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LAW OFFICES OF WILLIAM R. CONNELLY, LLC

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WILLIAM R. CONNELLY
NJ NY & MA BARS

OF COUNSEL:

CAROLE WHITE-CONNOR
NJ BAR

June 24, 2015

Via Federal Express

Clerk of Superior Court, Law Division
Union County Courthouse
2 Broad Street, Room 107 Rotunda
Elizabeth, New Jersey 07207

**Re: New Jersey Foundation For Open Government, Inc. and John Paff v. Summit
Housing Authority and Joseph M. Billy, Jr.
Docket No. UNN-L-1927-15**

Dear Sir/Madam:

Enclosed is an original and copy of an Answer to Verified Complaint with Civil Case Information Statement along with an original and copy of the Certification of Joseph M. Billy, Jr. in opposition to the Order To Show Cause in the above matter. Would you kindly file same and return the copy of the Answer, CIS and Certification to this office marked filed in the envelope provided.

Also enclosed is this firm's check in the amount of \$175.00 in payment of the required fee.

Thank you for your attention to this matter.

Very truly yours,


William R. Connelly

WRC/cmm
Enclosures

cc: Honorable James Hely, J.S.C., w/encls. (Via Federal Express)
Anthony H. Ogozalek, Jr., Esq., w/encls. (Via Federal Express)
Joseph M. Billy, Jr., w/encls. (Via Regular Mail)

LAW OFFICES OF WILLIAM R. CONNELLY, LLC
William R. Connelly, Esq. (Id. No. 030151980)
7 West Main Street
Mendham, New Jersey 07945
(973) 543-5301
Attorneys for Defendants

NEW JERSEY FOUNDATION FOR
OPEN GOVERNMENT, INC., and
JOHN PAFF

Plaintiffs

v.

SUMMIT HOUSING AUTHORITY and
JOSEPH M. BILLY, JR.

Defendants

SUPERIOR COURT OF NEW JERSEY
UNION COUNTY
LAW DIVISION

DOCKET NO. UNN-L-1927-15

Civil Action

**ANSWER TO VERIFIED
COMPLAINT**

Defendants, the Housing Authority of the City of Summit and Joseph M. Billy, Jr. (“Defendants” or “Summit”), whose address is 512 Springfield Avenue, Summit, New Jersey, by way of Answer to the Verified Complaint of Plaintiffs, New Jersey Foundation For Open Government, Inc. and John Paff (“Plaintiffs”):

Preliminary Statement

1. Defendants are without sufficient knowledge to admit or deny the allegations set forth in paragraph 1 of the Verified Complaint.

Parties

2. Defendants are without sufficient knowledge to admit or deny the allegations set forth in paragraph 2 of the Verified Complaint.

3. Defendants are without sufficient knowledge to admit or deny the allegations set forth in paragraph 3 of the Verified Complaint.

4. Defendants are without sufficient knowledge to admit or deny the allegations set forth in paragraph 4 of the Verified Complaint.

5. Defendants admit the allegations set forth in paragraph 5 of the Verified Complaint.

6. Defendants admit the allegations set forth in paragraph 6 of the Verified Complaint.

COMMON ALLEGATIONS

7. Defendant repeat and reiterate their responses to the allegations contained in all prior paragraphs and incorporates the same herein by reference.

8. Defendants admit that Plaintiffs provided an email on or about April 9, 2015 purporting to be a request under the Open Public Records Act and common law right to access, and asset that the document quoted in paragraph 7 of the Verified Complaint speaks for itself.

9. Defendants admit that a response was sent to Plaintiffs on or about April 17, 2015, but assert that the document quoted in paragraph 8 of the Verified Complaint speaks for itself.

10. Defendants neither admit nor deny the allegations set forth in paragraph 9 of the Verified Complaint, and leaves Plaintiffs to their proofs.

11. Defendants neither admit nor deny the allegations set forth in paragraph 10 of the Verified Complaint, and leaves Plaintiffs to their proofs.

12. Defendants neither admit nor deny the allegations set forth in paragraph 11 of the Verified Complaint, and leaves Plaintiffs to their proofs.

FIRST COUNT

(Violation of N.J.S.A. 47:1A-5)

13. Defendants repeat and reiterate their responses to the allegations contained in all prior paragraphs and incorporates the same herein by reference.

14. Defendants deny the allegations set forth in paragraph 12 of the Verified Complaint.

15. Defendants deny the allegations set forth in paragraph 13 of the Verified Complaint.

WHEREFORE, Defendants, Housing Authority of the City of Summit and Joseph M. Billy Jr. demands that the Verified Complaint be dismissed, with prejudice, and that the Court award Defendant attorneys' fees, costs of suit, and any further relief that this Court deems just and equitable.

