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April 1, 2015

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GL-23327

C.J. Griffin, Esquire
Pashman Stein, P.C.
Court Plaza South
21 Main Street, Suite 100
Hackensack, New Jersey 07601

Re: John Paff v. Township of Stafford, *et al.*
Docket No.: OCN-L-852-15

Dear Ms. Griffin:

As you are aware this Firm represents Stafford Township. Pursuant to R. 1:4-8 and N.J.S.A. 2A15-59.1 please accept this correspondence as formal notice that the Township believes the subject action is frivolous and without merit, and the Township will seek an award of attorney's fees and costs incurred to defend this action.

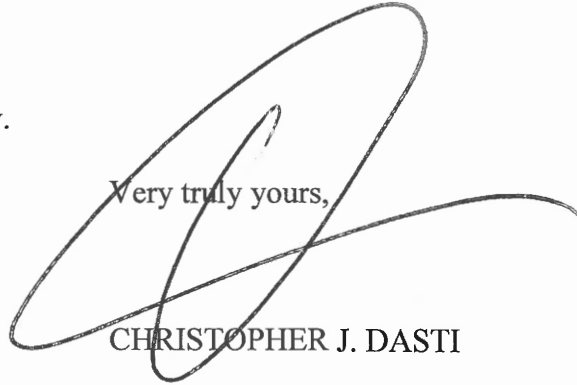
You as well as your client are well aware that internal affairs investigation and discipline records are not subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., or the common law right of access. This matter is nothing more than an attempt by your client to harass the Township by forcing it to incur unnecessary legal fees and costs.

As a result of the bad faith exhibited by your client in this matter, the Township will make the appropriate application to the court seeking an award of attorney's fees and costs against you and/or your client.

C.J. Griffin, Esquire
Re: Paff v. Twp. of Stafford, *et al.*
Docket No.: OCN-L-852-15
April 1, 2015
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Please be guided accordingly.

Very truly yours,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

CHRISTOPHER J. DASTI

CJD/lh

cc: James Moran, Township Administrator *via email*

April 7, 2015

VIA FACSIMILE & REGULAR MAIL

Christopher J. Dasti, Esq.
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Koutsouris & Connors
The Clock Tower Building
620 West Lacey Road
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Forked River, NJ 08731

**Re: *John Paff v. Township of Stafford and Bernadette Park, in her
Capacity as Records Custodian for the Township of Stafford
Docket No. OCN-L-852-15
Our File No. 9932-002***

Dear Mr. Dasti:

I represent Plaintiff, John Paff, in the above-referenced matter. I am in receipt of your April 1, 2015 frivolous litigation letter. Kindly accept this letter as my response.

Plaintiff will not be withdrawing the Verified Complaint. Your frivolous litigation letter itself proves the merits of the litigation. In each response to Plaintiff's OPRA Requests, you repeatedly make a blanket assertion that any responsive documents in the internal affairs file would be exempt from disclosure. This claim is simply not accurate. Mr. Paff provided you with case law in Ocean County that holds that records that were in existence before an internal affairs investigation began would not be exempt and thus he asked that you identify which responsive records in the file exist. You continue to refuse to acknowledge which responsive records in the file exist and whether any were created prior to the commencement of the internal affairs investigation. In doing so, you deprive Mr. Paff the ability to gain access to records that were created before an internal affairs investigation began, as well as the ability to know which documents exist so that he can determine if he might be entitled to them pursuant to OPRA and the common law right of access.

Moreover, at least one court in this State has ruled that the New Jersey Attorney General Guidelines on Internal Affairs Policy and Procedures do not create an exemption to OPRA or render internal affairs records confidential. See Paff v. Bergen County, Docket No. BER-L-7739-14 (Law Div. Oct. 16, 2014). Therefore, Plaintiff's claim can in no way be categorized as "frivolous." Accordingly, the Verified Complaint will not be withdrawn.

Judge Grasso asked on the conference call if the Parties would be open to settlement. Of course, when a Defendant agrees to comply with OPRA I am always open to resolving the matter without the need for a court appearance. Should you wish to comply with OPRA's provisions which mandate that you provide a specific lawful basis for the denial of access to public records, N.J.S.A. 47:1A-5g, I encourage you to create an index of all responsive records and state the **specific lawful basis** for denying access to same. See Paff v. Dep't of Labor, 392 N.J. Super. 334 (App. Div. 2007). Keep in mind that Judge Grasso has previously ruled that any record created before the commencement of an internal affairs investigation is not exempt. Paff v. Ocean County Prosecutor's Office, Docket No. OCN-L-1645-14 (Law Div. July 31, 2014); Ganzweig v. Lakewood, Docket No. OCN-L-2392-13 (Law Div. Sept. 26, 2013). A continued refusal to acknowledge whether responsive records even exist, along with a blanket assertion that if any such records exist they would be confidential, simply will not suffice.

Very truly yours,



CJ GRIFFIN

CJG/dv