initial writing upon which each "Internal Affairs" complaint was based. Defendants provided the responsive documents, and redacted the names of the officers and complaining witnesses which Defendants contended are exempt from OPRA pursuant to, inter alia, AG guidelines and N.J.S.A. 47:1A-1.1 and 1A-10. Plaintiff then filed a Summary Action seeking a judgment finding Defendants in violation of OPRA, directing them to release the requested documents and awarding attorney's fees and costs. On October 16, 2014, the Hon. Peter Doyme, A.J.S.C. issued a written decision finding in Plaintiff's favor. On November 6, 2014, the Court entered an Order requiring Defendants to provide the un-redacted documents within five days of the date of the Order and awarded attorney's fees and costs.

(9) TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THE APPEAL AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(a)(5). (Appellant or cross-appellant only.):

1. Are the identities of the employees and Complainants in the records requested confidential and/or exempt from disclosure under N.J.S.A. 47:1A-1.1 and/or N.J.S.A. 47:1A-10?
2. Are the identities of the employees and Complainants in the records requested confidential and/or exempt from disclosure under any other provision of N.J.S.A. 47:1A-1 et. seq. or any other statute, regulation, guideline or public policy?
3. Do the Attorney General Internal Affairs Policy and Procedures constitute an exception to OPRA?
4. Did the Trial Court err in finding that plaintiff's right of access to the requested information under the common law outweighs the State's interest in non-disclosure and/or individuals right to privacy?

(10) IF YOU ARE APPEALING FROM A JUDGMENT ENTERED BY A TRIAL JUDGE SITTING WITHOUT A JURY OR FROM AN ORDER OF THE TRIAL COURT, COMPLETE THE FOLLOWING:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ YES NO
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ YES NO
3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? YES NO

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

DATE OF YOUR INQUIRY: _____

1. IS THERE ANY APPEAL NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

(11) (A) Arises from substantially the same case or controversy as this appeal? YES NO

(12) (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? YES NO

(13) 2. WAS THERE ANY PRIOR APPEAL INVOLVING THIS CASE OR CONTROVERSY? YES NO

(14) IF THE ANSWER TO EITHER 1 OR 2 ABOVE IS YES, STATE:
 Case Name: _____ Appellate Division Docket Number: _____

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

(15) State whether you think this case may benefit from a CASP conference. YES NO

Explain your answer:
 This matter does not involve a liquidated damages issue. It is a legal question regarding the disclosure of documents.

(16) I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

(17) Bergen County and Captain William Edgar
 Name of Appellant or Respondent

(18) Christopher E. Martin/Morrison Mahoney LLP
 Name of Counsel of Record
 (or your name if not represented by counsel)

(19) 12/15/14
 Date

(20) [Signature]
 Signature of Counsel of Record
 (or your signature if not represented by counsel)

Donald M. Doherty, Jr., Esq. - Id. # 051981994
The Law Office of Donald M. Doherty, Jr.
125 North Route 73
West Berlin, NJ 08091
(609) 336-1297
Attorney for the Plaintiff

FILED
NOV 06 2014
PETER E. DOYNE, A.J.S.C.

John Paff,	: NEW JERSEY SUPERIOR COURT
	: Bergen County- LAW DIV.
<i>Plaintiff,</i>	: DOCKET NO. BER-L-7739-14
vs.	:
	:
Bergen County and Captain William Edgar,	: ORDER
	:
<i>Defendants.</i>	:

This matter having been open to the court by Donald M Doherty, Jr., Esq., attorney for the Plaintiff and the Court having reviewed the moving papers, opposition and reply and having heard oral argument; *+ no opposition having been rendered, + for good cause to the quarter 5 fees sought*

IT IS ON THIS *6th* DAY OF *November*, 2014 ORDERED:

- The Defendants shall provide Plaintiff un-redacted copies of the requested documents sought within *5* business days of *this order*
- Plaintiff is awarded counsel fees of \$ *6156⁰⁰*, and costs of suit in the amount of \$ *292⁶⁹*.

P

THE HONORABLE PETER E. DOYNE, AJSC

*See court's written
decision dated
10/16/14.*