



METHFESSEL & WERBEL

A Professional Corporation

JOEL N. WERBEL>
JOHN METHFESSEL, JR.>
FREDRIC PAUL GALLIN*+^
WILLIAM S. BLOOM>*
ERIC L. HARRISON*+
MATTHEW A. WERBEL>
LORI BROWN STERNBACK*+
GINA M. STANZIALE>
PAUL J. ENDLER JR.>
JAMES P. CULLEN, JR.=^
THOMAS O. MULVIHILL>
JAMES FOXEN^
SARAH K. DELAHANT+
ATHINA L. CORNELL+
JEFFREY R. MERLINO±
JENNIFER A. OSBORNE+
ANDREW J. GIBBS>
JARED S. SCHURE>
RICHARD A. NELKE~
BRENT R. POHLMAN+

Of Counsel
STEPHEN R. KATZMAN#
ED THORNTON>
I. BLAKELEY JOHNSTONE, III+*
BETH A. BOLGER+
PAUL E. GRIGGS>

Counsel
ADAM M. CARMAN+^
SHAJI M. EAPEN+
JOSEPH C. FALK>
ANGELA M. GURRERA>
GERALD KAPLAN>
JARED P. KINGSLEY*+
JOHN R. KNODEL*+
LESLIE A. KOCH=
CHARLES T. MCCOOK, JR.*>
CHRISTINA MICHELSON+
STEVEN K. PARNES+
KAJAL J. PATEL+
RAINA M. PITTS^
AMANDA J. SAWYER^
STEVEN A. UNTERBURGER+

Associates
JEFFREY R. BALL≤
KASSIANI CHRYSANTHOPOULOS>
EDWARD D. DEMBLING>
MICHAEL R. EATROFF>
ERICA FRANCISCO-LAU+
ERIN GALARDI<
ELENA GAMMARDELLA≥
CARLOS J. JIMENEZ+
FRANK J. KEENAN+^
SCOTT KETTERER>
ZURAB MAISURADZE>
JOHN M. MARTIN>
ROBERT PLANTER>
HOLLY C. RENSCHAW>
NICOLETTE RUBEL>
VITTORIA A. SCULCO>
MANINDER K. SINGH>
ALYCIA M. SWIFT+
TIFFANY D. TAGARELLI>

Retired
JOHN METHFESSEL, SR.>
(1935-2017)
DON CROWLEY*+
(1942-2024)
MARC DEMBLING*+
(1944-2022)

* Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney
+Member of NY & NJ Bar
^Member of PA & NJ Bar
^Member of NY Bar only
>Member of NJ Bar only
#Member of NJ & LA. Bar
<Member of MN Bar
≤Member of NJ, ID & NM Bar
≥Member of NY, NJ & CT Bar
~Member of NY, NJ & DC Bar
=Member of NY, NJ & MA Bar
±Member of NY, NJ & FL Bar

Please reply to New Jersey

March 26, 2026

VIA ECOURTS FILING

Clerk, Camden County Superior Court
Civil Processing, Hall of Justice First Floor
101 South 5th Street
Camden, NJ 08103

RE: **SHORE, BENJAMIN VS. JASON SCHIMPF, ET AL.**

Our File No. : 97726 CMM
Docket No. : CAM-L-477-26

Dear Sir/Madam:

Enclosed please find the following documents:

- ☒ Notice of Cross-Motion
- ☒ Brief in Support of Cross-Motion to Dismiss and in Opposition to OTSC
- ☒ Certifications
- ☒ Order
- ☒ Certificate of Mailing

Very truly yours,

METHFESSEL & WERBEL, ESQS.

Christina Michelson

Christina Michelson
michelson@methwerb.com
Ext. 195

CMM:akc/Encl.

Methfessel & Werbel, Esqs.
Our File No. 97726 CMM
Page 2

cc: VIA EMAIL: sunny@bensshorelaw.com
Benjamin Shore
20 Brace Road Suite 325
Cherry Hill, NJ 08034

VIA LReX – COURTESY COPY
Honorable Michael S. Mikulski II, J.S.C.
Camden County Hall of Justice
101 South 5th Street, 4th Floor
Camden, NJ 08103

Christina Michelson - ID #032412008

METHFESSEL & WERBEL, ESQS.

2025 Lincoln Hwy, Suite 200

Edison, NJ 08817

732-248-4200

732-248-2355

michelson@methwerb.com

Attorneys for Cherry Hill Township Board of Education and Jason Schimpf

Our File No. 97726 CMM

BENJAMIN SHORE,

Plaintiff,

V.

JASON SCHIMPF, as his official
capacity as Record Custodian, and
CHERRY HILL TOWNSHIP BOARD
OF EDUCATION,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: CAMDEN COUNTY

DOCKET NO.: CAM-L-477-26

Civil Action


**NOTICE OF CROSS-MOTION
TO DISMISS PLAINTIFF'S
COMPLAINT FOR FAILURE
TO STATE A CLAIM**

TO: MOTIONS CLERK AND ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that the undersigned will apply to the above
named Court at Civil Processing, Hall of Justice First Floor 101 South 5th
Street Camden, NJ 08103 on April 23, 2026 at 3:00 p.m., or as soon
thereafter as counsel may be heard, for an Order to dismiss Plaintiff's
Verified Complaint with prejudice for Failure to State a Claim.

Pursuant to R. 1:6-2(d) the undersigned requests oral argument only
if opposition to the within motion is entered.

METHFESSEL & WERBEL, ESQS.
Attorneys for Cherry Hill Township
Board of Education and Jason
Schimpf

By: 
Christina Michelson

DATED: March 26, 2026
A proposed form of Order is annexed hereto.

Christina Michelson - ID #032412008

METHFESSEL & WERBEL, ESQS.

2025 Lincoln Hwy, Suite 200

Edison, NJ 08817

732-248-4200

732-248-2355

michelson@methwerb.com

Attorneys for Cherry Hill Township Board of Education and Jason Schimpf Our File
No. 97726 CMM

BENJAMIN SHORE

Plaintiff

V.

JASON SCHIMPF, as his official capacity
as Record Custodian, and CHERRY HILL
TOWNSHIP BOARD OF EDUCATION,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: CAMDEN COUNTY

DOCKET NO.: CAM-L-477-26

Civil Action

ORDER

THIS MATTER having been brought before the Court on the Motion of Methfessel & Werbel attorneys for defendant(s), Cherry Hill Township Board of Education and Jason Schimpf for an Order dismissing plaintiff's Verified Complaint for failure to state a claim, and the Court having considered the matter and for good cause shown;

IT IS on this day of ;

ORDERED that the plaintiff's Verified Complaint be and is hereby dismissed with prejudice; and it is further

ORDERED pursuant to Rule 1:5-1(a) that a copy of this Order will be served on all parties not served electronically, nor served personally in Court on this date, within seven (7) days of the date of this Order.

J.S.C.

() Opposed
() Unopposed

Christina Michelson - ID #032412008
METHFESSEL & WERBEL, ESQS.
2025 Lincoln Hwy, Suite 200
Edison, NJ 08817
732-248-4200
732-248-2355
michelson@methwerb.com
Attorneys for Cherry Hill Township Board of Education and Jason Schimpf
Our File No. 97726 CMM

BENJAMIN SHORE

Plaintiff

V.

JASON SCHIMPF, as his official
capacity as Record Custodian, and
CHERRY HILL TOWNSHIP BOARD
OF EDUCATION,

Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CAMDEN COUNTY
DOCKET NO.: CAM-L-477-26

Civil Action

CERTIFICATION OF COUNSEL

I, Christina Michelson, of full age, duly certify as follows:

1. I am an attorney at law in the State of New Jersey, associated with the law firm of Methfessel & Werbel, attorneys for the defendant(s), Cherry Hill Township Board of Education and Jason Schimpf, and in such capacity I am fully familiar with the facts of the within matter.

2. I make this certification in support of the Defendants' cross-motion to Dismiss the Verified Complaint and in opposition to Plaintiff, Benjamin Shore's Order to Show Cause seeking public documents pursuant to the Open Public Records Act ("OPRA") and common law.

