

N. Proposed Amendments — re: Anonymously Filing Complaints involving OPRA

During the last rules cycle, a non-attorney who has been involved in several New Jersey Open Public Records Act (“OPRA”) cases requested that the Court Rules be amended to resolve a perceived conflict between the Court Rules and a provision of OPRA that permits citizens to request records anonymously. In an unpublished opinion, *Anonymous v. Borough of Longport*, Dkt. No. ATL-L-9552-11 (Law Div. Aug. 17, 2012), the court noted that while OPRA allows a person to request records anonymously, the statute is silent as to whether a lawsuit may be brought anonymously for a violation of OPRA. The court further noted that the Court Rules require that parties be identified. The proponent of a Rule change believes that because an OPRA provision, *N.J.S.A. 47:1A-12*, provides that the Supreme Court may adopt rules necessary to effectuate OPRA’s purposes, the Committee should consider amending the Court Rules to permit anonymous filings of complaints to enforce OPRA. This item was held over for consideration by a subcommittee during this rules cycle.

Earlier in this rules cycle, the legal issue was the subject of an appeal pending in the Appellate Division. On September 17, 2015, the Appellate Division issued a decision in *A.A. v. Gramiccioni*, 442 *N.J. Super.* 276 (App. Div. 2015), finding that there is no statutory authorization, rule authorization or compelling reason permitting the plaintiff to prosecute a matter in Superior Court anonymously.

After discussion of the decision in *A.A.*, a vast majority of the Committee rejected the rule proposal that would allow anonymous filing of complaints regarding OPRA.