SECOND COUNT

(Requiring Disclosure under the common law)

16. Defendants repeat and reiterate their responses to the allegations contained in all prior paragraphs and incorporates the same herein by reference.

17. Defendants deny the allegations set forth in paragraph 14 of the Verified Complaint.

WHEREFORE, Defendants, Housing Authority of the City of Summit and Joseph M. Billy Jr. demands that the Verified Complaint be dismissed, with prejudice, and that the Court award Defendant attorneys' fees, costs of suit, and any further relief that this Court deems just and equitable.

THIRD COUNT

(Insufficient nonpublic meeting motions/resolutions)

18. Defendants repeat and reiterate their responses to the allegations contained in all prior paragraphs and incorporates the same herein by reference.

19. Defendants deny the allegations set forth in paragraph 15 of the Verified Complaint.

20. Defendants deny the allegations set forth in paragraph 16 of the Verified Complaint.

WHEREFORE, Defendants, Housing Authority of the City of Summit and Joseph M. Billy Jr. demands that the Verified Complaint be dismissed, with prejudice, and that the Court award Defendant attorneys' fees, costs of suit, and any further relief that this Court deems just and equitable.

FOURTH COUNT

(Failure to record and maintain nonpublic meeting minutes)

21. Defendants repeat and reiterate their responses to the allegations contained in all prior paragraphs and incorporates the same herein by reference.

22. Defendants deny the allegations set forth in paragraph 17 of the Verified Complaint, except that Defendants admit that there was a letter sent to Plaintiffs dated April 17, 2015 and state that the document speaks for itself.

WHEREFORE, Defendants, Housing Authority of the City of Summit and Joseph M. Billy Jr. demands that the Verified Complaint be dismissed, with prejudice, and that the Court award Defendant attorneys' fees, costs of suit, and any further relief that this Court deems just and equitable.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Verified Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Any losses sustained by Plaintiff were due to the conduct of Plaintiff or some other third party over whom Defendants exercised no control.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' Verified Complaint is barred by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' Verified Complaint is barred by the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' Verified Complaint is barred by the doctrine of waiver.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' Verified Complaint fails to state a claim for statutory damages.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's Verified Complaint fails to state a claim for attorneys' fees and costs.

WHEREFORE, Defendants, Housing Authority of the City of Summit, and Joseph M. Billy, Jr. demand that the Verified Complaint be dismissed, with prejudice, and that the Court award Defendant attorneys' fees, costs of suit, and any further relief that this Court deems just and equitable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, William R. Connelly, Esq. is hereby designated as trial counsel in the within action.

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the within matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated. At this time no other parties should be joined in this action.

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

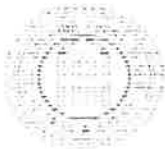

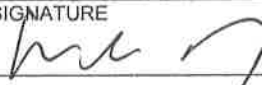
Law Offices of William R. Connelly, LLC
Attorneys for Defendants



By: **WILLIAM R. CONNELLY, ESQ.**

Dated: June 24, 2015

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> . Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed.		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	
			CHG/CK NO.:	
			AMOUNT:	
			OVERPAYMENT:	
		BATCH NUMBER:		
ATTORNEY/PRO SE NAME William R. Connelly, Esq.		TELEPHONE NUMBER 973 543-5301	COUNTY OF VENUE UNION	
FIRM NAME (if applicable) Law Offices of William R. Connelly, LLC		DOCKET NUMBER (when available) UNN-L-1927-15		
OFFICE ADDRESS 7 West Main Street Mendham, New Jersey 07945		DOCUMENT TYPE Answer		
		JURY DEMAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
NAME OF PARTY (e.g., John Doe, Plaintiff) Summit Housing Authority and Joseph M. Billy, Jr., Defendants		CAPTION New Jersey Foundation For Open Government, Inc. and John Paff v. Summit Housing Authority and Joseph M. Billy, Jr.		
CASE TYPE NUMBER (See reverse side for listing) 802	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input checked="" type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN		
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? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP <input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) _____ <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE:		
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 <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE 				



**CIVIL CASE INFORMATION STATEMENT
(CIS)**

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (briefly describe nature of action) _____

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM Claim (includes bodily injury)
- 699 TORT - OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER/CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV — Active Case Management by Individual Judge/450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (MCL) (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 285 STRYKER TRIDENT HIP IMPLANTS | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 286 LEVAQUIN | 297 MIRENA CONTRACEPTIVE DEVICE |
| 287 YAZYASMIN/OCELLA | 601 ASBESTOS |
| 288 PRUDENTIAL TORT LITIGATION | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

Putative Class Action

Title 59

LAW OFFICES OF WILLIAM R. CONNELLY, LLC
William R. Connelly, Esq. (Id. No. 030151980)
7 West Main Street
Mendham, New Jersey 07945
(973) 543-5301
Attorneys for Defendants

NEW JERSEY FOUNDATION FOR
OPEN GOVERNMENT, INC., and
JOHN PAFF

Plaintiffs

v.