3. Annexed hereto is a true and accurate copy of Verified Complaint in Shore v. Cherry Hills Public Schools, et al., Docket CAM-815-25 as **Exhibit A**.

4. Annexed hereto is a true and accurate copy of Court Order dated August 13, 2025 as **Exhibit B**.

5. Annexed hereto is a true and accurate copy of the transcript dated August 25, 2025 as **Exhibit C**.

6. Annexed hereto is a true and accurate copy of the Court Order dated January 2, 2026 as **Exhibit D**.

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 by law.

METHFESSEL & WERBEL, ESQS.
Attorneys for Cherry Hill Township
Board of Education and Jason
Schimpf

By: Christina Michelson
Christina Michelson

DATED: March 26, 2026

BENJAMIN SHORE,

Plaintiff,

V.

JASON SCHIMPF, as his official
capacity as Record Custodian, and
CHERRY HILL TOWNSHIP BOARD
OF EDUCATION,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CAMDEN COUNTY
DOCKET NO.: CAM-L-477-26

Civil Action

**DEFENDANTS' BRIEF IN OPPOSITION TO THE ORDER TO SHOW
CAUSE AND CROSS-MOTION TO DISMISS**

METHFESSEL & WERBEL, ESQS.

2025 Lincoln Hwy, Suite 200

PO Box 3012

Edison, NJ 08817

732-248-4200

732-248-2355

michelson@methwerb.com

Attorneys for Cherry Hill Township Board
of Education and Jason Schimpf

Our File No. 97726 CMM

Christina M. Michelson, Esq.
Of Counsel and on the Brief

TABLE OF CONTENTS

PROCEDURAL HISTORY AND STATEMENT OF FACTS	1
LEGAL ARGUMENT	7
I. THE DOCTRINE OF RES JUDICATA REQUIRES THAT PLAINTIFF'S VERIFIED COMPLAINT BE DISMISSED WITH PREJUDICE AND HIS ORDER TO SHOW CAUSE BE DENIED AS THESE CLAIMS HAVE ALREADY BEEN ADJUDICATED BETWEEN THE SAME PARTIES	7
II. II. THE DEFENDANTS PROPERLY DENIED THE PLAINTIFF'S REQUEST FOR SURVEILLANCE VIDEOS AND DID NOT VIOLATE THE OPEN PUBLIC RECORDS ACT	10
III. PLAINTIFF IS NOT ENTITLED TO THE SURVEILLANCE RECORDS PURSUANT TO THE COMMON LAW RIGHT TO ACCESS	15
IV.A PRO SE PLAINTIFF IS NOT ENTITLED TO ATTORNEYS' FEES	18
V. PLAINTIFF'S VERIFIED COMPLAINT SHOULD BE DISMISSED SHOULD BE GRANTED FOR FAILURE TO STATE A CLAIM PURSUANT TO RULE 4:6-2(e)	19
CONCLUSION	22

PROCEDURAL HISTORY AND STATEMENT OF FACTS

This matter stems from a dispute regarding the Pro Se Plaintiff, Benjamin Shore's request for surveillance video footage pursuant to the New Jersey Open Public Records Act ("OPRA") and Common law right from the Defendants, Cherry Hill Township Board of Education and Jason Schimpf (referred to collectively as the "Defendants" or "Board"). On January 9, 2026, Plaintiff submitted an OPRA request to the Board seeking the security footage from the December 16, 2025 Board meeting. (See Plaintiff's Exhibit P1). Mr. Shore requested the following surveillance footage:

(a) Security Camera Footage from the Cherry Hill Township Board of Ed ("The Board") meeting held on 12/16/25. I am seeking footage for the meeting during the "Cherry Hill Tomorrow Project Update" including a reasonable buffer immediately before and after the presentation to ensure the full segment is captured. This includes footage from any camera angle that captured the dais/Board members and/or public audience during that segment (including reactions).

On January 14, 2026, Mr. Schimpf denied Mr. Shore's OPRA request and provided:

In response to your OPRA and common law requests, we have determined that releasing the requested security video footage would compromise the integrity of the District's security system by revealing its capabilities and vulnerabilities. While we cannot agree to release the video, we can offer you the opportunity to view the footage in person at the District offices. Please let me know if and when you would be interested in viewing the footage.

(See Plaintiff's Exhibit P2, pg. 6). Mr. Shore responded and objected to the denial of his OPRA request. Ibid. Mr. Shore asked for additional information as to the security vulnerabilities and for Mr. Schimpf to reconsider the denial of his OPRA request. Ibid.

On January 22, 2026, Mr. Schimpf denied Mr. Shore's OPRA request and stated:

We have addressed your objections on multiple occasions, and our position has not changed. The district's determination regarding the release of security camera footage remains the same. While you are welcome to view the video in person, we will not provide an electronic copy. Our responsibility is to protect the integrity of the district's security system, including its capabilities and vulnerabilities. There is a significant difference between allowing you to view the footage under controlled conditions and releasing an electronic copy that could be posted publicly and shared without limitation.

The footage would reveal sensitive information such as coverage levels, potential blind spots, image and resolution quality, whether cameras record in color or black and white, and whether audio is captured. Even assuming your intentions are not improper, once the footage is released, we cannot control how others may use or disseminate it.

For these reasons, and consistent with established legal guidance regarding security-related records, the district must maintain its position unless ordered otherwise by a court of law.

(See Plaintiff's Exhibit P2, pg. 5). The Board provided Mr. Shore with the opportunity to review the video in person at the district office. Ibid. On January 21, 2026, Mr. Shore rejected the Board's offer to review the footage in person and sought to review it virtually. Id. at pg. 2. Mr. Schimpf advised

Mr. Shore that the security concerns required the video be shown in a “controlled environment,” meaning in person. Ibid. Mr. Shore subsequently filed the within verified complaint with the Court.

The safety of its students and staff is paramount to the District. (See ¶4 of Certification of Anthony Saporito, Director of Security (“Cert. Saporito”)). The District has several security concerns that it must protect its students and staff from. (See ¶5 of Cert. Saporito). Over the past couple of years, school shootings have increased at schools. Ibid. In an effort to protect the District’s students and staff, the District has implemented several security measures. (See ¶6 of Cert. Saporito). For example, the District has hired security guards and campus police officers to serve the district. (See ¶7 of Cert. Saporito). The District also installed a surveillance camera system in every district building. (See ¶8 of Cert. Saporito). The security system monitors the activity throughout the entire school district. (See ¶9 of Cert. Saporito).

On December 16, 2025, the Board held a meeting at the Arthur Lewis Administration Building located at 45 Ranoldo Terrace, Cherry Hill, New Jersey. (See ¶10 of Cert. Saporito). The Board held its meeting in the “All Purpose Room,” which has two surveillance cameras recording the room for security purposes only. (See ¶11 of Cert. Saporito). The video cameras in the “All Purpose Room” monitors the entire room, including all exits to the room. (See ¶12 of Cert. Saporito). The videos from the “All Purpose Room” show blind spots and possible security weaknesses for an intruder to exploit. (See ¶13 of Cert. Saporito). The release of the video footage from the

surveillance camera would reveal the system's operations and jeopardize the safety of the school district. (See ¶14 of Cert. Saporito).

It would be a breach of the District's security infrastructure if the security footage from the "All Purpose Room" is released to the public and posted online. (See ¶15 of Cert. Saporito). In addition, the District also assigns a campus police officer to each public meeting. (See ¶16 of Cert. Saporito). The Cherry Hill Police Department has access to the video surveillance system as another level of security, however, it is only in case of an emergency. (See ¶17 of Cert. Saporito). The Cherry Hill Police Department is permitted to enter the security system remotely and view the cameras only if there is an emergency. (See ¶18 of Cert. Saporito).

The Board's meetings are streamed online via Zoom and the link is found on the Board's website at <https://www.chclc.org/board-of-education/boe-streaming-and-videos>. (See ¶19 of Cert. Saporito). Previously broadcast meetings are also available on YouTube. Ibid. The Board's District Policy #7441 sets forth the policy for the electronic surveillance system in the school district. (See ¶20, **Exhibit A** of Cert. Saporito). The Cherry Hill Police Department does not have access to the District's surveillance videos or store them. (See ¶21 of Cert. Saporito). Therefore, allowing access to the video footage from the camera would divulge to the public what areas were being monitored by the Board. This is security that is essential for the safety of the staff and students at the school district.

