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Republican National Committee*

<p>REPUBLICAN NATIONAL COMMITTEE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BURLINGTON COUNTY BOARD OF ELECTIONS,</p> <p style="text-align: center;">Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BURLINGTON COUNTY</p> <p>Docket No.: BUR-L</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">VERIFIED COMPLAINT</p>
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Plaintiff Republican National Committee (“RNC”), by and through its counsel, Dhillon Law Group Inc., and by way of verified complaint against Defendant Burlington County Board of Elections (“Defendant” or the “Board of Elections”), 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.* (“OPRA”), and the common law right of access. Defendant has refused to provide the RNC with public records related to voting drop box chain of custody logs and video footage of a ballot drop box located on property owned and controlled by Defendant as required by law.

PARTIES

2. Plaintiff RNC is the national organization of the Republican Party, as defined by 52 U.S.C. § 30101(14), with its principal place of business at 310 First Street SE, Washington, DC 20003. In addition to managing the Republican Party’s business at the national level, the RNC

supports Republican candidates for public office at all levels, including in New Jersey, coordinates fundraising and election strategy, and develops and promotes the national Republican Platform. The RNC represents over 35 million registered Republicans in all fifty states, the District of Columbia, and the U.S. territories. It comprises 168 voting members representing state and territorial Republican Party organizations.

3. Defendant Burlington County Board of Elections is a public body with its principal place of business at 301 Harper Drive, Moorestown, NJ 08057, which exists pursuant to N.J.S.A. 19:6-17 that is charged with, among other things, receiving, counting, investigating, curing (if necessary) and certifying vote-by-mail ballots, counting, certifying and curing (if necessary) provisional ballots and counting and certifying ballots cast using voting machines. The Board of Elections is a “public agency,” as that term is defined in N.J.S.A. 47:1A-1.1.

VENUE

4. Venue is properly laid in Burlington County because Defendant is a public agency within Burlington County. R. 4:3-2(a).

STATEMENT OF FACTS

5. On August 22, 2025, the RNC filed a public records request under OPRA and the common law right to know (the “Request”) seeking (1) video footage of the Moorestown ballot drop box located at the county elections building for the dates of June 1, 2025, through June 10, 2025; (2) interior ballot storage container chain of custody logs completed between June 1, 2025, through June 10, 2025, for every ballot drop box located in Burlington County (“chain of custody logs”); and (3) interior ballot storage container opening logs completed between June 1, 2025, and June 10, 2025, for every ballot drop box located in Burlington County (“container opening logs”).

6. The chain of custody logs are generic documents created by the Board of Elections employees who retrieve ballots from drop boxes in the county. A sample form issued by the Division of Elections which is utilized by many counties is depicted below:

Interior Ballot Storage Container Chain of Custody Log

Storage Container ID # and Location:		Date:	
Team Member 1:		Team Member 2:	
Number of the seal placed on the retrieved interior ballot storage container:			
Time of Arrival:		Member 1 Initials:	Member 2 Initials:
<input type="checkbox"/> Inspect ballot drop box for any sign of tampering or vandalism. <input type="checkbox"/> Unlock the access door and remove the interior ballot storage container. <input type="checkbox"/> Inspect inside of drop box for ballots that might be leaning against or stuck to the wall. <input type="checkbox"/> Inspect drop box area to ensure no ballots have fallen on the ground. <input type="checkbox"/> Place any ballots found into the interior ballot storage container. <input type="checkbox"/> Close and lock the interior ballot storage container. <input type="checkbox"/> Place a seal on the interior ballot storage container such that the seal would have to be removed or destroyed to open the storage container. <input type="checkbox"/> Place the empty and open interior ballot storage container inside the drop box. <input type="checkbox"/> Close and lock the access door. Both team members verify the access door is closed and locked. <input type="checkbox"/> Load locked and sealed interior ballot storage container into vehicle.			
All procedures completed and recorded:		Member 1 Initials:	Member 2 Initials:
<input type="checkbox"/> YES <input type="checkbox"/> NO			
Service Required?	Notes:		
<input type="checkbox"/> YES <input type="checkbox"/> NO			
Time of Departure:		Member 1 Initials:	Member 2 Initials:
_____ <input type="checkbox"/> AM <input type="checkbox"/> PM			
Persons taking custody of the returned locked and sealed interior ballot storage containers:			
Name : _____		Signature: _____	
Name: _____		Signature: _____	

7. The RNC's party members, and any member of the public, have the right to know the information contained on the chain of custody logs. No known state interest outweighs the right of the RNC to obtain this basic-level due diligence information.

