

March 15, 2016

UPS OVERNIGHT DELIVERY

Joseph H. Orlando, Clerk
Superior Court of New Jersey
Appellate Division
25 Market Street
Trenton, New Jersey 08625

**Re: John Paff v. New Jersey State Police, et al.
Appellate Division Docket No.: (Pending)
Trial Court Docket No.: MER-L-1984-15
Our File No. 9932-005**

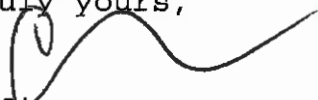
Dear Mr. Orlando:

Enclosed for filing are an original and two (2) copies of the following documents in the above-referenced matter:

1. Notice of Appeal
2. Civil Case Information Statement; and
3. Court Transcript Request

Kindly charge our Collateral Account #141905 with any fees related to this filing. Please return a "filed" copy of each document to us in the enclosed self-addressed stamped envelope.

Very truly yours,


CJ Griffin

CJG/jj
Enclosures

cc: Honorable Mary C. Jacobson, A.J.S.C. (via UPS overnight mail)
Suzanne Davies, DAG via UPS overnight mail)



**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 v. New Jersey State Police, Thomas Preston in his capacity as Custodian of Records for New Jersey State Police, New Jersey Division of Criminal Justice and Robert McGrath, in his capacity as Records Custodian for the New Jersey Division of Criminal Justice		NAME CJ Griffin, Esq.				
		STREET ADDRESS 21 Main Street, Suite 200				
		CITY	STATE	ZIP	PHONE NUMBER	
		Hackensack	NJ	07601	201-488-8200	
		EMAIL ADDRESS cgriffin@pashmanstein.com				
ON APPEAL FROM						
TRIAL COURT JUDGE (3)		TRIAL COURT OR STATE AGENCY (4)		TRIAL COURT OR AGENCY NUMBER (5)		
Mary C. Jacobson, A.J.S.C.		Law Division: Mercer County		MER-L-1984-15		
<p>Notice is hereby given that (6) <u>John Paff</u> appeals to the Appellate</p> <p>(7) Division from a <input type="checkbox"/> Judgment or <input checked="" type="checkbox"/> Order entered on <u>February 5, 2016</u> in the <input checked="" type="checkbox"/> Civil <input type="checkbox"/> Criminal or <input type="checkbox"/> Family Part of the Superior Court or from a <input type="checkbox"/> State Agency decision entered on _____</p> <p>(8) If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed. Plaintiff appeals the Trial Court's February 5, 2016 Order which denied Plaintiff's request to have the records produced pursuant to the common law right of access, or in the alternative, to have the records reviewed in camera to determine whether the documents could be produced with redactions.</p> <p>(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.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If not, has the order been properly certified as final pursuant to <u>R. 4:42-2?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>						
<p>For criminal, quasi-criminal and juvenile actions only:</p> <p>(10A) Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:</p> <p>(10B) This appeal is from a <input type="checkbox"/> conviction <input type="checkbox"/> post judgment motion <input type="checkbox"/> post-conviction relief. If post-conviction relief, is it the <input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> other _____ <small style="margin-left: 500px;">specify</small></p> <p>(10C) Is defendant incarcerated? <input type="checkbox"/> Yes <input type="checkbox"/> No Was bail granted or the sentence or disposition stayed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(10D) If in custody, name the place of confinement:</p> <p>Defendant was represented below by: <input type="checkbox"/> Public Defender <input type="checkbox"/> self <input type="checkbox"/> private counsel _____ <small style="margin-left: 500px;">specify</small></p>						

(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 Mary C. Jacobson, A.J.S.C.	3/15/2016
Trial Court Division Manager		
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
New Jersey State Police and NJ Div. of Criminal Justice	Suzanne Davies, DAG, Office of the Attorney General, 25 Market Street, Trenton, NJ 08625 (609)633-3985	3/15/2016
Thomas Preston	Suzanne Davies, DAG, Office of the Attorney General, 25 Market Street, Trenton, NJ 08625 (609)633-3985	3/15/2016
Robert McGrath	Suzanne Davies, DAG, Office of the Attorney General, 25 Market Street, Trenton, NJ 08625 (609)633-3985	3/15/2016