This is not the first time Mr. Shore has requested security footage from the Defendants. On or about February 26, 2025, Mr. Shore submitted a written OPRA request for the security camera footage from the February 2025 Board meeting in Shore v. Cherry Hill Public Schools, et al., Docket CAM -L-815-25. (See a copy of the Verified Complaint annexed to Certification of Christina Michelson, Esq. (“Cert. Michelson”) as **Exhibit A**). Following motion practice and oral argument, Mr. Shore’s Order to Show Cause was denied by the Court, which issued an Order dated August 13, 2025. (See a copy of the Court Order dated August 13, 2025 annexed to Cert. Michelson as **Exhibit B**). The Court denied Mr. Shore’s request for the release of the surveillance video and the Honorable Sherri L. Schweitzer, J.S.C. stated the following on the record:

At the end of the day, when I have the safety director tell me that releasing this video or the information that you are requesting would somehow compromise the integrity of the school district security systems, and – I’m not willing to substitute my judgment. I don’t want to do anything that would jeopardize the safety of the school district, whether it be the students or the staff or both.

(See a copy of the transcript dated August 25, 2025 annexed to Cert. Michelson as **Exhibit C**).

On or about August 25, 2025, Mr. Shore filed a Motion for Reconsideration, which was heard before the Honorable Michael S. Mikulski II, J.S.C. on November 20, 2025. (See a copy of the Court Order dated January 2, 2026 annexed to Cert. Michelson as **Exhibit D**). Following oral

argument, the Court issued an Order denying Mr. Shore's Motion for Reconsideration. Ibid. As such, Mr. Shore's OPRA request for the release of the Board's security video was previously denied by the Court. This present litigation is an attempt at the second bite of the apple, seeking the same surveillance video footage from Board of a different Board meeting. The Board properly denied Mr. Shore's January 9, 2026 OPRA request because it was adhering to the January 2, 2026 Court Order.

For the reasons set more fully below, the Defendants request that the Plaintiff's Verified Complaint be dismissed with prejudice.

LEGAL ARGUMENT

I. THE DOCTRINE OF *RES JUDICATA* REQUIRES THAT PLAINTIFF'S VERIFIED COMPLAINT BE DISMISSED WITH PREJUDICE AND HIS ORDER TO SHOW CAUSE BE DENIED AS THESE CLAIMS HAVE ALREADY BEEN ADJUDICATED BETWEEN THE SAME PARTIES

The doctrine of res judicata, or claim preclusion, is based upon the premise that when a controversy between parties is once fairly litigated and determined, it is no longer open to re-litigation. Culver v. Ins. Co. of North America, 115 N.J. 451, 460 (1989). Under New Jersey law, res judicata attaches when there has been a “(1) final judgment on the merits of a prior suit involving (2) the same claim and (3) the same parties or their privies.” Robertson v. Bartels, 148 F. Supp. 2d 443, 448 (D.N.J. 2001) (citing EEOC v. United States Steel Corp., 921 F.2d 489, 493 (3d Cir. 1990)). “If these three factors are present, the court must dismiss a claim that was...raised previously as precluded.” Id. (citing CoreStates Bank v. Huls Am., Inc., 176 F.3d 187, 194 (3d Cir. 1999)).

The doctrine of res judicata prevents a litigant from getting yet another day in court to relitigate issues already litigated. The bar extends not only to “all matters litigated and determined by such judgment but also as to all relevant issues which could have been presented but were not.” Culver v. Insurance co. of North America, 115 N.J. 451, 463 (1989) (citing Anselmo v. Hardin, 253 F.2d 165, 168 (3d Cir. 1958)). The New Jersey Supreme Court has stated that “in determining whether successive claims constitute one controversy for purposes of the doctrine, the central consideration is whether

the claims... arise from related facts or the same transaction or series of transactions.” DiTrollo v. Antiles, 142 N.J. 253, 267 (1995).

The question of whether an action is barred by the doctrine of res judicata “is a question of law ‘to be determined by a judge in the second proceeding after weighing the appropriate factors bearing upon the issue.’” Selective Ins. Co. v. McAllister, 327 N.J.Super. 168, 173 (App.Div.2000) (quoting Colucci v. Thomas Nicol Asphalt Co., 194 N.J.Super. 510, 518 (App.Div.1984)). Broadly stated, the doctrine of res judicata bars “relitigation of claims or issues that have already been adjudicated.” Velasquez v. Franz, 123 N.J. 498, 505 (1991). It provides that “a cause of action between parties that has been finally determined on the merits by a tribunal having jurisdiction cannot be relitigated by those parties or their privies in a new proceeding.” Ibid. The doctrine fosters “the important policy goals of ‘finality and repose; prevention of needless litigation; avoidance of duplication; reduction of unnecessary burdens of time and expenses; elimination of conflicts, confusion and uncertainty; and basic fairness’” First Union Nat’l Bank v. Penn Salem Marina, Inc., 190 N.J. 342, 352 (2007). It also “maintain[s] judicial integrity by minimizing the possibility of inconsistent decisions regarding the same matter.” Velasquez v. Franz, supra, 123 N.J. at 505.

For the doctrine of res judicata to bar an action, there must be “substantially similar or identical causes of action and issues, parties, and relief sought” between the two actions, and a final judgment must have been

entered in the earlier action by a court of competent jurisdiction. Culver v. Ins. Co. of N. Am., 115 N.J. 451, 460 (1989).

Here, all three factors of Res Judicata are met. Notably, the plaintiff's complaint is simply requesting the same surveillance video as he sought in his Verified Complaint in Docket # CAM-815-25. Mr. Shore sought surveillance video from the February 2025 Board meeting. The Board properly denied this request in accordance with OPRA due to several security concerns. The Court dismissed Mr. Shore's Verified Complaint on August 15, 2025. Mr. Shore then filed a Motion for Reconsideration of the August 15, 2025 Order. On January 2, 2026, the Court denied Mr. Shore's Motion for Reconsideration.

The doctrine of *Res Judicata* applies here as there has been a (1) final judgment on the merits of a prior suit involving (2) the same claim and (3) the same parties or their privies. Mr. Shore has filed this litigation in an attempt to relitigate the same issue: the Board's denial of his OPRA request for surveillance videos at Board meetings. The parties are the same in both matters: Mr. Shore and the Board of Education. The merits of his Verified Complaint were previously litigated by the Court and his request for relief was ultimately denied in Docket CAM-815-25. Therefore, the Plaintiff's Verified Complaint should be dismissed, and his Order to Show Cause should be denied.

II. THE DEFENDANTS PROPERLY DENIED THE PLAINTIFF'S REQUEST FOR SURVEILLANCE VIDEOS AND DID NOT VIOLATE THE OPEN PUBLIC RECORDS ACT

The New Jersey Legislature created the Open Public Records Act ("OPRA"), N.J.S.A. §47:1A-1, et seq., to make government records "readily accessible" to the public. A "government record" under OPRA is defined in N.J.S.A. §47:1A-1.1. The Legislature established public-policy exceptions from that definition, declaring that "[a] government record shall not include ... information which is deemed to be confidential." As such, documents that fall within an exception do not constitute government records and, thus, are not subject to disclosure under OPRA.

In this matter, the Plaintiff seeks copies of video recordings from the Board's surveillance system. There are two public policy exceptions that prevent the release of the requested surveillance videos. These two exceptions are:

...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...

See N.J.S.A. §47:1A-1.1. Therefore, the Board properly denied the Plaintiff's OPRA request.

The New Jersey Supreme Court decision in Gilleran v. Bloomfield, 227 N.J. 159, 173 (2016), is directly on point in

this matter. In Gilleran, a requestor sought copies of video surveillance recordings from a camera facing outside the parking lot of the Township of Bloomfield municipal building. The Supreme Court specifically contemplated the two security exemptions to OPRA that the Board relied upon in its denial of the Plaintiff's OPRA request. The Supreme Court acknowledged that although the Legislature did not have the benefit of considering the present-day difficulties in maintaining security for buildings and the people using them, it created "flexible exceptions to preserve public safety and security." Id. To that end, the Supreme Court noted that "the Legislature plainly was concerned about public-safety consequences when creating a shield in OPRA from the on-demand public disclosure of information that relates to public-facility security concerns." Id. at 173.

