

FITZGERALD McGROARTY

A PROFESSIONAL ASSOCIATION
COUNSELLORS AT LAW
747 SHORE ROAD
LINWOOD, NEW JERSEY 08221

Telephone
(609) 927-0015

Facsimile:
(609) 926-3104

E-Mail:
MFitzgerald@FMLNJ.Com

PARTNER:
MICHAEL J. FITZGERALD

June 1, 2016

Mark Neary, Clerk
Supreme Court of New Jersey
Richard J. Hughes Justice Complex
25 Market Street
Trenton, NJ 08625

RE: John Paff, Plaintiff- Petitioner v. Galloway Township & Thalia C. Kay
Docket No.: A-0125-14T4
Supreme Court Docket No.: 077692
Our File No. 5189-35-F

Dear Clerk Neary:

On behalf of the Respondants Galloway Township and Thalia C. Kay, please be advised that reliance will be made upon our brief and reply brief previously filed with the Appellate Division. Four copies of those briefs and appendix are enclosed. In addition, please accept the following additional comments in opposition.

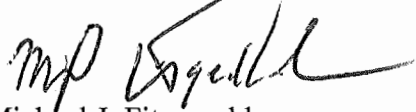
Petitioner makes the claim that the Appellate Division decision is supposedly “unprecedented in the context of access to public electronic records....” Pb1. It is actually Petitioner’s claim which is novel and unprecedented. The decision is fully consistent with not only the actual text of OPRA, but is consistent with the common understanding of OPRA since its enactment. In fact, the Petitioner, who has been a prodigious OPRA requester and litigator, never in his years as an active open government advocate, previously made a request for the creation of an e-mail list. 2T15-19 to 23. Petitioner would now have this Court believe that the obligation to create lists of e-mails has been previously lurking undetected in OPRA until he suddenly discovered what he and everyone else had overlooked for all these years.

May 31, 2016

Page 2

The Appellate Division decision is not only well reasoned in its analysis, but is consistent with the clear and undisputed understanding of OPRA since its enactment.

Very truly yours,

A handwritten signature in black ink, appearing to read "MJ Fitzgerald", written in a cursive style.

Michael J. Fitzgerald

Enc.

MJF:crm

cc: Joshua M. Lurie, Esq.
Vito A. Gagliardi, Esq.
Christopher J. Michie, Esq.
Carl R. Woodward, Esq.
Galloway Township