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

	Name	Date of Service	Amount of Deposit
Trial Court Transcript Office			
Court Reporter (if applicable)	J&J Court Transcribers	March 14, 2016	\$400.00
Supervisor of Court Reporters			
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) March 15, 2016
DATE

(15) _____
SIGNATURE OF ATTORNEY OR PRO SE LITIGANT

FILED

FEB 05 2016

PREPARED BY THE COURT

CIVIL
MERCER VICINAGE
CIVIL

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-
MERCER COUNTY**

JOHN PAFF,

Plaintiff,

v.

**NEW JERSEY STATE POLICE,
THOMAS PRESTON in his capacity as
Custodian of Records for New Jersey State
Police, NEW JERSEY DIVISION OF
CRIMINAL JUSTICE and ROBERT
MCGRATH, in his capacity as Records
Custodian for the New Jersey Division of
Criminal Justice,**

Defendants.

DOCKET NO. MER L-1984-15

**ORDER DENYING PLAINTIFF'S
REQUEST FOR DISCLOSURE OF
DOCUMENTS AND DISMISSING
COMPLAINT WITH PREJUDICE**

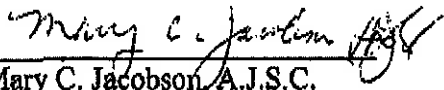
**Attorney for Plaintiff:
Meghan Cohen, Esq.
PASHMAN STEIN
Court Plaza South
21 Main Street, suite 200
Hackensack, NJ 07601**

**Attorney for Defendants:
Suzanne Davies, DAG
Richard J. Hughes Justice Complex
P.O. Box 112
25 Market Street
Trenton, NJ 08625-0080**

THIS MATTER having been opened by way of a Verified Complaint and Order to Show Cause by plaintiff after defendants denied his OPRA request for all investigatory files pertaining to the alleged sexual misconduct of a sheriff; and in the alternative, plaintiff having asked for an in camera review of the requested files; and the court having considered the written and oral arguments of the parties; and for good cause shown, for the reasons set forth on the record on December 8, 2015;

IT IS on this 5th day of February, 2016, **HEREBY ORDERED** that:

1. Plaintiff's application to compel defendants to produce all investigatory records pertaining to the investigation of the sheriff's alleged sexual misconduct is denied.
2. Plaintiff's complaint is dismissed with prejudice.



Mary C. Jacobson, A.J.S.C.



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

Please type or clearly print all information.

TITLE IN FULL (1)

TRIAL COURT OR AGENCY DOCKET NUMBER (2)

John Paff v. New Jersey State Police, Thomas Preston in his capacity as Custodian of Records for New Jersey State Police, New Jersey Division of Criminal Justice and Robert McGrath, in his capacity as Records Custodian for the New Jersey Division of Criminal Justice

MER-L-1984-15

■ Attach additional sheets as necessary for any information below.

(3) APPELLANT'S ATTORNEY EMAIL ADDRESS: CGriffin@pashmanstein.com

PLAINTIFF DEFENDANT OTHER (SPECIFY)

NAME

CJ Griffin, Esq.

CLIENT

John Paff

STREET ADDRESS

21 Main Street, Suite 200

CITY

Hackensack

STATE

NJ

ZIP

07601

TELEPHONE NUMBER

201-488-8200

(4) RESPONDENT'S ATTORNEY * EMAIL ADDRESS:

NAME

Suzanne Davies, DAG

CLIENT

All Defendants

STREET ADDRESS

Office of Attorney General, 25 Market Street

CITY

Trenton

STATE

NJ

ZIP

08625

TELEPHONE NUMBER

609-633-3985

* 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:

In an Order filed February 5, 2016 the Court denied Plaintiff's Order to Show Cause demanding the production of records pursuant to the Common Law Right of Access for records concerning the investigation into allegations of sexual misconduct and impropriety of Cape May County Sheriff Gary Schaffer.