"The wholesale release of videotape footage from a surveillance camera, which is part of a government facility's security system protecting its property, workers, and visitors, would reveal information about the system's operation and also its vulnerabilities, jeopardizing public safety." Id. at 164. Though security cameras may be visible to the public, the public is unable to discern the area that is being surveilled. Id. at 165. It is not the placement of the video cameras, but the "scope of the security surveillance system" that is to remain confidential from the public. Id. at 166-67

The Supreme Court made this important note:

A sensible application of the security exceptions supports denying release of information that undermines the operation of a government facility's security system. Compelling the wholesale release to the

public of videotape product of any security camera, or combination of cameras, from a government facility's security system would reveal information about a system's operation and also its vulnerabilities. Once OPRA is interpreted to require unfettered access to the work product of any camera that is part of a governmental facility's security system, then footage from security cameras in all governmental facilities-- police stations, court houses, correctional institutions-- would be subject to release on demand. It takes no stretch of the imagination to realize that that would make it possible for any person to gather the information necessary to dismantle the protection provided by such security systems.

Id. at 176. Thus, the Supreme Court acknowledged that the videos from surveillance cameras reveal more information than the recording itself, they also reveal information about the security system and its vulnerabilities. The Supreme Court held that OPRA does not require the release of video footage that reveals security capacity for security surveillance systems protecting public buildings as it would reveal information about the system's operation and also its vulnerabilities thereby jeopardizing public safety. Id. at 177-78.

Similar to Gilleran, the Board's surveillance video shows all of the entry and exit points of the All Purpose Room. The video would also show the blind spots in the room and the Board's security weaknesses. The release of the surveillance video would reveal the Board's security capabilities and vulnerabilities. If released to the public, the video would show how to gain access to the room and possible blind spots that are not seen through its surveillance system. This information can be used to cause harm to the Board's property and the staff and students inside the building. The release

of the surveillance video would create a risk to the security of the building, including the staff and students.

The Plaintiff's reliance on O'Connell v. Woodland Park School District, 2024 Colo. App. LEXIS 1593 (February 1, 2024) is misplaced. First, O'Connell is not precedential as it is a Colorado State case. Second, the Court in O'Connell determined that the Board failed to demonstrate details regarding the security arrangements and camera footage. Here, the Board relies upon the Certification of Anthony Saporito, Director of Security in support of its position that release of the surveillance video would place the district's students and staff at risk. Director Saporito is a retired Captain from the Cherry Hill Police Department with over 30 years of experience. He oversees the security of the Board's 20 schools and over 10,000 students and staff. Based on his assessment, the release of the surveillance footage would show blind spots and possible security weaknesses. He provided that releasing the surveillance video would reveal the system's operations and jeopardize the safety of the school district. Therefore, the Board has legitimate reasons for denying the Plaintiff's OPRA request.

Moreover, the facts in Zeza v. Evesham Twp. Bd. of Education, 2023 N.J. Super. Unpub. LEXIS 1095 (June 29, 2023), differ greatly from the within matter. In Zeza, the plaintiff sought the surveillance video following a verbal altercation with another individual on the school playground. She was specifically looking for any footage of the verbal altercation. Here, Mr. Shore is seeking portions of a Board meeting, which he did not attend in

person. He is not seeking review of the footage for evidence of a crime or any type of physical altercation. He is simply requesting them to file OPRA requests. Thus, the Board properly denied the Plaintiff's OPRA request.

Therefore, the requested video footage inside a Board of Education building falls squarely within the security exceptions set forth in N.J.S.A. §47:1A-1, and access to the video footage pursuant to OPRA was therefore properly denied by the Board.

III. PLAINTIFF IS NOT ENTITLED TO THE SURVEILLANCE RECORDS PURSUANT TO THE COMMON LAW RIGHT TO ACCESS

The Plaintiff further requests the surveillance footage through common law. To determine whether the citizen's right to access outweighs the interest in preventing disclosure, the Court will undertake a balancing test and may consider many factors. Loigman v. Kimmelman, 102 N.J. 98, 112 (1986). In determining whether a person has a right of access under the common law, the request “must be balanced against the State's interest in preventing disclosure.” O'Boyle v. Borough of Longport, 218 N.J. 168,196 (2014) (quoting Educ. L. Ctr. v. N.J. Dep't of Educ., 198 N.J. 274, 302 (2009) (quoting Higg-A-Rella, Inc. v. County of Essex, 141 N.J. 35, 46 (1995)). “In other words, [parties] requesting documents must explain why [they] seek[] access to the requested documents.” Ibid.

The common law right of access analysis was set forth in O'Boyle v. Borough of Longport, 218 N.J. 168 (2014), which provides the following three-step test:

First, it must determine whether the documents in question are “public records.” Second, the party seeking disclosure must show that he has an interest in the public record. More specifically, if the plaintiff is seeking “disclosure of privileged records,” ... he must show “particularized need.” Third, once the plaintiff's interest in the public record has been established, the burden shifts to the public entity to establish that its need for non-disclosure outweighs the plaintiff's need for disclosure.

Id. at 196-97.

In Gilleran, the Court provided that the need for access to surveillance videos may be justified for an accident occurring in the area or an incident of claimed brutality or misconduct that was captured “may provide a legitimate interest to justify a partial disclosure under the common law right of access.” Gilleran, 22 N.J. at 177.

Here, Plaintiff has not established that he is entitled to the video footage using the common law right to access balancing test set forth by the O'Boyle court. The Plaintiff is not seeking the recordings related to an accident in the area or any misconduct. The Plaintiff requested the video to for “... news reporting about how public officials conduct public business at a public meeting.” See ¶34 of the Plaintiff’s Verified Complaint. However, it is unclear how the surveillance video would provide this information to the Plaintiff. The Plaintiff was able to attend the December 2026 Board meeting in person or virtually. He is also able to review the Board meeting video on YouTube. The information he seeks can only be found in the video of the actual Board meeting, not in the surveillance video of the room. As such, the Plaintiff’s reason for obtaining security recordings to view the reaction of board members is not a legitimate interest for the release of the surveillance video.

In this matter, the potential safety concerns of the Board’s staff and students greatly outweigh the policy of access to the requested surveillance video footage. There is no greater concern than the health, safety, and welfare of the public, especially children. In addition, the Board’s office holds

confidential information about students and employees that must be guarded securely. The disclosure of video footage will reveal the school's surveillance/security cameras capabilities, and potential vulnerabilities will jeopardize the public welfare and safety of children and those working at the administrative office. Once the video is released to the Plaintiff, the Board has no control over what happens with the recording. Thus, if it was posted on the internet for anyone to see, it would cause major security concerns for the Board.

Balancing Plaintiff's interest in the requested video footage against the health, safety, and welfare of the staff and students does not justify disclosure of the video footage in this case. Therefore, the Plaintiff's request for surveillance video footage of All Purpose Room should be denied as the risk to the staff and students, as well as the Board's property and records, outweighs the policy of access to public records.

IV. A PRO SE PLAINTIFF IS NOT ENTITLED TO ATTORNEYS' FEES

OPRA allows a requestor to institute a proceeding in Superior Court or file a complaint with the Government Records Council when his OPRA request is denied. N.J.S.A. §47:1A-6. OPRA also provides that “a requestor who prevails in any proceeding may be entitled to a reasonable attorney's fee.” Id.

The plain language of the OPRA statute must be interpreted to limit attorney's fees to requestors who have retained legal counsel for the purpose of challenging a government entity's decision to deny an OPRA request. The term “attorney's fees” in the OPRA statute itself contemplates an attorney-client relationship to trigger an award for attorney's fees. While the Board asserts that it did not violate OPRA in its response to the Plaintiff's request, should the Court determine that the Plaintiff is a prevailing party, he would not be entitled to attorneys' fees or Court costs as he is not represented by an attorney. Furthermore, the Board acted in good faith when it denied the Plaintiff's OPRA request and in accordance with the Court's Orders dated August 15, 2025 and January 2, 2026. Therefore, the Plaintiff's requests for attorney's fees and court costs should be denied.