8. The container opening logs are similarly generic documents created by Board of Elections employees when drop box ballot storage containers are opened at the Board of Elections office following their retrieval. A sample form issued by the Board of Elections which is utilized by many counties is depicted below:

Interior Ballot Storage Container Opening Log

Storage Container ID #:		Date:	Time:
Team Member 1:		Team Member 2:	
Ballot storage container seal number:			
<input type="checkbox"/> Inspect the interior ballot storage container for any sign of tampering or vandalism. <input type="checkbox"/> Container was locked. <input type="checkbox"/> Container seal was intact. <input type="checkbox"/> Open container and remove ballots (both team members present). <input type="checkbox"/> Count and record number of ballots (verified by both team members).			
Service Required? <input type="checkbox"/> YES <input type="checkbox"/> NO		Notes:	
Issues Requiring Attention? <input type="checkbox"/> YES <input type="checkbox"/> NO			
Total # of ballot inside the container:		Member 1 Initials:	Member 2 Initials:
All procedures completed and recorded: <input type="checkbox"/> YES <input type="checkbox"/> NO		Member 1 Initials:	Member 2 Initials:

9. At least one county election office in New Jersey has provided chain of custody logs requested by the RNC in connection with the June 10, 2025, Primary Election.

10. On September 3, 2025, Defendant responded to the Request, stating that it was “still in the process of locating, identifying and reviewing records potentially responsive” to the Request and that it required additional time to review identified records for any applicable exemptions. In that same response, Defendant asserted that it was “processing [the RNC’s] request as quickly as possible and w[ould] respond to [the RNC] further no later than September 17, 2025.”

11. On September 17, 2025, Defendant again issued a response to the RNC. In this response, Defendant made the same assertions as it made in its July 14 response but now stated that it anticipated responding to the Request by “no later than September 24, 2025.”

12. On September 24, 2025, Defendant, for the third time, responded with a substantively identical letter, only it now asserted that it needed until October 1, 2025, to provide a further response to the Request.

13. Finally, on September 26, 2025, Defendant provided records responsive to item three of the Request seeking container opening logs but denied possession of records responsive to item one of the Request seeking drop box footage for the drop box located at the Board of Elections building

14. In addition, Defendant denied item two of the Request seeking chain of custody logs, asserting three exemptions under OPRA:

“[m]anuals instructions, specifications, technical information, or programming code of computers, software, applications, networks, tablets, voting machines, printers, scanners, and any other equipment, systems, policies or plans used for the conduct of elections, the disclosure of which, could have the potential to jeopardize the security, integrity or accuracy of the conduct of elections, tabulation of votes , or determination of election results”;

“emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein”; and

“security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software.”

15. Defendant’s denial of item two of the Request does not articulate why the information contained on the chain of custody logs is exempt from disclosure under N.J.S.A. 47:1A-5.3; it merely recites the text of the exemption.

16. Defendant’s denial of item two of the Request does not articulate why the information contained on the chain of custody logs is exempt from disclosure as either “emergency or security information or procedures for any buildings or facility” or “security measures and surveillance techniques”; it merely recites the text of the exemption.

17. Defendant’s denial of item two of the Request fails to articulate what alleged interest the Board of Elections has in withholding access to the chain of custody logs.

18. Defendant's failure to provide all records requested violates N.J.S.A. 47:1A-5(6)(i) and the Common Law Right of Access.

19. The Request is valid and seeks readily identifiable government records in the possession and control of Defendant, which Defendant is required to maintain and make available to the public under state law.

20. The RNC's interest in the requested records is greater than Defendant's interest in non-disclosure.

FIRST COUNT

(OPEN PUBLIC RECORDS ACT VIOLATION)

21. The RNC hereby repeats and incorporates the allegations contained in the preceding paragraphs as if set forth herein at length.

22. Defendant violated OPRA by not providing the RNC with copies of all records identified in the Request.

23. Defendant violated OPRA by not responding to the Request with all responsive records within seven business days of the date of the Request and by not seeking additional time in the manner required by N.J.S.A. 47:1A-5(6)(i).

24. Defendant violated OPRA by failing to articulate how the exemptions to OPRA cited in its final response apply to the records sought in the Request or why redaction of any potentially exempt material might have been appropriate instead of refusing to release the entire record.

SECOND COUNT

(COMMON LAW RIGHT OF ACCESS)

25. The RNC hereby repeats and incorporates the allegations contained in the preceding paragraphs as if set forth herein at length.

26. The records requested by the RNC, which Defendant failed to provide, are public records under the Common Law Right of Access.

27. The RNC has articulated the interest of its members in obtaining the records sought in the body of the Request submitted to Defendant.

28. Defendant has not articulated a valid state interest in non-disclosure.

29. Any possible state interest in non-disclosure is not greater than the RNC's interest in receiving the records sought.

WHEREFORE, the RNC hereby demands:

- a. An Order or Judgment ordering the Division of Elections to provide the RNC with copies of the public records demanded in its August 22, 2025, request;
- b. A certification from Defendant to the Court that it has provided all responsive records;
- c. A waiver by Defendant of any fee it might charge for the requested records;
- d. An award of reasonable attorneys' fees and costs; and
- e. Such other relief as the Court may deem equitable and just.

DESIGNATION OF TRIAL COUNSEL

The RNC hereby designates Josiah Contarino as trial counsel.

CERTIFICATION OF NO OTHER ACTIONS

Pursuant to Rule 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.

DHILLON LAW GROUP INC.

