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Donald M. Doherty, Jr., Esq.
125 North Route 73
West Berlin, NJ 08091
(609) 336-1297
Attorney for the Plaintiff

ROSEWOOD PROPERTIES, Inc.,

Plaintiff,

vs.

EGG HARBOR TOWNSHIP, EILEEN M. TEDESCO,
MUNICIPAL CLERK OF EGG HARBOR TOWNSHIP,
and SHARON WOOLBERT, a employee acting as
"records room supervisor",

Defendants.

: NEW JERSEY SUPERIOR COURT
: ATLANTIC COUNTY- LAW DIV.
: DOCKET NO.

:
: Civil Action

:
: **Certification of Counsel**

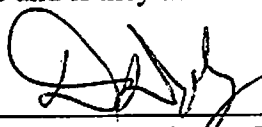
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I, Donald M. Doherty, Jr., Esq., do hereby certify as follows :

1. I represent the plaintiff in the above captioned matter. I make this certification to supply the Court with additional facts and relevant documents.
2. Attached as Exhibit A is a copy of an article posted on The Press of Atlantic City online database. That article was posted online on July 16, 2011 at 10:47 p.m. A similar article was also published in the Sunday edition of The Press on July 17, 2011. Exhibit B.
3. I also recall hearing the burglary and related arrests on radio news reports on July 17, 2011.
4. It has also been posted in the local news section of a local radio station website, <http://www.fun1067.com> since July 17, 2011.
5. The McLatchy-Tribune Information service also disseminated news of the burglary and arrests nationwide through the Associated Press on July 18, 2011. *See*, https://www.menafn.com/qn_news_story.asp?storyid={4bd22f13-e5ed-45ad-ae6f-64b95e88d061}
6. Exhibit C is an article posted on shorenewstoday.com, a website affiliate of the locally circulated newspaper "The Current" which issues every Thursday.
7. Attached as Exhibit D is a true copy of Executive Order #69.

I certify the foregoing statements made by me are true and if they are willfully false or misleading understand that I am subject to punishment.

7/21/11
Date



Donald M. Doherty, Jr.

pressofAtlanticCity.com

Two charged with burglary of Longport mayor's house

Posted: Saturday, July 16, 2011 10:47 pm

By DEREK HARPER Staff Writer

An attempt to rob the Longport mayor's house Thursday night ended with two people in jail, police said.

Mayor Nicholas Russo saw a man running from his house on the 3300 block of Ventnor Avenue at 8:33 p. m. with a bag, police said. Russo chased the man, called 911 and watched the man jump into a pickup truck driven by a second person.

The truck was later found at the Seaview Harbor Marina, police said, and the driver was arrested at the Marina Bar area.

Egg Harbor Township police later arrested the other suspect on Sunset Drive in the township. Somers Point police also assisted in the investigation.

Thomas DiStefano, 57, of Pleasantville, was charged with theft, burglary and weapons charges, police said. He was held on \$52,000 bail in the Atlantic County jail.

Police also arrested Richard Bonner, 46, of the Pomona section of Galloway Township, on similar charges. He was held on \$45,000 bail.

All of Russo's property was recovered, including two handguns and jewelry, police said.

Contact Derek Harper:

609-272-7046

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A

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Contact Derek Harper: 859-272-7048
DHarp@pressofac.com

SUNDAY, JULY 17, 2011

REGION

B

Longport helps nab suspects after home is burglarized

Written by SUZANNE MARINO

Wednesday, 20 July 2011 14:04

0 Comments and 0 Reactions

By SUZANNE MARINO
Staff Writer

LONGPORT – Mayor Nick Russo was the victim of a burglary Thursday evening.

Russo, a retired investigator from the Atlantic County Prosecutors Office, was visiting his neighbor when he noticed a pick-up truck with ladders on top parked near the corner of Ventnor and 33rd avenues.

“The truck got my attention,” said Russo on Wednesday morning. “It was in front of my house, then I saw a second person come from the steps carrying a bag and I realized my home was being burglarized.”

The mayor said he ran toward the them and the second person hopped into the waiting truck.

Russo called 911, told the Longport Police Department what was going on, and then jumped into a neighbor’s car and followed the truck as it sped toward the Kennedy Bridge and out of Longport.