V. PLAINTIFF'S VERIFIED COMPLAINT SHOULD BE DISMISSED SHOULD BE GRANTED FOR FAILURE TO STATE A CLAIM PURSUANT TO RULE 4:6-2(e)

New Jersey Court Rule 4:6-2(e) permits a party to make a motion to dismiss where there is no cognizable cause of action upon which relief can be granted. “[I]f the complaint states no basis for relief and discovery would not provide one, dismissal is the appropriate remedy.” Banco Popular N. Am. v. Gandj, 184 N.J. 161, 166 (2005). When considering a R. 4:6-2(e) motion to dismiss a complaint for failure to state a claim upon which relief can be granted, a trial court must determine “whether a cause of action is ‘suggested’ by the facts.” Printing Mart-Morristown v. Sharp Elec. Corp., 116 N.J. 739, 746 (1989).

The court must only consider “the legal sufficiency of the alleged facts apparent on the face of the challenged claim.” Rieder v. Dep't of Transp., 221 N.J. Super. 547, 552 (App. Div. 1987). “The court may not consider anything other than whether the complaint states a cognizable cause of action.” Id. The court must “accept as true the facts alleged in the complaint,” Darakjian v. Hanna, 366 N.J. Super. 238, 242 (App. Div. 2004), and “search [] the complaint in depth and with liberality to ascertain whether the fundament of a cause of action may be gleaned even from an obscure statement of claim[.]” Printing Mart-Morristown, 166 N.J. at 746. Nevertheless, “the motion may not be denied based on the possibility that discovery may establish the requisite claim; rather, the legal requisites for plaintiffs' claim

must be apparent from the complaint itself.” Edwards v. Prudential Prop. and Cas. Co., 357 N.J. Super. 196, 202 (App. Div. 2003).

New Jersey courts consistently recognize that a party's pleadings must fairly apprise an adverse party of the claims and issues to be raised at trial. Dewey v. R.J. Reynolds Tobacco Co., 121 N.J. 69, 75 (1990); see also Velop, Inc. v. Kaplan, 301 N.J. Super. 32, 56 (App. Div. 1997); Miltz v. Boroughs-Shelving, 203 N.J. Super. 451, 458 (App. Div. 1985). A motion to dismiss for failure to state a claim “must be evaluated in light of the legal sufficiency of the facts alleged in the complaint.” Sickles v. Cabot Corp., 379 N.J. Super. 100, 106 (App. Div. 2005). To that end, a plaintiff is required to allege facts supporting each element of the cause of action asserted with the requisite degree of particularity, and unsupported legal and factual conclusions are insufficient as a matter of law. Delbridge v. Office of Pub. Defender, 238 N.J. Super. 288, 314 (Law Div. 1989) (“complaints cannot survive a motion to dismiss where the claims are conclusory or vague”).

It is well-settled that “[p]leadings reciting mere conclusions without facts ... do not justify a lawsuit.” DeLass v. Suburban Restoration Co., 317 N.J. Super. 574, 582 (App. Div. 1988). Such blanket assertions and conclusory statements, in the absence of well-pled factual support, are insufficient to state a claim under very well-settled New Jersey law. Zoneraich v. Overlook Hospital, 212 N.J. Super. 83, 101-02 (App. Div. 1986) (a vague, conclusory allegation is plainly insufficient and constitutes a fatal defect). Thus, “a court must dismiss the plaintiff's complaint if it has failed to

articulate a legal basis entitling plaintiff to relief.” Sickles, 379 N.J. Super. at 106; Camden County Energy Recovery Assocs., L.P. v. New Jersey Dep't of Env'tl. Prot., 320 N.J. Super. 59, 64 (App.Div.1999).

For the reasons set forth above, the Plaintiff's Verified Complaint must be dismissed with prejudice as he failed to state a claim upon which relief can be granted.

CONCLUSION

For the foregoing reasons, the Defendants, Cherry Hill Township Board of Education and Jason Schimpf, respectfully request that the Court deny the relief sought in Plaintiff's Order to Show Cause and grant the Defendants' Cross-Motion to Dismiss the Plaintiff's Verified Complaint.

Respectfully submitted,

METHFESSEL & WERBEL, ESQS.

Attorneys for Cherry Hill Township Board
of Education and Jason Schimpf



Christina M. Michelson

DATED: March 26, 2025

Our File No. 97726

CERTIFICATE OF MAILING

The undersigned hereby certifies as follows:

1. I am employed by the law firm of Methfessel & Werbel.
2. On March 26, 2026 the undersigned prepared and forwarded copies of the within correspondence to the following parties:

VIA E-COURTS FILING

Motions Clerk, Camden County Superior Court
Civil Processing, Hall of Justice First Floor
101 South 5th Street
Camden, NJ 08103

VIA EMAIL: sunny@benshorelaw.com

Benjamin Shore
20 Brace Road Suite 325
Cherry Hill, NJ 08034

VIA LReX – COURTESY COPY

Honorable Michael S. Mikulski II, J.S.C.
Camden County Hall of Justice
101 South 5th Street, 4th Floor
Camden, NJ 08103

3. 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.



Anna K. Carroll

EXHIBIT A

Benjamin Shore
Pro se
 12 Manor House Court
 Cherry Hill, NJ 08003
 Benjamin.Shore.Law@rutgers.edu

<p>Benjamin Shore</p> <p><i>Plaintiff,</i></p> <p>v.</p> <p>CHERRY HILL PUBLIC SCHOOLS and LYNN E. SHUGARS, in her official capacity as Records Custodian,</p> <p><i>Defendants.</i></p>	<p>NEW JERSEY SUPERIOR COURT CAMDEN COUNTY LAW DIVISION</p> <p><i>Civil Action</i></p> <p>DOCKET NO. _____</p> <p>VERIFIED COMPLAINT</p>
--	---

Benjamin Shore, *pro se*, hereby states:

CAUSE OF ACTION & VENUE

1. This is an action alleging violation of the New Jersey Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 to -13, and a violation of Plaintiff’s common law right to access to public government records. Plaintiffs bring this action because the herein named Defendants have unlawfully and improperly denied Plaintiff access to government records.
2. The Court has subject matter jurisdiction pursuant to N.J.S.A. 47:1A-6 and the common law right of access.
3. Venue is properly laid in Camden County pursuant to R. 4:3-2(a)(2). because Defendant, Cherry Hill Public Schools is a public entity located in Camden County.

IDENTIFICATION OF PARTIES

4. Plaintiff is an individual and resides in Cherry Hill, NJ.

5. Defendant, Cherry Hill Public Schools (hereafter “District”), is a public entity formed and located within Camden County, New Jersey.
6. The District is a public agency as defined by OPRA.
7. Defendant, Lynn E. Shugars, at all times pertinent hereto, was and is District’s Records Custodian.

STATEMENT OF UNDISPUTED FACTS

8. On February 26, 2025, Plaintiff submitted a written OPRA and common law right of access request via email to Defendant Lynn E. Shugars, the Records Custodian for Cherry Hill Public Schools.
9. In the request, Plaintiff specifically stated:

“I request security camera footage directed at the Board of Education for the last 30 minutes of this meeting which is referenced to this video posted on the privately owned platform of YouTube: [YouTube Link]. If it’s easier, I only spoke for 3 minutes. If you could just provide the 3 minutes, that would be great!”

10. The Board of Education meeting was open to the public, and members of the public attended in person and virtually.
11. The meeting was live-streamed and publicly viewable on YouTube, demonstrating that there was no expectation of privacy for Board members during the public proceedings.
12. The footage sought only the Board of Education members’ reactions while Plaintiff spoke and did not request any footage depicting security-sensitive areas.
13. On March 7, 2025, Defendant denied Plaintiff’s request, stating:

“Release of the requested security video footage would compromise the integrity of the security system by revealing capabilities and vulnerabilities of the system.”