By: /s/ Josiah Contarino
Josiah Contarino

Attorneys for Plaintiff
Republican National Committee

Dated: October 24, 2025

VERIFICATION

Paul Pietrini of full age, hereby certifies as follows:

1. I am the Deputy State Director of Election Integrity for New Jersey and am employed by the RNC.. All of the facts stated in the Verified Complaint to which this Verification is attached are true, and as to those facts that are alleged on information and belief in those paragraphs, I believe those facts to be true,

2. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: Paul Pietrini
PAUL PIETRINI

Dated: October 24, 2025

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<p>REPUBLICAN NATIONAL COMMITTEE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BURLINGTON COUNTY BOARD OF ELECTIONS,</p> <p style="text-align: center;">Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BURLINGTON COUNTY</p> <p>Docket No.: BUR-L</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">ORDER TO SHOW CAUSE</p> <p style="text-align: center;">(OPRA SUMMARY PROCEEDING)</p>
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THIS MATTER having been opened to the Court by Dhillon Law Group Inc., attorneys for Plaintiff Republican National Committee, Inc., seeking relief by way of summary action pursuant to R. 4:67-1 and 2(a), based upon the facts set forth in the verified complaint and supporting papers filed herewith; and the Court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to N.J.S.A. 47:1A-6; and for good cause shown,

1. **IT IS** on this _____ day of October 2025, **ORDERED** that Defendant Burlington County Board of Elections, appear and show cause on the _____ day of _____ 2025 before the Honorable _____, Superior Court of New Jersey, County of Burlington, Burlington County Civil Courthouse, 49 Rancocas Road, Mount Holly, New Jersey 08060, at a time to be determined, or as soon thereafter as counsel can be heard, why judgment should not be entered:

- A. Ordering Defendant to disclose to Plaintiff copies of the following records:
interior ballot storage container chain of custody logs completed between June 1, 2025, through June 10, 2025, for every ballot drop box located in Burlington County;
- B. Declaring that Defendant unlawfully denied access to the foregoing records requested by Plaintiff on August 22, 2025;
- C. Declaring that Defendant failed to adhere to OPRA in its response to Plaintiff's request for video footage of the Moorestown ballot drop box located at the county elections building for the dates of June 1, 2025, through June 10, 2025;
- D. Ordering that within three (3) days of providing the foregoing records, Defendant shall submit a certification with the Court that it has provided all responsive records;
- E. Ordering that any fee that Defendant may have charged for producing the foregoing records is waived;
- F. Ordering that Plaintiff is a prevailing party in this matter and entitled to an award of reasonable counsel fees and costs; and
- G. Ordering such other, further and different relief as the Court may deem equitable and just.

And it is further **ORDERED** that:

2. 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 Defendant within 7 days of the date hereof via overnight delivery with signature confirmation or certified mail, return receipt requested and email at electionboard@co.burlington.nj.us.

3. Plaintiff must file with the Court proof of service of the pleadings on the Defendant no later than three (3) days before the return date.

4. Defendant shall file and serve a written answer and opposition papers to this order to show cause and the relief requested in the verified complaint and proof of service of the same by _____. The answer and opposition papers 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 the Honorable _____.

5. Plaintiff must file and serve any written reply to Defendant's opposition to the order to show cause by _____. 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 the Honorable _____.

6. If Defendant does 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 Plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

7. If Plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date must be submitted to the Court no later than three (3) days before the return date.

8. Defendant take notice that Plaintiff has 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 opposition papers 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 directory of these offices is available in the Civil Division Management Office in the county listed above and online at njcourts.gov. Unless exempt from paying the filing fee, include a \$175 filing fee payable to the “Treasurer, State of New Jersey.” You must also send a copy of your answer and opposition papers to Plaintiff’s attorney whose name and address appear above, or to Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer and opposition papers (with the fee) or judgment may be entered against you by default.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). 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 directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at njcourts.gov.

10. 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 7 days before the return date.

Hon.

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<p>REPUBLICAN NATIONAL COMMITTEE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BURLINGTON COUNTY BOARD OF ELECTIONS,</p> <p style="text-align: center;">Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BURLINGTON COUNTY</p> <p>Docket No.: BUR-L</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">FINAL ORDER</p> <p style="text-align: center;">(OPRA SUMMARY PROCEEDING)</p>
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THIS MATTER having been opened to the Court by Dhillon Law Group Inc., attorneys for Plaintiff Republican National Committee, Inc., seeking relief by way of summary action pursuant to R. 4:67-1 and 2(a), based upon the facts set forth in the verified complaint and supporting papers filed herewith; and the Court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to N.J.S.A. 47:1A-6; and having considered the written submissions by the parties and having heard oral argument on _____, for good cause shown,

IT IS on this _____ day of _____, 2025

1. **ORDERED** that Defendant Burlington County Board of Elections shall provide Plaintiff with copies of the following records within three (3) days: interior ballot storage container chain of custody logs completed between June 1, 2025, through June 10, 2025, for every ballot drop box located in Burlington County;

2. **DECLARED** that Defendant violated OPRA by unlawfully denying access to the foregoing records requested by Plaintiff on August 22, 2025;

3. **DECLARED** that Defendant failed to adhere to OPRA in its response to Plaintiff's request for video footage of the Moorestown ballot drop box located at the county elections building for the dates of June 1, 2025, through June 10, 2025;

4. **ORDERED** that within three (3) days of providing the foregoing records, Defendant shall submit a certification with the Court that it has provided all responsive records;

5. **ORDERED** that any fee that Defendant may have charged for producing the foregoing records is waived;

6. **ORDERED** that Plaintiff is the prevailing party in this matter and is entitled to an award of reasonable counsel fees and costs, which shall be established by subsequent Court Order upon the submission of a Certification of Services by Plaintiff's counsel within seven (7) days of the entry of this Order, which Defendant shall have the ability to respond to within ten (10) days of the entry of this Order; and

7. **ORDERED** that a copy of this Order shall be deemed served upon all parties of record upon filing on eCourts.

