



**COUNTY OF MERCER  
OFFICE OF COUNTY COUNSEL**

McDADE ADMINISTRATION BUILDING  
640 SOUTH BROAD STREET  
P.O. BOX 8068  
TRENTON, NEW JERSEY 08650-0068  
(609) 989-6511  
(609) 392-8625 Fax

DAN BENSON  
COUNTY EXECUTIVE

SHARON SHINKLE GARDNER  
CHIEF OF STAFF

CHRISTOPHER R. MARION  
COUNTY ADMINISTRATOR

PAUL R. ADEZIO, ESQ.  
COUNTY COUNSEL

July 12, 2024

*Via eCourts only*

Hon. R. Brian McLaughlin, J. S. C.  
Mercer County Superior Court  
175 S. Broad Street  
Trenton, NJ 08650

RE: Murranko, et al. v. MCBOE, et al.  
Docket No. MER-L-324-24

Dear Judge McLaughlin:

As previously noted, this office represents Defendant Mercer County Clerk Paula Sollami Covello ("County Clerk") in the captioned matter. The County Clerk would like to briefly respond to Plaintiff's opposition brief submitted this day. Nowhere in Plaintiffs' brief is the County Clerk mentioned. Not once. All of Plaintiffs' arguments against the Motions to Dismiss are directed against the Superintendent of Elections (SOE), the Board of Elections (BOE), and the individual members of the BOE.

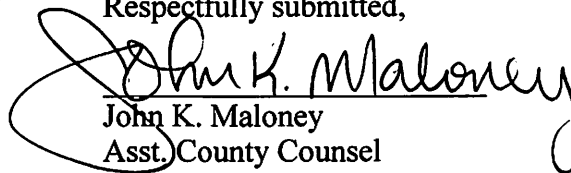
With regard to the doctrine of qualified immunity, that doctrine protects government officials such as the County Clerk from personal liability for discretionary actions taken in the course of her public responsibilities. Morillo v. Torres, 222 N.J. 104, 116 (2015) (*quoting Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). Qualified immunity shields government officials from a suit for civil damages when "their conduct does not violate clearly established

statutory or constitutional rights of which a reasonable person would have known.” Fitzgerald, 457 U.S. at 818. While the County Clerk does not agree with Plaintiffs’ arguments regarding the applicability of qualified immunity, Plaintiffs assert that “this defense only applies to money damages.” Pls. Brief, at 11. While it is true that the Plaintiffs seek declaratory relief in addition to monetary compensation, all of the declaratory relief sought is only relevant to prior and future actions of the SOE and the BOE and would not involve the Office of the County Clerk. Thus, the only relief that Plaintiffs could obtain from the County Clerk would be monetary compensation, which by Plaintiffs’ own contention would trigger the application of qualified immunity on her behalf.

More importantly, in their fifteen (15) pages of opposition, the Plaintiffs never once mentioned the County Clerk and never once specifically opposed her Motion to Dismiss. Therefore, the County Clerk respectfully requests that the Court grant her motion.

Thank you for your time and consideration.

Respectfully submitted,

  
John K. Maloney  
Asst. County Counsel

cc: Counsel of record *via eCourts only*  
Hon. Paula Sollami Covello