14. Defendant failed to provide any specific or particularized explanation as to how the release of footage showing Board members at a public meeting would compromise security.
15. OPRA places the burden of proof on the public agency to justify withholding records. Defendant did not provide any certification or affidavit explaining the alleged security risk.
16. Under New Jersey case law, an OPRA denial must include a specific and particularized justification beyond a general assertion of security concerns.
17. The common law right of access requires a balancing test between:
 - The public interest in disclosure, and
 - The government's interest in confidentiality.
18. The public interest in transparency outweighs any vague security concerns, as the footage would provide insight into the conduct of elected officials at a public meeting.
19. The denial of access undermines OPRA's purpose, which is to ensure transparency and accountability in government.
20. Plaintiff has no commercial interest in the requested records and submitted the request solely to promote government transparency.
21. As a direct result of Defendant's improper denial, Plaintiff has been forced to file this lawsuit to enforce his statutory and common law rights.

COUNT I
Violation of OPRA, N.J.S.A. 47:1A-1

A. Plaintiff's OPRA Request was Lawful.

22. Plaintiff repeats and realleges all allegations set forth in the preceding paragraphs as if fully set forth herein.
23. OPRA establishes that government records are presumptively available for public access unless a specific statutory exemption applies.

24. Under N.J.S.A. 47:1A-1.1, a “government record” includes “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, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof.”

25. Plaintiff’s February 26, 2025 OPRA request sought security camera footage that was created, maintained, and kept on file by Cherry Hill Public Schools.

26. Plaintiff’s request was specific and reasonable, seeking:

- Only footage of the Board of Education members' reactions during Plaintiff’s speech at a public meeting.
- No footage of security-sensitive areas such as entrances, exits, or security measures.
- A maximum 30-minute segment, with a preference for only 3 minutes showing Plaintiff speaking.

27. The requested meeting was:

- Open to the public and attended by members of the public.
- Live-streamed and publicly viewable on YouTube, further demonstrating that there was no expectation of privacy for Board members.

28. The footage requested was not deliberative, advisory, or consultative material, and it does not fall within any statutory exemption listed in N.J.S.A. 47:1A-1.1.

B. Defendant’s Denial was Improper Under OPRA.

29. On March 7, 2025, Defendant Shugars denied Plaintiff’s request, citing an exemption under N.J.S.A. 47:1A-1.1, stating:

“Release of the requested security video footage would compromise the integrity of the security system by revealing capabilities and vulnerabilities of the system.”

30. This denial was improper because:

- Defendant failed to provide a specific and particularized explanation as to how the footage would reveal security vulnerabilities.
- The requested footage does not depict security-sensitive areas, emergency protocols, or law enforcement activities.
- The Board of Education members were already publicly viewable on YouTube, meaning the footage contains no confidential or security-sensitive information.

31. OPRA requires a public agency to prove that an exemption applies. A vague assertion of security risks is legally insufficient under OPRA.

C. The Security Exemption Does Not Apply.

32. OPRA does exempt from disclosure:

- “Security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data, or software.”
- “Security alarm system activity and access reports, including video footage, for any public building, facility, or grounds **unless the request identifies a specific incident that occurred, or a specific date and limited time period at a particular public building, facility, or grounds, and is deemed not to compromise the integrity of the security system by revealing capabilities and vulnerabilities of the system.**” (bold added for emphasis)

33. However, the security exemption does not apply because:

- Plaintiff's request identifies a specific date, time, and location, satisfying OPRA's specificity requirement.
- No part of the request asks for footage of entry points, access control systems, or security procedures.
- The video requested merely captures a public meeting—similar to what was already broadcast publicly on YouTube and what could be viewed from any member of the public in attendance.
- Defendant did not explain how the requested footage differs from the publicly available livestream.

D. Defendant Failed to Meet OPRA's Burden of Proof.

34. OPRA mandates that public agencies must provide a specific and legally valid reason for withholding a record.

35. Under N.J.S.A. 47:1A-6, the burden of proving that an exemption applies rests solely on the public agency.

36. Defendant's denial lacks any factual basis, as it does not explain:

- What specific security risk is posed by the release of the requested footage.
- How footage of a public meeting—already viewable by the public—could reveal security vulnerabilities.
- Why the District's own publicly posted video of the meeting does not pose the same alleged security risk.

37. Defendant also failed to provide:

- An detailed explanation of how the footage would compromise security.
- Any evidence demonstrating that the requested footage falls under a valid exemption.

38. Because Defendant has not met its burden under OPRA, the denial is unlawful and must be reversed.

E. Plaintiff is Entitled to Relief Under OPRA.

39. Plaintiff has been improperly denied access to public records that should have been disclosed under OPRA.

40. Pursuant to N.J.S.A. 47:1A-6, Plaintiff seeks the following relief:

- A declaration that Defendant violated OPRA by improperly denying Plaintiff's request.
- A declaration that the Defendant's denial was unreasonable.
- An order compelling Defendant to immediately produce the requested security camera footage.
- An award of reasonable attorneys' fees and court costs as required under OPRA.
- Civil penalties against Defendant under N.J.S.A. 47:1A-11 if the Court finds that the violation was unreasonable or willful and knowing.
- Any other relief the Court deems just and equitable.

COUNT II

Violation of Plaintiff's Common Law Right To Access Public Documents

A. Incorporation of Prior Allegations.

41. Plaintiff repeats and realleges all allegations set forth in the preceding paragraphs as if fully set forth herein.

B. The Common Law Right of Access and its Applicability.

42. New Jersey's common law right of access provides that members of the public have the right to inspect and copy government records, independent of OPRA.

43. A government record is accessible under the common law when:

- The record is a public record, and

- The public interest in disclosure outweighs the government's interest in confidentiality.

44. A public record under the common law includes any document created, maintained, or received by a public agency in the course of official business, which the requested security camera footage clearly is.

45. Plaintiff's request sought footage of a public Board of Education meeting, where elected officials were conducting official business in a public forum in public view.

46. The requested footage does not contain security-sensitive material, privileged communications, or personal information protected from disclosure.

C. The Public Interest in Disclosure is Substantial.

47. There is a strong public interest in transparency, government accountability, and oversight of elected officials.

48. The requested footage would allow the public to:

- Evaluate the conduct of Board of Education members during a public meeting.
- Ensure transparency in government proceedings.
- Verify that Board members are conducting themselves in a manner consistent with public trust and responsibility.

49. The Board of Education is an elected body whose decisions directly affect the public. The public has an interest in understanding how its members react to public concerns and statements during meetings.

50. The footage was recorded in a public setting, where Board members knew they were on camera and had no reasonable expectation of privacy.

51. The meeting was already live-streamed and publicly viewable on YouTube, further demonstrating that no confidentiality interest exists.

D. Defendant's Justification for Denial is Insufficient Under the Common Law.

52. Under New Jersey's common law balancing test, the burden is on the public agency to establish that its interest in withholding a record outweighs the public interest in disclosure.

53. Defendant's stated reason for denial—an alleged compromise of security measures—is unsupported and unsubstantiated.

54. Defendant has not provided any evidence or sworn statement demonstrating that the requested footage would expose security vulnerabilities.

55. The security exemption does not apply under common law when the footage simply captures a public meeting.

56. Defendant has failed to explain:

- How disclosure of footage already viewable on YouTube would compromise security.
- What specific security risks are posed by releasing footage showing Board members in a public meeting.
- Why the public's right to transparency does not outweigh any vague security concerns.

E. Defendant's Denial Frustrates the Public's Right to Government Transparency.

57. The common law right of access exists to prevent government agencies from operating without public oversight.

58. The requested footage is directly relevant to assessing the behavior of public officials in their official capacity.

59. Defendant's denial prevents the public from fully understanding the Board of Education's reaction to community concerns, limiting government accountability.

60. Defendant's refusal to release the footage is contrary to the principles of open government and transparency.

F. Plaintiff is Entitled to Relief Under the Common Law Right of Access.

61. Defendant has improperly withheld a public record in violation of Plaintiff's common law right of access.

62. Plaintiff seeks the following relief from this Court:

- A declaration that Defendant violated Plaintiff's common law right to access public records.
- An order compelling Defendant to produce the requested security camera footage.
- An award of attorneys' fees and court costs.
- Penalties upon the custodian for a bad faith denial.
- Any other relief the Court deems just and equitable.