Hon.

OPPOSED _____

UNOPPOSED _____

REPUBLICAN NATIONAL COMMITTEE,

Plaintiff,

v.

BURLINGTON COUNTY BOARD OF
ELECTIONS,

Defendant.

SUPERIOR COURT OF NEW JERSEY LAW
DIVISION: BURLINGTON COUNTY

Docket No.: BUR-L

Civil Action

**MEMORANDUM OF LAW IN SUPPORT OF VERIFIED COMPLAINT AND ORDER
TO SHOW CAUSE OF PLAINTIFF REPUBLICAN NATIONAL COMMITTEE**

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Dated: October 24, 2025

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PRELIMINARY STATEMENT

Plaintiff Republican National Committee (“RNC” or “Plaintiff”), submits this Memorandum of Law in support of its Verified Complaint and Order to Show Cause against Defendant Burlington County Board of Elections (“Board of Elections” or “Defendant”), arising under the Open Public Records Act, N.J.S.A. 47:1A-1, *et seq.* (“OPRA”) and the Common Law Right of Access.

Defendant violated OPRA and the Common Law Right of Access by improperly withholding public records based on exemptions for which Defendant failed to link to the requested public documents, and by failing to direct Plaintiff to the agency that would have had specific records Defendant claims it does not possess. Specifically, the RNC sought: (1) video footage of the Moorestown ballot drop box located at the county elections building for the dates June 1–10, 2025; (2) interior ballot storage container chain of custody logs for every ballot drop box in Burlington County for the same period (“chain of custody logs”); and (3) interior ballot storage container opening logs for the same period (“container opening logs”) (together, the “Request”).

The Board’s incomplete and conclusory response after about five weeks violated OPRA’s requirement that a custodian may not rely upon conclusory and generalized allegations of exemptions, but must provide specific reasons for withholding documents. Instead, Defendant invoked OPRA exemptions wholesale without providing any factual or legal justification for their applicability. It also violated OPRA’s requirements to direct the requestor to the custodian of the record if Defendant does not possess the requested records.

Defendant’s denial of access was unlawful and inconsistent with New Jersey’s strong public policy favoring transparency in election administration. The RNC therefore respectfully

requests that this Court order the immediate production of the requested records and award attorneys' fees and costs pursuant to N.J.S.A. 47:1A-6.

STATEMENT OF FACTS

On August 22, 2025, the RNC filed with Defendant a public records request under OPRA and the common law right to know seeking (1) video footage of the Moorestown ballot drop box located at the county elections building between June 1 and June 10, 2025; (2) interior ballot storage container chain of custody logs completed for the same period for every ballot drop box located in Burlington County; and (3) interior ballot storage container opening logs completed for that same period for every ballot drop box located in Burlington County. Verified Compl. ¶ 5; Certification of Josiah Contarino (Oct. 24, 2025) ("Contarino Cert."), Ex. A.

Defendant did not provide a single record until September 26, 2025, 35 days later. Verified Compl. ¶¶ 10–13. In that September 26 response, Defendant provided container opening logs the RNC requested but denied possession of drop box recordings and denied outright the chain of custody logs despite possessing them. *Id.* ¶¶ 13–14; Contarino Cert., Ex. E.

Defendant relied on the following exemptions to deny the chain of custody logs:

"[m]anuals, instructions, specifications, technical information, or programming code of computers, software, applications, networks, tablets, voting machines, printers, scanners, and any other equipment, systems, policies or plans used for the conduct of elections, the disclosure of which, could have the potential to jeopardize the security, integrity or accuracy of the conduct of elections, tabulation of votes, or determination of election results";

"emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein"; and

"security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software."

Verified Compl. ¶ 14; Contarino Cert., Ex. E. Nevertheless, Defendant failed to explain how those exemptions applied in this matter. Verified Compl. ¶¶ 15–17; Contarino Cert., Ex. E. Moreover, at least one county election office in New Jersey has already provided chain of custody logs requested by the RNC. Verified Compl. ¶ 9.

ARGUMENT

I. This action should proceed in a summary manner.

This Court has jurisdiction over this matter pursuant to N.J.S.A. 47:1A-6, which provides that “[a] person who is denied access to a government record by the custodian of the record may . . . institute a proceeding to challenge the custodian’s decision by filing an action in Superior Court, and that “[a]ny such proceeding shall proceed in a summary or expedited manner.” *See also A.A. v. Gramiccioni*, 442 N.J. Super. 276, 282 (App. Div. 2015); *Courier News v. Hunterdon County Prosecutor’s Office*, 358 N.J. Super. 373, 378 (App. Div. 2003) (“This statutory language requires a trial court to proceed under the procedures prescribed in Rule 4:67.”).

