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OPRA request to Trico JIF

1 message

John Paff <paff@pobox.com>

Sun, Sep 6, 2015 at 12:52 PM

To: Paul Miola <paul_miola@ajg.com>

Dear Mr. Miola:

Please accept this e-mail as my request under the Open Public Records Act (OPRA) and the common law right of access.

Since Westville Borough is a member of the JIF, I'm assuming that the JIF arranged for the defense of Badalamenti v. Westville, Federal Case No. 1:11-cv-04399. I've put the complaint and settlement agreement on-line [here](#) and Judge Hillman's September 26, 2014 opinion [here](#).

If you scroll down to the 14th page of the PDF at the first link (i.e. the first page of the settlement agreement, you'll see the sentence:

Whereas individual defendants Michael DeNick and John Grady were both dismissed from the case prior to settlement with the Borough of Westville, and this settlement was thereafter reached between plaintiff and the Borough of Westville . . .

I've checked Pacer and I don't find any order that dismissed DeNick and Grady from the case. Rather, I note that on page 27 of his decision, Judge Hillman denied the defendants' motion for summary judgment on the Fourth Amendment allegations and on qualified immunity grounds because the Plaintiff's and a fellow detainee's claims that Plaintiff was forced to urinate on the floor created an issue for the jury. Thus, as of September 26, 2014, the individual officers were still in the case.

Records requested:

1. Any order that dismissed Michael DeNick and/or John Grady from the case prior to settlement.
2. Any record showing that either DeNick or Grady contributed any out-

of-pocket money toward the settlement of this lawsuit.

3. Also, any writing expressing a policy of the JIF or any member municipality that governs whether and under what circumstances a confidentiality clause should be put into a settlement agreement. (I think that inserting confidentiality clauses in settlement agreements when a governmental entity is a defendant works against New Jersey's tradition of openness and transparency. I am wondering, perhaps, if any of the municipalities that agree with my position and have instructed the JIF to NOT put confidentiality clauses in their settlements.)

Thank you.

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