

PREPARED BY THE COURT

FILED

JAN 04 2016

JOHN PAFF,

Plaintiff,

v.

CITY OF TRENTON, RICHARD M. KACHMAR in his official capacity as Clerk and Records Custodian of the CITY OF TRENTON, and JOHN and JANE DOES 1-10,

Defendants.

**SUPERIOR COURT OF NJ
MERCER VICINAGE
CIVIL DIVISION**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION –
MERCER COUNTY**

DOCKET NO. MER-L-2152-15

CIVIL ACTION

**ORDER DISMISSING PLAINTIFF'S
COMPLAINT WITH PREJUDICE**

Attorney for Plaintiff:

Walter M. Luers, Esq.
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Attorney for Defendants:

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THIS MATTER having been opened by way of a Verified Complaint and an Order To Show Cause filed by Plaintiff's counsel, Walter M. Luers, Esq., in response to Defendants' denial of Plaintiff's OPRA request for the resumes of unsuccessful candidates who had been considered for the position of Trenton's Chief Municipal Prosecutor, a position that was eventually given to Kimberley Wilson; and the court having determined that Defendants were correct in denying Plaintiff's request because the requested records fall under the personnel records exemption under OPRA; and the court also having determined that the plain language of Executive Order 26 gives public entities the discretion to withhold disclosure of the resumes of unsuccessful candidates; and the court also determining that the common law balancing test favors nondisclosure; and for good cause shown, for the reasons set forth on the record on January 4, 2016:

IT IS on this 4^h day of January, 2016, **HEREBY ORDERED** that:

1. Plaintiff's complaint is dismissed with prejudice.
2. As Plaintiff is not a prevailing party, his application for counsel fees is also denied with prejudice.


MARY C. JACOBSON, A.J.S.C.