Because this case arises under OPRA and the relevant facts are established through the Verified Complaint and supporting certification, an order to show cause and summary disposition under Rule 4:67 is proper. *See R. 4:67* (permitting lawsuits brought in a summary manner if New Jersey statute allows).

II. The Burlington County Board of Elections violated OPRA by failing provide readily available records.

A. The records sought by the RNC are non-exempt government records.

OPRA defines a “government record” broadly to include “any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed

document, information stored or maintained electronically or by sound recording or in a similar device” made, maintained, or kept on file in the course of official business. N.J.S.A. 47:1A-1.1.

Under well-established precedent, the public’s right of access under OPRA is to be construed broadly, and any claimed limitation “shall be construed in favor of the public’s right of access.” *Libertarian Party of Cent. N.J. v. Murphy*, 384 N.J. Super. 136, 139 (App. Div. 2006); *Fair Share Housing Ctr., Inc. v. N.J. State League of Municipalities*, 207 N.J. 489, 502 (2011) (explaining the purpose of OPRA is to maximize public knowledge about public affairs to ensure an informed public and minimize the “evils inherent in a secluded process”).

Here, the chain of custody logs and video footage requested by the RNC are plainly “government records” that require disclosure to ensure the public understands the drop box voting process and safeguards. These records are created and maintained by county election officials in the regular course of conducting elections and serve as contemporaneous records of ballot handling and security. Such materials are routinely available to the public in other New Jersey counties and in other jurisdictions across the country.

B. The Burlington County Board of Elections failed to properly respond.

Defendant violated OPRA by failing to release all responsive records in its possession in response to the chain of custody log request. “A public agency that denies access bears ‘the burden of proving that the denial of access is authorized by law.’ The custodian may not rely upon ‘conclusory and generalized allegations of exemptions,’ but must provide specific reasons for withholding documents.” *North Jersey Media Group Inc. v. Bergen County Prosecutor’s Office*, 447 N.J. Super. 182, 204 (App. Div. 2016) (internal citations omitted). Defendant’s denial recites three OPRA exemptions without articulating any factual basis why the cited exemptions

apply, in violation of *North Jersey Media Group*, 447 N.J. Super. at 204. This cursory denial of the chain of custody log request violates OPRA.

Defendant's response to the drop box video footage request is also suspect. First, Defendant claims that it does not possess the drop box video footage. But it does not state whether it forwarded the request to the custodian of record, and it certainly did not "direct the requestor [the RNC] to the custodian of the record," as required by N.J.S.A. 47:1A-5(h). Nor did Defendant "direct the requestor within seven business days to the public agency that, to the best of their knowledge, created, maintains, or received the requested record," as required by N.J.S.A. 47:1A-5(i)(1).

Second, Defendant highlights that the retention policy for the video footage had expired at the time of its September 26 response. Defendant's reliance on both reasons—lack of possession and the retention policy's expiration—for its inability to provide the records obscures whether Defendant possessed the video footage at the time of the August 22 request but subsequently deleted it by the time it responded on September 26, whether it had deleted it before August 22, or whether it never possessed it to begin with. If it is either of the latter two scenarios, it is unclear why Defendant was unable to provide that response within the seven days required under OPRA.

For these reasons, Defendant's September 26 response violates OPRA.

III. The RNC is entitled to an award of attorney's fees and costs.

Under N.J.S.A. 47:1A-6, a requestor who prevails in any OPRA proceeding "shall be entitled to a reasonable attorney's fee." Even where records are produced after suit is filed, a plaintiff qualifies as a "catalyst" for the disclosure and is still entitled to fees. *Mason v. City of Hoboken*, 196 N.J. 51, 76 (2008).

Because the RNC was compelled to bring this action to obtain access to public election records, it is entitled to recover reasonable attorney's fees and costs, with the precise amount to be determined upon submission of counsel's certification.

IV. The RNC has an independent right to obtain the records sought under the common law right of access.

The common law allows members of the public to gain access to "written memorials made by public officers in the exercise of their official duties." *See e.g., Loigman v. Kimmelman*, 102 N.J. 98, 102 (1986) (quoting *Nero v. Hyland*, 76 N.J. 213, 221-22 (1978)). The purpose of this "common law right of access" is to provide a private citizen that has demonstrated a compelling personal need to inspect public records with a method of obtaining access to the necessary information. *North Jersey Media Grp., Inc. v. Tp. of Lyndhurst*, 229 N.J. 541 (2017). But a private citizen's personal interest in inspecting public records must be weighed against a government agency's interest in preserving the confidentiality of its citizens. *North Jersey Media Group v. Bergen County Prosecutor's Office*, 447 N.J. Super. at 182; *Keddie v. Rutgers*, 148 N.J. 36, 50 (1997).