63. Oral Arguments requested.

REQUEST FOR INSURANCE INFORMATION PURSUANT TO R.4:10-2(b)

Defendants are hereby requested to provide copies of any and all policies of insurance which may provide coverage for the claims and causes of action contained in this complaint.

Request for Oral Arguments

Plaintiff, Benjamin Shore respectfully request oral arguments.

Trial Counsel Designation

The undersigned will appear *pro se*.

By: /S/Benjamin Shore
Benjamin Shore
Pro se
Dated: March 9, 2025.

R. 4:5-1 CERTIFICATION

I, Benjamin Shore hereby certify the following:

1. I am appearing *pro se*.

2. To the best of my knowledge and belief, this matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, nor is any such proceeding contemplated at this time.

3. 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).

By: /S/Benjamin Shore
Benjamin Shore
Pro se
Dated: March 9, 2025.

VERIFICATION

I, Benjamin Shore, of full age, hereby certify and declare as follows:

1. I am the Plaintiff in the above-captioned matter.
2. I have read the contents of the Verified Complaint and know the facts contained therein.
3. The factual allegations contained in the Verified Complaint are true and accurate to the best of my knowledge, information, and belief.
4. The Verified Complaint is made in truth and good faith, without collusion, and for the reasons stated therein.
5. As to any matters alleged on information and belief, I believe those matters to be true.
6. All documents attached to the Verified Complaint, if any, are true and complete copies of the originals and have not been altered or modified, unless otherwise indicated.

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

By: /S/Benjamin Shore

Benjamin Shore

Pro se

Dated: March 9, 2025.

EXHIBIT B

Benjamin Shore <i>Plaintiff,</i> v. CHERRY HILL PUBLIC SCHOOLS and LYNN E. SHUGARS, in her official capacity as Records Custodian, <i>Defendants.</i>	NEW JERSEY SUPERIOR COURT CAMDEN COUNTY LAW DIVISION Civil Action DOCKET NO. CAM-L-815-25 [PROPOSED] ORDER
---	--

[PROPOSED] ORDER
GRANTING PLAINTIFF'S MOTION TO VACATE THE DENIAL OF HIS MOTION
TO STRIKE DEFENDANTS' MOTION TO DISMISS

THIS MATTER having been brought before the Court by Plaintiff, Benjamin Shore, appearing pro se, by way of motion to vacate the Court's May 19, 2025 ruling denying Plaintiff's Motion to Strike Defendants' Motion to Dismiss; and the Court having considered the Verified Complaint, prior motion filings, the transcript of the May 19, 2025 hearing, and for good cause shown;

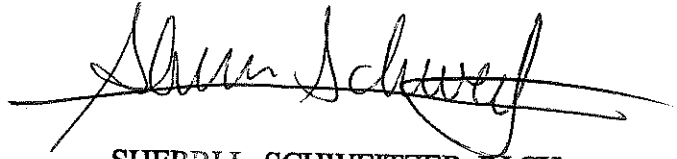
IT IS on this 15th day of August, 2025, ORDERED as follows:

1. Plaintiff's motion is hereby **GRANTED** pursuant to **Rule 4:50-1 and/or Rule 4:49-2**.
2. The Court's prior ruling denying Plaintiff's Motion to Strike is hereby **VACATED**.
3. Defendants' Motion to Dismiss is hereby **STRICKEN** from the record as procedurally improper under Rule 4:67.
4. Defendants, having failed to file an Answer as **REQUIRED** by the Court's Order to Show Cause, are deemed in **procedural default**.
5. Defendants shall file an **Answer or other proper responsive pleading** no later than the ____ day of _____, 2025, to cure the default.
6. Plaintiff reserves all rights to seek entry of default and/or default judgment should Defendants fail to comply with this Order.

IT IS SO ORDERED.

8. Plaintiff's request for oral argument is: GRANTED / DENIED (circle one).
9. The Court shall retain jurisdiction to enforce this Order and consider any fee application filed by Plaintiff.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Sherri L. Schweitzer", written over a horizontal line.

SHERRI L. SCHWEITZER, P.J.CH.

EXHIBIT C

Dena Farbman, AD/T 646
TAPE REPORTERS
23 Vreeland Road, Suite 205
Florham Park, NJ 07932
Audio Recorded
Operator Rebecca Mount

I N D E X
7/31/25PageTHE COURT

Decision re: L-594-25

18

Decision re: L-815-25

39

Colloquy

3

1 (Proceedings commence at 9:16 a.m.)

2 THE COURT: This is Shore v. Cherry Hill
3 Public Schools, L-594-25 and L-815-25. We'll start
4 with counsel. Your appearance, please.

5 MR. SHORE: Good morning, Honor. Benjamin
6 Shore appearing pro se.

7 THE COURT: Okay.

8 MS. MICHELSON: Good morning. Your Honor,
9 Christina Michelson from the law firm of Methfessel &
10 Werbel on behalf of Cherry Hill Public School --

11 THE COURT: Okay.

12 MS. MICHELSON: -- and Lynn Shugars, the
13 custodian of records.

14 THE COURT: All right, counsel, I have two
15 applications. One is a motion to reconsider. And the
16 second one is a continuation on the motion regard --
17 the videotape where I requested additional
18 documentation from the police officer. I got it from --
19 -- is it Captain Saporito or Lieutenant?

20 MS. MICHELSON: He's the director --

21 THE COURT: Director?

22 MS. MICHELSON: -- of securities for the
23 public schools.

24 THE COURT: I just wrote down Saporito. So I
25 didn't write down the title. Just Saporito.

Colloquy

4

1 MS. MICHELSON: Yes.

2 THE COURT: Okay. All-righty.

3 Mr. Shore, this is your application. I'll
4 hear from you.

5 MR. SHORE: Thank you, Your Honor. Let me
6 just pull this up.

7 Good morning, Your Honor, and may it please
8 the Court. I stand before you not just as the
9 plaintiff, but as the co-founder of Rise Against Hate,
10 a 501(c)(3) public charity.

11 Through OPRA, we have uncovered that black
12 residents in Cherry hill were nearly 9 times more
13 likely to experience police force and nearly 12 times
14 as likely to be arrested for marijuana. These findings
15 were so significant that our research was published at
16 Harvard University. And just a few weeks ago, the
17 legislature cited to our most recent 2025 study in
18 Assembly Bill A5964. The work we do matters. But if
19 this Court upholds its ruling treating personal
20 identifiers in the definitional section of OPRA as
21 mandatory redactions, we would have never been able to
22 obtain the ages, the races, or the personal identifiers
23 we needed to uncover these disparities. This is why
24 this case matters.

25 My motion asks the Court to do what is both

1 legally correct and fundamentally fair: to reconsider
2 a ruling that, with great respect, misapplied OPRA,
3 dismantled decades of appellate precedent, and if left
4 uncorrected, would rewrite OPRA in a way the
5 legislature never intended.

6 And the New Jersey Supreme Court's decision
7 in Brennan shows exactly why that matters. In Brennan,
8 the Court faced a difficult choice, one where
9 disclosing names and addresses meant criminals could
10 find out who bought their seized property. The stakes
11 were undeniably high, yet the Court chose transparency.
12 It held that bidders of a public auction had no
13 reasonable expectation of privacy in their names and
14 addresses. If that level of risk wasn't enough to
15 justify secrecy, how can we possibly say there's any
16 real harm in revealing which companies are doing
17 business with the school or who's receiving public
18 contracts or directing public policy?

19 First, the Court's ruling rested on the
20 definitional section of OPRA which merely lists
21 examples of personal identifying information. But that
22 section is not the redaction clause which appears in
23 47:1A-5(a), and names are not on that redaction clause,
24 and no court in the state, from the Appellate Division
25 to the Supreme Court, has ever held that the definition

1 section of OPRA can be read to create a new blanket
2 exception.

