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Attorneys for Plaintiff

TINA RENNA, Plaintiff, v. COUNTY OF UNION, Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: UNION COUNTY DOCKET NO. _____ CIVIL ACTION VERIFIED COMPLAINT
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Plaintiff Tina Renna, through her counsel Law Offices of Walter M. Luers, LLC and by way of complaint against the Defendant County of Union, alleges as follows:

PRELIMINARY STATEMENT

1. This is an action under the Open Public Records Act, *N.J.S.A. 47:1A-1 et seq.*, and the common law right of access seeking to require disclosure of the investigation file of the Union County Police, Sheriff and Prosecutor regarding former County employee Patrick Scanlon, Jr.

PARTIES

2. 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.

3. Defendant County of Union is a municipal body corporate and public that is organized under the laws of the State of New Jersey whose principal office is located at the Union

County Administration Building, 10 Elizabethtown Plaza, Elizabeth, New Jersey.

Defendant is a “public agency” as that term is defined by OPRA, *N.J.S.A.* 47:1A-1.1.

VENUE

4. Venue is properly laid in Union County because Defendant is a public agency located in Union County and because the cause of action arose in Union County. *R.* 4:3-2(a).

FACTUAL ALLEGATIONS

5. On March 30, 2012, Plaintiff submitted a written request for copies of documents to Defendant. In that request, Plaintiff requested “copies of all investigations, including County Police, Sheriff and Prosecutor, into the matter involving former County employee Patrick Scanlon, Jr.”

Plaintiff’s OPRA request was made pursuant to OPRA and the common law right of access. A true and correct copy of that OPRA request is attached hereto.

6. On April 10, 2012, Defendant responded to Plaintiff’s OPRA request.

7. In that April 10, 2012 response, Defendant admitted that “these documents are on file with the County Police[.]” However, Defendant claimed that they are criminal investigatory records that are not subject to disclosure under OPRA. A true and correct copy of Defendant’s April 10, 2012 response is attached hereto.

8. Patrick Scanlon, Jr. (“Scanlon, Jr.”) is the son of current Union County Freeholder Deborah P. Scanlon.

9. The investigation of Scanlon, Jr. concerned allegations that he allegedly sold County property for personal gain.

10. On information and belief, the County’s investigation against Scanlon, Jr. has been closed without formal charges being filed.

11. Plaintiff and the public have a strong interest in learning the details of the County's investigation to determine whether nepotism or favoritism played any role in the investigation of Scanlon, Jr.

FIRST COUNT
(OPEN PUBLIC RECORDS VIOLATION)

12. Plaintiff hereby repeats and incorporates by reference paragraphs 1-11 of this Verified Complaint.

13. Defendant violated OPRA by not providing Plaintiff with copies of the documents requested by her.

SECOND COUNT
(COMMON LAW RIGHT OF ACCESS)

17. Plaintiff hereby repeats and incorporates by reference paragraphs 1-13 of this Verified Complaint.

18. Plaintiff and the public's interest in acquiring the documents outweigh any interest in continued secrecy that Defendant may have.

WHEREFORE, Plaintiff demands:

- A. Disclosure of the investigatory files maintained by the County Police on Patrick Scanlon, Jr.;
- B. An award of costs of this action and reasonable attorneys' fees;
- C. Such other, further and different relief as the Court may deem equitable and just.

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designates Walter M. Luers as trial counsel.

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.

CERTIFICATION OF NO OTHER ACTIONS

Pursuant to *R. 4:5-1*, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. To the best of my belief, no other action or arbitration proceeding is pending or contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party 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.

Respectfully submitted,

Dated: April 12, 2012

THE LAW OFFICES OF
WALTER M. LUERS, LLC

By: _____

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