

Bruce S. Rosen, Esq. - 018351986
McCUSKER, ANSELM, ROSEN
& CARVELLI, P.C.
210 Park Avenue, Suite 301
Florham Park, New Jersey 07932
Tel: (973) 635-6300 | Fax: (973) 635-6363
BRosen@marc.law

Brynne S. Madway, Esq. - 072942014
FOUNDATION FOR INDIVIDUAL RIGHTS
IN EDUCATION
510 Walnut Street, Suite 1250
Philadelphia, Pennsylvania 19106
Tel: (215) 717-3473 | Fax: (215) 717-3440
brynne.madway@thefire.org

*Attorneys for Plaintiffs Sarah McLaughlin, Joseph Cohn, and
the Foundation for Individual Rights in Education*

SARAH MCLAUGHLIN; JOSEPH COHN; and the FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION, INC.,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION, CIVIL PART
	:	ESSEX COUNTY
	:	Docket Number:
	:	
Plaintiffs,	:	Civil Action (OPRA)
	:	ORDER TO SHOW CAUSE
v.	:	SUMMARY ACTION
	:	
ESSEX COUNTY COLLEGE; and KAREN BRIDGETT, Associate Director of Essex County College in her official capacity as records custodian,	:	
	:	
Defendants.	:	

THIS MATTER being brought before the Court by Bruce S. Rosen, attorney for Plaintiffs Sarah McLaughlin, Joseph Cohn, and the Foundation for Individual Rights in Education, seeking relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the verified complaint filed herewith; and the Court having determined that this matter may be

commenced by order to show cause as a summary proceeding pursuant to the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-6, and for good cause shown:

IT IS on this _____ day of _____, 2018, **ORDERED** that Defendants Essex County College and Karen Bridgett, associate director of Essex County College in her official capacity as records custodian, appear and show cause on the _____ day of _____, 2018, before the Superior Court at the Essex County Civil Courthouse in Newark, New Jersey at _____ o’clock in the fore noon, or as soon thereafter as counsel can be heard, why judgment should not be entered for:

A. A declaration that Defendants violated OPRA and the common law right of access in failing or refusing to provide access to records first requested on July 13, 2017, and October 11, 2017;

B. A declaration that Defendants violated OPRA in failing to indicate a specific basis for their refusal, failure, or inability to comply with the aforementioned requests;

C. An order compelling Defendants to immediately provide access to all of the requested records;

D. An order maintaining jurisdiction over the action until Defendants come into compliance with this Court’s directives and orders;

E. An award of attorney’s fees and costs of suit pursuant to N.J.S.A. 47:1A-6; and

F. Such other relief as the Court deems equitable and just.

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 Defendants personally

within ____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

2. Plaintiffs must file with the court their proofs of service of the pleadings on Defendants no later than three (3) days before the return date.

3. Defendants shall file and serve a written answer to this order to show cause and the relief requested in the verified complaint and proof of service of the same by _____, 2018. The answer 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 Judge Stephanie Ann Mitterhoff, Judge of the Superior Court.

4. Plaintiffs must file and serve any written reply to Defendants' order to show cause opposition by _____, 2018. 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 Judge Stephanie Ann Mitterhoff, Judge of the Superior Court.

5. If Defendants do 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 Plaintiffs file a proof of service and a proposed form of order at least three days prior to the return date.

6. If Plaintiffs have 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. Defendants, take notice that Plaintiffs have 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 your attorney, must file a written answer 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 \$135.00 filing fee payable to the “Treasurer State of New Jersey.” You must also send a copy of your answer to Plaintiffs’ attorney whose name and address appear above, or to Plaintiffs, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer (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. A list of these offices is provided. 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. A list of these numbers is also provided.

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 _____ days before the return date.

Hon. Stephanie Ann Mitterhoff, A.J.S.C.