(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 is an open government activist, concerned about transparency in the investigation of Cape May County Sheriff Gary Schaffer conducted by the New Jersey State Police. In 2014, Plaintiff became aware of potential sexual misconduct or impropriety on the part of Sheriff Schaffer. Plaintiff submitted requests pursuant to OPRA and the Common Law Right of Access to the Cape May Prosecutor's Office and New Jersey State Police regarding the allegations. Plaintiff's requests were denied on the basis that an investigation was ongoing. Plaintiff resubmitted his requests a year later in 2015, when the investigation was likely to be concluded. Plaintiff's requests were again denied. Plaintiff filed a Verified Complaint on 8/26/15. The trial court denied Plaintiff's Order to Show Cause in its entirety on 2/5/16.

(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- The Trial Court erred in denying Plaintiff's Order to Show Cause demanding the records either be produced in their entirety or reviewed in camera and produced in redacted form

2- The public interest in transparency far outweighs any need for confidentiality in the public being made aware of what the investigation into the alleged misconduct of Schaffer was based on, the results of the investigation, and whether government agencies conducted a reasonable investigation.

(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? February 5, 2016 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 is strictly legal and Defendants are unlikely to release these records without a court order.

(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) John Paff _____ (18) CJ Griffin, Esq. _____
 Name of Appellant or Respondent Name of Counsel of Record
 (or your name if not represented by counsel)

(19) March 15, 2016 _____ (20) _____
 Date Signature of Counsel of Record
 (or your signature if not represented by counsel)



**New Jersey Judiciary
Superior Court - Appellate Division
COURT TRANSCRIPT REQUEST**

Please type or clearly print all information.

Instructions:

1. Complete all information
2. File a separate request for each court reporter or court clerk who recorded a portion of the proceeding
3. Attach the Appellate Division or Supreme Court Clerk's copy to the Notice of Appeal (R. 2:5-1(f))
4. Attach transcript fee.

PLAINTIFF(S) <p align="center">John Paff</p> <p align="center">v.</p> DEFENDANT(S) <p align="center">New Jersey State Police, Thomas Preston in his capacity as Custodian of Records for New Jersey State Police, et al.</p>	TRIAL COURT DOCKET NUMBER <p align="center">MER-L-1984-15</p> <hr/> COUNTY / COURT <p align="center">MERCER</p>
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REQUESTING PARTY			
NAME CJ Griffin, Esq.	EMAIL ADDRESS cgriffin@pashmanstein.com	PHONE NUMBER 201-488-8200	
ADDRESS 21 Main Street, Suite 200			
CITY Hackensack	STATE New Jersey	ZIP 07601	

TO	NAME / ADDRESS (COURT REPORTER or COURT CLERK (if sound recorded)) J&J Transcribers, Inc. 268 Evergreen Avenue Hamilton, NJ 08619
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It is hereby requested that you prepare for use on (check one) appeal non-appeal* an original and _____ copies of the following:

DATE OF PROCEEDING December 8, 2015	TYPE OF PROCEEDING (e.g., trial, sentencing, motion, etc.) Order to Show Cause hearing	NAME OF JUDGE Mary C. Jacobson, A.J.S.C.
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I agree to pay for the preparation and any copies ordered of the transcript(s) for the above date(s) pursuant to R. 2:5-3(d).


SIGNATURE OF REQUESTING PARTY

3-14-16
DATE

Transcript fees are set by New Jersey Statute 2B:7-4. An additional sum or reimbursement may be required prior to or at the completion of the transcript order.

DEPOSIT ATTACHED: \$ 400.00

* Only the Supervisor of Court Reporters should receive copies of non-appeal transcript requests.

- CC:
1. CLERK, Appellate Division, or CLERK, Supreme Court (see INSTRUCTIONS above)
 2. Supervisor of Court Reporters _____
 3. Trial Court Transcript Office _____
 4. Other attorneys / Pro Se parties _____