“I lost sight of him as I drove down the causeway, but when I turned around at the jug handle I thought, ‘he knows I saw him and his vehicle; he knows I am on his tail,’ so I figured he would pick the first place he could to make his vehicle blend in.

So I went back to Seaview Harbor and saw the truck was parked there. I also saw one item sitting in the back of the truck; it was a jewelry box. I called the police and let them know I had spotted the guy. The police came and they located him at the bar,” said Russo.

When the police arrested the suspect, Thomas DiStefano, 57, from Pleasantville, they found a canvas suitcase in the truck that contained Russo’s gun safe.

“They tried to pry open the gun safe to get my gun, but were unable to do so, so they pried the gun safe off the wall it was bolted to. They never got inside the safe, thank God,” said Russo.

“The one thing you never want to happen is to have legal guns find their way into the illegal market.”

The second suspect in the burglary, Richard Bonner, 46, of Pomona was found hiding within the Seaview Harbor compound. He was apprehended with the help of Somers Point Police Officer Rick Dill and his K-9 partner Ozi.

Bonner was hiding, but Ozi was able to track him down.

The Margate Police Department secured the crime scene at Russo’s home while Longport officers and Egg Harbor Township were at Seaview Harbor and the crime scene was processed by the Atlantic City Police Department.

“There was such great cooperation throughout this ordeal and I am very thankful for all of the law enforcement departments working together to bring this to a successful close,” said Russo. “We also managed to get two bad guys off the streets. And that is really a plus.”

Russo said the surrounding police departments are going to do some investigating to see if they might be able to close some burglaries that might be still open.

The mayor was disturbed by the experience of having someone break into his home, but was so appreciative of the quick actions of the officers. All of the belongings taken from his home have been recovered.

C

DiStefano is charged with unlawful possession of a weapon, unlawful possession of a handgun by a convicted felon, theft by unlawful taking, burglary and conspiracy. He is lodged in the Atlantic County jail on \$52,500 cash bail.

Bonner was charged with unlawful possession of a weapon, theft by unlawful taking, burglary and conspiracy. He is lodged in the Atlantic County jail on \$45,000 cash bail.

As for Russo, well here is one mayor who can pretty much say he has done it all this year. He completed the fire academy in April and is a firefighter, an EMT and he drives the ambulance – now he is a crime-fighting mayor to go along with that.

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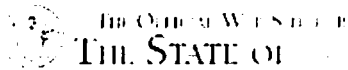
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**State of New Jersey
Executive Order #69**

Governor Christine Todd Whitman

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WHEREAS, Chapter 73, P.L. 1963, as amended, finds and declares it to be the public policy of this State that public records shall be readily accessible for examination by the citizens of this State for the protection of the public interest except as otherwise provided in said law; and

WHEREAS, some limitation upon the right to examine and copy records provided by Chapter 73 is essential and not detrimental to the public interest as recognized by existing statutory and common law; and

WHEREAS, disclosure of information must be consistent with existing statutory law regarding confidentiality in certain areas; and

WHEREAS, said Chapter 73 provides that records which would otherwise be deemed to be public records, subject to inspection and examination and available for copying, pursuant to the provisions of said law, may be excluded therefrom by Executive Order of the Governor or by any regulation promulgated under the authority of any Executive Order of the Governor; and

WHEREAS, Section 3(e) of Executive Order No. 9, issued by Governor Richard Hughes in 1963, and reaffirmed by Executive Order No. 123, issued by Governor Thomas H. Kean in 1983, states that fingerprint cards, plates and photographs and other similar criminal investigation records which are required to be made, maintained or kept by any State or local governmental agency shall not be deemed to be public records subject to inspection and examination and available for copying pursuant to the provisions of Chapter 73; and

WHEREAS, the Attorney General has undertaken a complete review of this subject area, seeking input from prosecutors, police, representatives of the news media, and victims' rights organizations, and has recommended that certain aspects of the system be clarified;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby order and direct:

1. Executive Order No. 9 of Governor Richard J. Hughes and Executive Order No. 123 of Governor Thomas H. Kean are modified as hereinafter set forth, and any regulations adopted and promulgated under those prior Executive Orders shall be deemed null and void to the extent such regulations are inconsistent with the provisions of this Executive Order.
2. The following records shall not be deemed to be public records subject to inspection and examination and available for copying pursuant to the provisions of Chapter 73, P.L. 1963, as amended: fingerprint cards, plates and photographs and similar criminal investigation records that are required to be made, maintained or kept by any State or local governmental agency.
3. Notwithstanding the above section 2, the following information shall be available to the public within 24 hours, or sooner if practicable, of a request for such information:

