

RESOLUTION

WHEREAS, in the matter of Walter M. Luers (on behalf of Gwen Franklin) v. Township of West Orange Custodian of Record, brought before the Government Records Council in Complaint No. 2009-327, the Government Records Council ("GRC") determined that there had been a "deemed" denial of the Complainant's OPRA request for failure to make a written response within seven days; and

WHEREAS, upon becoming aware of the failure to timely respond after receiving the GRC Complaint all of the requested records were promptly supplied by the Custodian to the Complainant without objection and, it having been found by the GRC that the Custodian's actions did not rise to the level of a knowing and willful violation of OPRA; and

WHEREAS, under such circumstances the GRC determined that the Complainant is a prevailing party entitled to an award of a reasonable attorney's fee pursuant to N.J.S.A. 47:1A-6, and forwarded the Complaint to the Office of Administrative Law for a hearing regarding the reasonable attorney's fee to be awarded, said Complaint bearing OAL Docket No. GRC 05154-2011 N, Agency Ref. No. GRC2009-327; and

WHEREAS, the parties, through their respective counsel, have negotiated a settlement fair and reasonable to the Township, the Complainant's Counsel and the Complainant; and

WHEREAS, settlement terms for this litigation are more fully set forth below and are in the best interests of the Township of West Orange;

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved, by the Township Council of the Township of West Orange, in the County of Essex and State of New Jersey, as follows:

1. Settlement of the matter of Luers, Walter M on Behalf of Franklin, Gwen vs. Twp. of West Orange (Essex), bearing OAL Docket No. GRC 05154-2011 N, is hereby authorized as follows:

Plaintiff's Counsel, Walter M. Luers, L.L.C., shall be paid the agreed upon and reasonable attorney's fee of \$630.00, representing the expenditure of 2.8 hours at an hourly rate of \$225.

2. All appropriate municipal officials are hereby authorized to take whatever lawful action may be necessary to implement the terms of this Resolution and Settlement, including, but not limited to, making the agreed upon payment and entering into a Stipulation of Settlement memorializing the terms as set forth above.

Patricia Spango, Council President

Karen J. Carnevale, Municipal Clerk

I HEREBY CERTIFY this to be a true and correct copy of the Resolution of the Township Council of the Township of West Orange adopted on July 26, 2011.

Karen J. Carnevale, Municipal Clerk