

FILED

2:37 pm, Jun 22, 2018

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NATURAL RESOURCES DEFENSE COUNCIL, INC.,	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ESSEX COUNTY
Plaintiff,	:	DOCKET NO: ESX-L-2906-18
v.	:	
CITY OF NEWARK and KENNETH LOUIS, in his professional capacity as Records Custodian for the City of Newark,	:	<u>Civil Action</u>
Defendants.	:	ORDER

THIS MATTER having been brought before the court by Pashman Stein Walder Hayden, a Professional Corporation, attorneys for Plaintiff Natural Resources Defense Council, Inc. (CJ Griffin, appearing), seeking relief by way of summary action pursuant to R. 4:67-1(a) and N.J.S.A. 47:1A-6, based upon the facts set forth in the Verified Complaint alleging violations of the Open Public Records Act (OPRA) and Common Law Right of Access by Defendants City of Newark and Kenneth Louis, in his professional capacity as records custodian for the City of

Newark (Samora F. Noguera, appearing); and the Court having considered the briefing and having heard oral argument on 6/22/18; and for good cause shown:

IT IS on this 22 day of June, 2018, **ORDERED** that:

1. Plaintiff's Order to Show Cause is granted; and
2. The City of Newark has violated OPRA by failing to comply with OPRA's statutory timelines; failing to produce records responsive to Plaintiff's OPRA requests; unlawfully redacting government records; and failing to state the specific basis for withholding government records in their entirety or redacting portions of government records; and
3. The street addresses of water sampling locations are not exempt from access and the City of Newark shall remove redactions to street addresses contained within Exhibits P, T, V, and Z to the Verified Complaint and produce them to Plaintiff within ~~5~~²⁰ days from the date of this Order; and
4. The street addresses of water sampling locations from any additional records productions shall not be redacted; and **however, names may be redacted.**
5. The City of Newark shall remove the redactions to email addresses on page 1 of Exhibit V to the Verified Complaint and produce the un-redacted record to Plaintiff within ~~5~~²⁰ days from the date of this Order; and
6. The City of Newark shall grant Plaintiff access to a photocopy or scanned PDF copy of the City's Water Distribution Map within ~~5~~²⁰ days from the date of this Order; and
7. The City of Newark shall engage in a new search for each of the records identified in Paragraph 96 of the Verified Complaint and submit certifications based on personal knowledge that comply with Paff v. New Jersey Department of Labor, 392 N.J. Super. 334, 341 (App. Div. 2007), to Plaintiff within ~~10~~²⁰ days from the date of this Order. Should any dispute

remain regarding the production of any records or the sufficiency of the certifications, Plaintiff may file a motion for relief; and

8. Plaintiff is a prevailing party entitled to an award of attorneys' fees and litigation costs pursuant to N.J.S.A. 47:1A-6. The Parties shall attempt to settle the amount of attorneys' fees owed. If no settlement is reached, Plaintiff may file motion for attorneys' fees.



HON. JEFFREY B. BEACHAM, J.S.C.

For the reasons stated on the record.