D

- (a) where a crime has been reported but no arrest yet made, information as to the type of crime, time, location and type of weapon, if any;
- (b) if an arrest has been made, information as to the name, address and age of any victims, unless there has not been sufficient opportunity for notification of next of kin of any victims of injury and/or death to any such victim or where the release of the names of any victim would be contrary to existing law or court rule. In deciding on the release of information as to the identity of a victim, the safety of the victim and the victim's family, and the integrity of any ongoing investigation, shall be considered;
- (c) if an arrest has been made, information as to the defendant's name, age, residence, occupation, marital status and similar background information and the identity of the complaining party, unless the release of such information is contrary to existing law or court rule;
- (d) information as to the text of any charges, such as the complaint, accusation and indictment, unless sealed by the court or unless the release of such information is contrary to existing law or court rule;
- (e) information as to the identity of the investigating and arresting personnel and agency and the length of the investigation;
- (f) information of the circumstances immediately surrounding the arrest, including but not limited to the time and place of the arrest, resistance, if any, pursuit, possession and nature and use of weapons and ammunition by the suspect and by the police; and
- (g) information as to circumstances surrounding bail, whether it was posted and amount thereof.

The term "request" shall mean either a written or oral request; provided, however, that all requests are made with sufficient clarity so as to enable a reasonable person to understand the information that is being sought. The law enforcement official responding to oral requests should make best efforts to respond orally over the telephone; however, it shall not be unreasonable to require the requester to appear in person to receive the information. Unless the parties note otherwise, it shall be understood that there is no duty to release or obtain information that is not in the possession of the law enforcement agency at the time of request.

4. Notwithstanding any other provision of this Executive Order, where it shall appear that the information requested or to be examined will jeopardize the safety of any person or jeopardize any investigation in progress or may be otherwise inappropriate to release, such information may be withheld. This section is intended to be narrowly construed to prevent disclosure of information which would be truly harmful to a bona fide law enforcement purpose or public safety if released. It is also intended to prevent such release that would violate existing law regarding confidentiality in areas including, but not limited to, domestic violence and juveniles.
5. Each county prosecutor shall prepare a plan outlining the procedures for providing and/or disseminating the information required by this Executive Order and shall submit same to the Division of Criminal Justice for its review and filing. Each prosecutor shall consult with the police departments within his or her county and to the extent possible, include within the

prosecutor's plan the local procedures for responding to informational requests. The Division of State Police shall submit its plan to the Office of the Attorney General. Whenever any changes are made in any such plan, said changes shall immediately be forwarded to the appropriate county prosecutor and/or the Division of Criminal Justice or Office of the Attorney General for review and filing. In addition, each county prosecutor's office shall designate a person(s) who is(are) responsible for responding to requests for public information by the media on nights, weekends and holidays. The name of the person(s) so designated shall be available at the communication center in each county.

6. The Attorney General, as chief law enforcement officer of the State, or his designee, or where appropriate, the county prosecutor, as chief law enforcement officer of the county, shall promptly resolve all disputes as to whether or not the release of records would be "otherwise inappropriate" between the custodian of any records referred to herein and any person seeking access thereto or similar disputes. Where the Attorney General or the county prosecutor determines that the release of records would be "otherwise inappropriate," he or she shall issue a brief statement explaining the decision.

7. The terms of the Order shall be carried out in the spirit of Chapter 73, P.L. 1963, as amended, and shall not relate to requests pursuant to Chapter 60, Section 4, of P.L. 1994. It shall be carried out by keeping in mind the right of citizens to be aware of events occurring in their community.

8. This Order shall take effect immediately.

GIVEN under my hand and seal
this 15th day of May in the the Year
of Our Lord, One Thousand Nine
Hundred and Ninety-Seven, and of
the Independence of the United States,
the Two Hundred and Twenty-First.

/s/ Christine Todd Whitman
Governor

Attest:

/s/ Michael P. Torpey
Chief Counsel to the Governor