The Supreme Court has identified the following factors that should be considered when determining whether a plaintiff's personal interest in inspecting public records sufficiently outweighs a government's interest:

- (1) the extent to which disclosure will impede agency functions by discouraging citizens from providing information to the government;
- (2) the effect disclosure may have upon persons who have given such information, and whether they did so in reliance that their identities would not be disclosed;
- (3) the extent to which agency self-evaluation, program improvement, or other decision-making will be chilled by disclosure;
- (4) the degree to which the information sought includes factual data as opposed to evaluative reports of policymakers;
- (5) whether any findings of public misconduct have been insufficiently corrected by remedial measures instituted by the investigative agency; and
- (6) whether any

agency disciplinary or investigatory proceedings have arisen that may circumscribe the individual's asserted need for the materials.

Loigman, 102 N.J. at 113. These factors tips in the RNC's favor:

- Agency Function: Disclosure will not impede the Board's functions. The logs and footage merely document completed election procedures.
- Effect on Individuals: The records identify only public employees performing official duties, not private citizens.
- Program Evaluation: Transparency promotes accountability in election administration and enhances public confidence.
- Nature of Information: The requested materials are factual records, not evaluative or deliberative in nature.
- Public Interest: There is a strong public interest in ensuring lawful chain-of-custody and ballot security procedures.

Accordingly, the RNC's legitimate interest in oversight of election integrity far outweighs any generalized or speculative confidentiality interest asserted by Defendant.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court enter judgment in its favor and award attorneys' fees and costs.

Respectfully submitted,

DHILLON LAW GROUP INC.

By: /s/ Josiah Contarino

Josiah Contarino

*Attorneys for Plaintiff
Republican National Committee, Inc.*

Dated: October 24, 2025

DHILLON LAW GROUP INC.

Josiah Contarino, Esq. (#003962013)
50 Park Place, Suite 1105
Newark, NJ 07102
(917) 423-7221
jcontarino@dhillonlaw.com

*Attorneys for Plaintiff
Republican National Committee*

<p>REPUBLICAN NATIONAL COMMITTEE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BURLINGTON COUNTY BOARD OF ELECTIONS,</p> <p style="text-align: center;">Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BURLINGTON COUNTY</p> <p>Docket No.: BUR-L</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">CERTIFICATION OF COUNSEL</p>
--	---

I, JOSIAH CONTARINO, of full age, hereby certify as follows:

1. I am an attorney-at-law of the State of New Jersey and am counsel at Dhillon Law Group Inc., attorneys for Plaintiff Republican National Committee, Inc. (the “RNC”). I am familiar with the facts set forth herein, which are based upon matters of public record.
2. Attached hereto as **Exhibit A** is a true and accurate copy of a records request submitted on behalf of the RNC to Defendant Burlington County Board of Elections (“Defendant”) on or about August 22, 2025 (“Request”).
3. Attached hereto as **Exhibit B** is a true and accurate copy of Defendant’s September 3, 2025, response¹ to Plaintiff’s Request seeking additional time to respond.
4. Attached hereto as **Exhibit C** is a true and accurate copy of Defendant’s September 17, 2025, response to Plaintiff’s Request seeking additional time to respond.

¹ Incorrectly dated July 14, 2025.

5. Attached hereto as **Exhibit D** is a true and accurate copy of Defendant's September 24, 2025, response to Plaintiff's Request seeking additional time to respond.

6. Attached hereto as **Exhibit E** is a true and accurate copy of Defendant's September 26, 2025, response² to Plaintiff's Request.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to punishment.

DHILLON LAW GROUP INC.
Attorneys for Plaintiff

By: /s/ Josiah Contarino
JOSIAH CONTARINO

Dated: October 24, 2025

² Incorrectly dated September 17, 2025.

EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM

Josiah Contarino (Dhillon Law)

From: Zeno, Michelle <mzeno@co.burlington.nj.us>
Sent: Wednesday, September 3, 2025 3:43 PM
To: Sena, Jason N.
Subject: [EXT MAIL] RE: OPRA Request
Attachments: Sena Ext Ltr - BOE 031-25.pdf

Good afternoon,

Please see the attached response to your OPRA request.

Thank you,

Michelle Zeno

Deputy Administrator
Burlington County Board of Elections
609-265-5844

From: Sena, Jason N. <jsena@archerlaw.com>
Sent: Friday, August 22, 2025 1:46 PM
To: Election Board <ElectionBoard@co.burlington.nj.us>
Subject: OPRA Request

THIS EMAIL DID NOT ORIGINATE FROM WITHIN BURLINGTON COUNTY.

[EXTERNAL EMAIL WARNING]

PLEASE BE CAUTIOUS WITH ANY LINKS, ATTACHMENTS, OR REQUEST FOR INFORMATION.

Good Afternoon:

Please accept this e-mail as an OPRA Request for the following documents:

- 1) Video footage of the Moorestown ballot drop box located at the county elections building for the dates of June 1, 2025 through June 10, 2025;
- 2) Interior Ballot Storage Container Chain of Custody Logs completed between June 1, 2025 through June 10, 2025 for every ballot drop box located in Burlington County; and
- 3) Interior Ballot Storage Container Opening Logs completed between June 1, 2025 through June 10, 2025 for every ballot drop box located in Burlington County.

This request is not being made in connection with a legal proceeding or for a commercial purpose. I have not been convicted of an indictable offense. The preferred method of delivery for the response is via e-mail to this address.