SUMMIT HOUSING AUTHORITY and
JOSEPH M. BILLY, JR.

Defendants

SUPERIOR COURT OF NEW JERSEY
UNION COUNTY
LAW DIVISION

DOCKET NO. UNN-L-1927-15

Civil Action

**CERTIFICATION OF
JOSEPH M. BILLY, JR.
IN OPPOSITION TO THE
ORDER TO SHOW CAUSE**

I, Joseph M. Billy, Jr., hereby certify and say:

1. I am the Executive Director of the Housing Authority of Summit (“Summit Housing Authority”), a position I have held since April 1, 2013.

I make this Certification in opposition to Plaintiffs’ Order to Show Cause. I am fully familiar with the facts hereafter stated.

2. I received Plaintiff’s request for “minutes of the Summit Housing Authority’s three most recent non-public (i.e. executive or closed) sessions for which minutes are available either in full or in a redacted version” and “[t]he motions or resolutions . . . that authorized each nonpublic session for which minutes were furnished . . .” via email on or about April 10, 2015 at 5:24 p.m.

3. On or about April 17, 2015, via email, I responded to Plaintiff’s request, stating that there were no such minutes, that executive sessions were not held at every

meeting, and that when needed, the Board will motion and vote to go into executive session to discuss matters of litigation or personnel. Since minutes are not kept of these sessions, I explained that there were no minutes to produce, and thus, no resolutions to produce relating thereto.

4. This litigation followed. I have reviewed the Verified Complaint and attachments, as well as the Order to Show Cause.

5. First, although the Board may have kept minutes of executive sessions in the past, since taking over as Executive Director, we have not kept minutes of executive sessions. I understood the Plaintiffs' request to seek copies of minutes from the last three meetings in which executive sessions occurred since I became Executive Director on April 1, 2013.

6. Second, of those meetings, executive sessions occurred only at the March, 2015 meeting, the September, 2014 meeting and the June, 2014 meeting, and as stated above, no minutes were kept at those executive sessions.

7. Third, while we do put a resolution on the record when going into executive session, there were no documents to produce relating to same.

8. Accordingly, I responded that there were no documents responsive to Plaintiffs' request. My understanding is that only a failure to produce documents responsive to a valid Open Public Records Act request is considered to be a violation of the Open Public Records Act. As Summit Housing Authority did not have any such documents, it is respectfully submitted that Defendants have not violated the Open Public Records Act or common law right of access.

I hereby 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.



Joseph M. Billy Jr.

Dated: June 23, 2015

FACSIMILE SIGNATURE CERTIFICATION

The undersigned does hereby certify that Joseph M. Billy, Jr. has acknowledged the genuineness of his signature on the attached Certification and a copy of said Certification with an original signature affixed will be filed if requested by the Court or a party.

Law Offices of William R. Connelly, LLC
Attorneys for Defendants


By: William R. Connelly, Esq.

Dated: June 24, 2015

LAW OFFICES OF WILLIAM R. CONNELLY, LLC
William R. Connelly, Esq. (Id. No. 030151980)
7 West Main Street
Mendham, New Jersey 07945
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NEW JERSEY FOUNDATION FOR
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Plaintiffs

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Defendants

SUPERIOR COURT OF NEW JERSEY
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DOCKET NO. UNN-L-1927-15

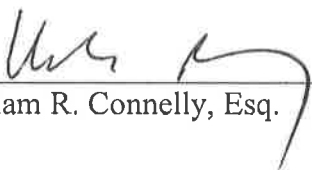
Civil Action

CERTIFICATION OF SERVICE

The undersigned does hereby certify that the within Answer to Verified Complaint, Civil Case Information Statement and Certification of Joseph M. Billy, Jr. in opposition to the Order To Show Cause, were this day sent, via overnight delivery, to the Clerk of the Superior Court, Law Division, Union County Courthouse, 2 Broad Street, Room 107 Rotunda, Elizabeth, New Jersey 07207, with a copy, via overnight delivery, to The Honorable James Hely, 2 Broad Street, 12th Floor Courthouse Tower, Elizabeth, New Jersey 07207 and a copy, via overnight delivery, to the attorney for Plaintiffs, Anthony H. Ogozalek, Jr., Esq., Beckman Ogozalek Londar, 7 Foster Avenue, Suite 201, Gibbsboro, New Jersey 08026.

I hereby 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.

Law Offices of William R. Connelly, LLC
Attorneys for Defendants


By: William R. Connelly, Esq.

Dated: June 24, 2015