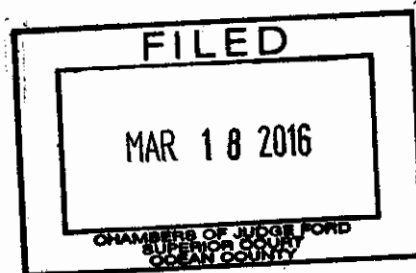


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NEW JERSEY FOUNDATION FOR
OPEN GOVERNMENT, INC.

Plaintiff

vs.

LITTLE EGG HARBOR FIRE
DISTRICT #3 RECORDS
CUSTODIAN

Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CIVIL PART :
OCEAN COUNTY

DOCKET NO.

8714-16

Civil Action

ORDER TO SHOW CAUSE

THIS MATTER being brought before the Court by Anthony H. Ogozalek, Jr. of Beckman Ogozalek & Londar, Attorney for Plaintiff, seeking relief by way of summary action pursuant to R.4:67-1(a), based on the facts set forth in the Verified Complaint and supporting papers filed herewith; and the Court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to N.J.S.A. 47:1A-6 and for good cause shown,

IT IS on this 18th day of March, 2016 ORDERED that the Defendant Little Egg Harbor Fire District #3 Records Custodian appear and show cause on the 20th day of May, 2016 before the Honorable Marlene Lynch Ford, A.J.S.C., Superior Court, County of Ocean, 118 Washington Street. Toms River, New

Jersey at 9:00 o'clock in the AM noon or as soon thereafter as Plaintiff can be heard, why judgment should not be entered:

a. Declaring that the Little Egg Harbor Fire District #3 Records Custodian, violated OPRA, by failing to either i) deny Plaintiffs request, ii) grant the request, iii) seek clarification of the request or iv) seek an extension of time within which to properly respond to the request, violated N.J.S.A. 47:1A-5(i) which requires such a response within seven business days of receipt of a request.

b. Ordering the Little Egg Harbor Fire District #3 Records Custodian to provide Plaintiff with all records within the scope of Plaintiff's request and if any of the responsive records are suppressed in whole or part;

i. Ordering Defendant to provide both the Court and Plaintiff with a privilege log containing sufficient detail to enable the reader to assess the applicability of the claimed justifications for each redaction or suppression; and

ii. Ordering Defendant to submit unredacted versions of any records to which access was denied in whole or part to the Court for an *in camera* review;

c. Ordering Custodian to pay Plaintiff's costs and a reasonable attorney fee in accordance with N.J.S.A. 47:1A-6.

And it is further ORDERED that:

1. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the Defendants personally or by certified mail, return receipt requested, within 7 days

of the date hereof, in accordance with R.4:4-3 and R.4:4-4, this being original process pursuant to R.4:52-1(b).

2. Plaintiffs must file with the Court their proofs of service of the pleadings on the Defendant no later than three (3) 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 and proof of service of the same by April 22, 2016. The answer and 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 Honorable Judge listed above.

4. Plaintiffs must file and serve any written reply to the Defendants' order to show cause opposition by May 6, 2016. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of the Honorable Judge listed above.

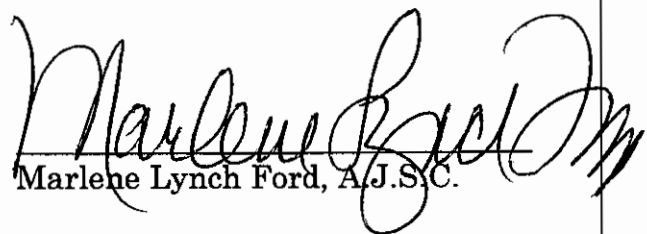
5. If the Defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the Plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date.

7. Defendant take notice that the Plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or you attorney, must file a written answer and opposition papers and proof of service before the return date of the order to show cause. These documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a \$175 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your answer and opposition papers to the Plaintiffs' attorney whose name and address appear above, or to the Plaintiff, if no attorney is named 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. Legal Services and Lawyer Referral Services may be reached, respectively, at 732-240-3666 and 732-341-2727.

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 to the contrary no later than 5 days before the return date.


Marlene Lynch Ford, A.J.S.C.