This request is also being made under the common law right to know. My clients, the Republican National Committee and party members, have a right to review footage of voters depositing ballots in drop boxes and the written record of the number of ballots deposited in a drop box on a given day, just as a challenger would have the right to observe in-person votes cast at a polling location and the machine tapes generated following the close of polls.

Jason

Jason N. Sena, Esq.

Archer & Greiner P.C.
Riverview Plaza
10 Highway 35
Red Bank, NJ 07701-5902
732-268-8007
jsena@archerlaw.com
www.archerlaw.com



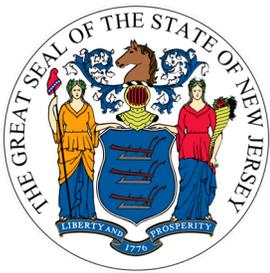
INFORMATION CONTAINED IN THIS E-MAIL TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS EMAIL, DO NOT READ, DISTRIBUTE OR REPRODUCE THIS TRANSMISSION (INCLUDING ANY ATTACHMENTS). IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE OR EMAIL REPLY.

***** The information contained in this e-mail message and any attachments transmitted with it are private, are intended solely for the use of the individual or entity to whom it is addressed and may contain confidential and/or privileged material. If you have received this e-mail message in error, please immediately notify the sender by reply e-mail and delete the message; furthermore, you should not print, copy, transmit, or otherwise disseminate the information contained in this e-mail message. Any use of this information other than by the intended recipient is prohibited. Although Burlington County attempts to sweep e-mail attachments for viruses, it does not guarantee that they are virus-free and accepts no liability for any damage sustained as a result of viruses. *****

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EXHIBIT B

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BURLINGTON COUNTY BOARD OF ELECTIONS

301 HARPER DRIVE, MOORESTOWN, NJ 08057
MAILING: P.O. BOX 6000, MT. HOLLY, NJ 08060

(609) 265-5557 Fax: (609) 265-3131

CHAIRWOMAN
HEATHER CHEESMAN
Bordentown City, NJ

SECRETARY
GEORGE NYIKITA
Edgewater Park, NJ

COMMISSIONERS:
JAMIE LOCATELL
Moorestown, NJ

REVA FOSTER
Willingboro, NJ

Via Email: jsena@archerlaw.com

July 14, 2025

Jason Sena, Esq.

Re: OPRA BOE# 031-25

Dear Mr. Sena:

We are in receipt of your recent OPRA request, whereby you requested the following:

- 1) Video footage of the Moorestown ballot drop box located at the county elections building for the dates of June 1, 2025 through June 10, 2025;
- 2) Interior Ballot Storage Container Chain of Custody Logs completed between June 1, 2025 through June 10, 2025 for every ballot drop box located in Burlington County; and
- 3) Interior Ballot Storage Container Opening Logs completed between June 1, 2025 through June 10, 2025 for every ballot drop box located in Burlington County.

Please be advised that we are still in the process of locating, identifying and reviewing records potentially responsive to your request. Thereafter, any such responsive records will need to be reviewed and, if necessary, redacted, should any OPRA exemption and/or privilege be found to apply. As such, additional time is required to thoroughly and properly respond to your request. See, Werner v. NJ Civil Service Commission, GRC Complaint No. 2011-151 (December 2012) and Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010).

Rest assured, we are processing your request as quickly as possible and will respond to you further no later than **September 17, 2025**. Thank you for your patience and cooperation.

If you have any questions or concerns, please do not hesitate to contact me. In addition, you should know that if you believe that our response does not comply with existing law, you have the right to bring an action in the Superior Court of New Jersey, or to appeal to the Government Records Council. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at Government.Records@dca.nj.gov, or at their web site at www.state.nj.us/grc. Thank you.

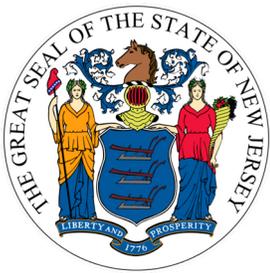
Sincerely,

Michelle Zeno

Michelle Zeno
Deputy Administrator

EXHIBIT C

RETRIEVED FROM DEMOCRACYDOCKET.COM



BURLINGTON COUNTY BOARD OF ELECTIONS

301 HARPER DRIVE, MOORESTOWN, NJ 08057
MAILING: P.O. BOX 6000, MT. HOLLY, NJ 08060

(609) 265-5557 Fax: (609) 265-3131

CHAIRWOMAN
HEATHER CHEESMAN
Bordentown City, NJ

SECRETARY
GEORGE NYIKITA
Edgewater Park, NJ

COMMISSIONERS:
JAMIE LOCATELL
Moorestown, NJ

REVA FOSTER
Willingboro, NJ

Via Email: jsena@archerlaw.com

September 17, 2025

Jason Sena, Esq.

Re: OPRA BOE# 031-25

Dear Mr. Sena:

We are in receipt of your recent OPRA request, whereby you requested the following:

- 1) Video footage of the Moorestown ballot drop box located at the county elections building for the dates of June 1, 2025 through June 10, 2025;
- 2) Interior Ballot Storage Container Chain of Custody Logs completed between June 1, 2025 through June 10, 2025 for every ballot drop box located in Burlington County; and
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Rest assured, we are processing your request as quickly as possible and will respond to you further no later than **September 24, 2025**. Thank you for your patience and cooperation.

