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Attorneys for Plaintiff

TINA RENNA,  Plaintiff,  v.  UNION COUNTY ALLIANCE,  Defendant.	<b>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: UNION COUNTY</b>  <b>DOCKET NO.</b> _____  <b>CIVIL ACTION</b>  <b>VERIFIED COMPLAINT</b>
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Plaintiff Tina Renna, by and through her undersigned counsel Law Offices of Walter M. Luers, LLC, complaining of the Defendant, alleges as follows:

**THE PARTIES**

1. Plaintiff resides at 202 Walnut Avenue, Cranford, New Jersey 07016. Plaintiff is the President of the Union County Watchdog Association, Inc., which is a non-profit organization that is dedicated to educating the public about the operations of county government in Union County. Plaintiff is frequently critical of Union County, its elected officials, agents and employees.

2. Defendant Union County Alliance is a tax-exempt 501(c)(4) non-profit organization whose principal place of business is 1275 Westfield Avenue, Rahway, New Jersey 07065.

3. Defendant is a “public agency” within the meaning of the Open Public Records Act (“OPRA”), *N.J.S.A. 47:1A-1.1* and *Fair Share Housing Center, Inc. v. New Jersey State League of Municipalities*, 207 N.J. 489 (2011).

### **JURISDICTION AND VENUE**

4. The Court has subject matter jurisdiction of this action pursuant to *N.J.S.A. 47:1A-6* and the common law.

5. Venue is proper in this court pursuant to *R. 4:3-2(a)(2)* because the relevant events occurred in this County, the public agency Defendant is located in this County and the Plaintiff resides in this County.

### **FACTUAL ALLEGATIONS**

6. On August 25, 2011, Plaintiff submitted an OPRA request via certified mail, facsimile and email. In that OPRA request, Plaintiff asked for copies of the following documents: (1) bills and receipts relating to the production of the Union County Directions Newsletter for January 2010 to the date of the request; (2) a copy of each Union County Directions Newsletter produced in 2010 and 2011; and (3) meeting minutes of the Union County Alliance Board of Directors meetings for the years of 2010 and 2011 through to the date of her request. Plaintiff made this request pursuant to both OPRA and the common law right of access.

7. As of the date of the filing of this Verified Complaint, Defendant has not responded to Plaintiff's OPRA request.

8. Because Defendant did not respond to Plaintiff's OPRA request within seven business days of receipt, Plaintiff's request is deemed denied. *N.J.S.A. 47:1A-5(i)*.

**FIRST COUNT**  
**(Open Public Records Act)**

9. Plaintiff repeats and incorporates by reference each and every allegation contained in paragraphs 1-8 of the Complaint as though fully set forth at length herein.

10. Defendant violated OPRA by not responding to Plaintiff's OPRA request and by not providing copies of the documents requested by her.

**SECOND COUNT**  
**(Common Law Right of Access)**

11. Plaintiff repeats and incorporates by reference each and every allegation contained in paragraphs 1-10 of the Complaint as though fully set forth at length herein.

12. Plaintiff has a common law right to disclosure of the records requested by her.

13. Plaintiff has a legitimate private interest and wholesome public interest in the requested records.

14. Defendants' interests in privacy and confidentiality, if any, do not exceed Plaintiff's and the public's interest in disclosure.

**WHEREFORE**, Plaintiff respectfully requests that this Court enter judgment against the Defendants:

A. Declaring, pursuant to the Declaratory Judgment Act, pursuant to the Uniform Declaratory Judgment Act, *N.J.S.A. 2A:16-50, et seq.*, that the Defendant is a "public agency" under OPRA and that Defendant violated OPRA or the common law right of access by not providing the documents requested by Plaintiff;

- B. Ordering Defendant to provide copies of the records requested by the Plaintiff on August 25, 2011;
- C. Awarding Plaintiff costs and reasonable attorneys' fees; and
- D. For such other or further relief as this Court deems just and equitable.

**CERTIFICATION PURSUANT TO R. 4:5-1**

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action of arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

**CERTIFICATION PURSUANT TO R. 1:38-7(b)**

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Walter M. Luers, Esq. is designated as trial counsel  
on behalf of Plaintiff.

Respectfully Submitted,

LAW OFFICE OF WALTER M. LUERS, LLC

By:  \_\_\_\_\_

DATED: October 18, 2011

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