

An Appellate Division Win

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Today, PSWH secured an appellate victory for two long-term firm clients, Richard Rivera and Collene Wronko.

The case involved OPRA requests for records from the Middlesex County Prosecutor's Office (MCPO) which related to an incident where police officers shot and killed a man outside his home in Old Bridge. Both Mr. Rivera and Ms. Wronko sought access to the 9-1-1 call of the incident, as well as other police records, such as CAD reports and Standard Operating Procedures. Their requests were denied.

After lawsuits were filed, MCPO eventually released a redacted version of the 9-1-1 call. The judge upheld those redactions, ruling that those portions of the call raised serious privacy concerns. The judge also ordered MCPO to release CAD reports and Standard Operating Procedures, but permitted redactions to any exempt material. Despite the fact that both Ms. Wronko and Mr. Rivera got exactly the relief they were seeking in their lawsuits (lawfully redacted records), MCPO insisted that they were not entitled to full reimbursement of their fees. Judge Francis disagreed and found that both requestors were fully prevailing parties and awarded approximately \$22,000 in fees and costs.

MCPO appealed, again arguing that the requestors were only "partially" prevailing parties since they received only redacted records. The Appellate Division affirmed Judge Francis' decision, describing MCPO's arguments as "factually inaccurate and lack[ing] merit."

The MCPO lost two other appeals involving media companies who had requested the same 9-1-1 call, bringing the total cost for denying access to the 9-1-1 call to over \$130,000. Because MCPO lost its appeals, the requestors will be entitled to additional fees for the appellate work.

A copy of the decision may be found here.