If you have any questions or concerns, please do not hesitate to contact me. In addition, you should know that if you believe that our response does not comply with existing law, you have the right to bring an action in the Superior Court of New Jersey, or to appeal to the Government Records Council. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at Government.Records@dca.nj.gov, or at their web site at www.state.nj.us/grc. Thank you.

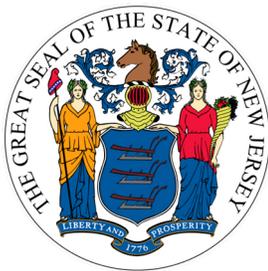
Sincerely,

Michelle Zeno

Michelle Zeno
Deputy Administrator

EXHIBIT D

RETRIEVED FROM DEMOCRACYDOCKET.COM



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COMMISSIONERS:
JAMIE LOCATELL
Moorestown, NJ

REVA FOSTER
Willingboro, NJ

Via Email: jsena@archerlaw.com

September 24, 2025

Jason Sena, Esq.

Re: OPRA BOE# 031-25

Dear Mr. Sena:

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Please be advised that we are still in the process of locating, identifying and reviewing records potentially responsive to your request. Thereafter, any such responsive records will need to be redacted, should any OPRA exemption and/or privilege be found to apply. As such, additional time is required to thoroughly and properly respond to your request. See, Werner v. NJ Civil Service Commission, GRC Complaint No. 2011-151 (December 2012) and Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010).

Rest assured, we are processing your request as quickly as possible and will respond to you further no later than **October 1, 2025**. Thank you for your patience and cooperation.

If you have any questions or concerns, please do not hesitate to contact me. In addition, you should know that if you believe that our response does not comply with existing law, you have the right to bring an action in the Superior Court of New Jersey, or to appeal to the Government Records Council. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at Government.Records@dca.nj.gov, or at their web site at www.state.nj.us/grc. Thank you.

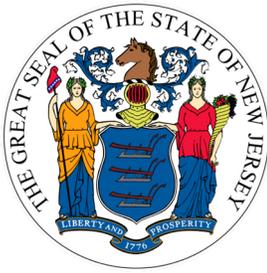
Sincerely,

Michelle Zeno

Michelle Zeno
Deputy Administrator

EXHIBIT E

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BURLINGTON COUNTY BOARD OF ELECTIONS

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Moorestown, NJ

REVA FOSTER
Willingboro, NJ

Via Email: jsena@archerlaw.com

September 17, 2025

Jason Sena, Esq.

Re: OPRA BOE# 031-25

Dear Mr. Sena:

We are in receipt of your recent OPRA request, whereby you requested the following:

- 1) Video footage of the Moorestown ballot drop box located at the county elections building for the dates of June 1, 2025 through June 10, 2025;
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- 3) Interior Ballot Storage Container Opening Logs completed between June 1, 2025 through June 10, 2025 for every ballot drop box located in Burlington County.

Attached please find the records responsive to item 3 of your request.

Please be advised that a search of our files indicates that there are no documents or records made, maintained or kept on file by the Burlington County Board of Elections office responsive to item 1 of your request for the video for the "drop box located at the county elections building". Please be further advised that the requested records are past the retention period and as such, are no longer on file.

With regard to item 2 of your request, please be advised that the requested records have been withheld as they are exempt from disclosure pursuant to N.J.S.A. 47:1A-5.3. N.J.S.A. 47:1A-5.3 exempts from disclosure "[m]anuals, instructions, specifications, technical information, or programming code of computers, software, applications, networks, tablets, voting machines, printers, scanners, and any other equipment, systems, policies or plans used for the conduct of elections, the disclosure of which, could have the potential to jeopardize the security, integrity or accuracy of the conduct of elections, tabulation of votes, or determination of election results...". Further, the records are exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1 which exempts from disclosure "emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein". N.J.S.A. 47:1A-1.1 further exempts from disclosure "security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software".

I am also obligated to inform you that if you believe I have erred in withholding documents, you have the right to bring an action in the Superior Court of New Jersey, or to appeal to the Government Records Council. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at Government.Records@dca.nj.gov, or at their web site at www.state.nj.us/grc.

We now consider our response complete. Thank you for the opportunity to be of assistance.

Sincerely,

Michelle Zeno

Michelle Zeno
Deputy Administrator

Encl.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Civil Case Information Statement

Case Details: BURLINGTON | Civil Part Docket# L-002476-25

Case Caption: REPUBLICAN NATIONAL COMMITTEE VS BURLINGTON CNT

Case Initiation Date: 10/24/2025

Attorney Name: JOSIAH A CONTARINO

Firm Name: DHILLON LAW GROUP, INC.

Address: 50 PARK PL STE 1105

NEWARK NJ 07102

Phone: 9174237221

Name of Party: PLAINTIFF : Republican National Committee

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

Document Type: Verified Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Republican National Committee? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO **Medical Debt Claim?** NO

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 in accordance with *Rule 1:38-7(b)*

10/24/2025

Dated

/s/ JOSIAH A CONTARINO

Signed

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