3 Second, and just as important, the
4 consequences of interpretation would be devastating not
5 just for this case, but for all the New Jersey
6 residents who rely on OPRA to hold the government
7 accountable. If the word "name" or any personal
8 identifier in the definitional section is treated as a
9 universal exemption, OPRA will no longer reveal who is
10 operating the government. Public records will show
11 millions of tax dollar spending but not to which
12 companies. Emails will show important decisions were
13 made that will impact the public but not by which
14 public official. As I explained in my May 2025 letter,
15 even the most basic tools of public oversight, such as
16 knowing who voted, who signed a contract, or who
17 requested information, would vanish.

18 Third, while I recognize the Government
19 Records Council's opinions are not binding on this
20 Court, they are highly persuasive and frequently cited
21 by courts. In direct response to my inquiry under
22 N.J.S.A. 47:1A-7(b), the GRC confirmed the statute does
23 not explicitly require the redaction of names in OPRA
24 logs, and the definitional section is not the operative
25 clause.

1 Fourth, beyond the law itself, the process
2 here was incomplete. There was no in camera review,
3 despite more than 40 years of case law from MAG,
4 Loigman, Brugaletta, and Ciolek, which held that the
5 courts must inspect the records when confidentiality is
6 claimed. Without that safeguard, the Court was left to
7 rely entirely on the custodian's self-serving
8 assertions that have been contradicted in their own
9 post-judgment certification.

10 I see no reason for this Court to abandon
11 over 40 years of finding precedent consistently
12 affirmed by both the Appellate Division and the New
13 Jersey Supreme Court.

14 Finally, this litigation compelled the
15 defendants to produce records that they previously
16 withheld. Therefore, I'm the prevailing party under
17 every standard, including City of Hoboken, Singer v.
18 State, Spectraserv Inc. v. Middlesex County Utilities
19 Authorities.

20 So for those reasons I would ask that the
21 Court grant my motion for reconsideration and,
22 additionally, as Your Honor is aware, there is some
23 technicalities with filings. So I would ask that the
24 Court treat my motion as uncontested in accordance with
25 both the court rules and over 25 years of binding

1 authority from the Appellate Division that
2 technological issues are no excuse for late filings.

3 Thank you, Your Honor.

4 THE COURT: Okay. Counsel.

5 MS. MICHELSON: Good morning, Your Honor.

6 First, I'd like to address the allegation that my
7 opposition to his motion for reconsideration regarding
8 docket number 594 was late. I had filed and made a
9 good-faith effort to file in a timely manner. I
10 uploaded my opposition letter brief and certifications
11 of exhibits and my proof of service into eCourts at
12 approximately 11:50, 11:51 at night.

13 I had issues uploading the Exhibit A because
14 it consists of 342 emails. Even though that was a PDF
15 and I made a good-faith effort to divide it into two, I
16 was unable to upload it. It kept getting rejected.

17 I did send Mr. Shore a copy of all the
18 exhibits -- which were just the two exhibits -- my
19 letter brief, certification, and proof of service prior
20 to midnight. So he did receive everything. There's no
21 prejudice to Mr. Shore, nor to the Court, that it took
22 my paralegal to break up that exhibit to seven
23 different parts. And it took a while for them to be
24 able to upload it into eCourts.

25 The exhibits themselves are the same -- well,

Colloquy

9

1 Exhibit A that is large was the exact Exhibit 1 to
2 Mr. Shore's first for his motion for reconsideration.
3 And I uploaded it with Bates stamps to help aid the
4 Court review them. And I also completed a Vaughn index
5 in an effort to help the Court go through Mr. Shore's
6 over-400 documents that he provided to the Court
7 without any sort of index or just explanation of what
8 exactly those documents were and what any issues there
9 were with those documents.

10 And so that was the purpose of those
11 exhibits. They weren't specific to the arguments I
12 made in my motion -- my opposition brief. And so I
13 request that his request to deem his motion unopposed
14 be denied.

15 THE COURT: It's not even an argument that I
16 will consider. I am obligated to read every single
17 thing that is filed with this court up until the moment
18 of the court hearing. There is case law that indicates
19 that. There's -- not indicates -- directs that I
20 consider everything. You, unfortunately -- I mean,
21 there's absolutely no prejudice here. This motion was
22 postponed. You have had more than ample time to
23 continually file motions without -- or documents with
24 the Court that I've read and had to consider, despite
25 the fact that I have not authorized the additional

1 filings.

2 Therefore, I have read everything, considered
3 it. There is absolutely no prejudice. Continue with
4 the argument.

5 MS. MICHELSON: Thank you, Your Honor.

6 As for Mr. Shore's motion to vacate and his
7 motion for reconsideration, he fails to satisfy the
8 requisite requirements set forth in the court rules.
9 In order to succeed on a motion to vacate, he has to
10 satisfy the reasons which include a mistake, fraud,
11 newly discovered evidence, or various issues regarding
12 the judgment itself.

13 There's nothing here. There's no newly
14 discovered evidence. There's nothing that the Court
15 did not review or discuss or even hear arguments about
16 at the May 19th hearing. Therefore, his request for a
17 motion for judgment -- I mean, to vacate the judgment
18 should be denied.

19 As for the motion for reconsideration, again,
20 he fails to set forth the reasons why my motion to
21 dismiss, should be denied or reversed. There's nothing
22 new that he provided in his motion for reconsideration.
23 He submitted his OPRA requests for third-party OPRA
24 requests that were denied for a specific time period.
25 The Board provided him with those documents that were

1 properly redacted. The Court deemed that they were
2 properly redacted.

3 This issue regarding the names, I don't
4 understand why it became such a big issue for
5 Mr. Shore. But if you could see from the index and
6 from the documents, there weren't names redacted from
7 the documents except for when they were student records
8 and deemed to be confidential. The majority of the
9 redactions were emails and contact information, i.e.,
10 their addresses. And so that's the majority of those
11 redactions, and the Court properly held that those were
12 confidential and personal identifiers that should be
13 redacted.

14 His reliance on an email from a legal counsel
15 of the Government Records Council is not persuasive,
16 it's not legal advice, it's not binding on the Court,
17 and it's just someone's opinion on a very specific
18 issue that Mr. Shore raised that really provided no
19 facts as to this specific case. And so the Court, I
20 believe -- I'm requesting the Court give it minimal
21 notice to it.

22 As for his request for counsel fees, well,
23 first I'd like to address that Mr. Shore claimed at the
24 beginning of this that he is part of a not-for-profit
25 organization. I don't recall that being part of any of

1 his OPRA requests or any of his previous documents. He
2 has always presented himself to the Court as pro se on
3 his own because he wanted these records for his own
4 reasoning. He never expressed that he was part of any
5 sort of journal or newspaper or blog until we were
6 before the Court. And he hasn't provided any type of
7 information or certification to that extent.

8 Regardless, he's pro se. He's not
9 represented by an attorney. And this has become an
10 issue between me and Mr. Shore. However, he's been pro
11 se, and he's maintained that. And under OPRA, he'd
12 only be able to obtain attorneys' fees if the Court
13 felt that it was appropriate for attorney fees, not for
14 court costs.

15 Even if Mr. Shore, under the catalyst theory,
16 is deemed a prevailing party, which we do not agree
17 he's a prevailing party, the records that he was
18 provided were the same exact records that we provided
19 previously, just that they were in a different format
20 so that he could read them, even though before he never
21 requested --

22 THE COURT: Hold on a second. Something
23 weird is happening. Do you guys hear that?

24 MR. SHORE: Yes.

25 THE CLERK: The courtroom is being let into

1 Zoom.

2 THE COURT: Okay. Is it done making that
3 noise now? Are we good?

4 THE CLERK: Um-hum.

5 THE COURT: Okay. I'm sorry. I just didn't
6 know what was happening.

7 MS. MICHELSON: It's okay. And so -- I'm
8 sorry. I lost my train of thought.

9 THE COURT: Take a moment. I'm not stopping
10 either of you.

11 MS. MICHELSON: So basically, he's a pro se
12 plaintiff. There are no attorneys' fees. He's
13 requesting costs. Even if he was the prevailing party,
14 which we disagree he was, he's not entitled to court
15 costs as a prevailing party. The cases that he
16 specifically cited to, just so that Your Honor is
17 aware, he stated Singer v. State. That concerns civil
18 rights litigation, where the attorney fees were
19 successful -- the attorneys were successful in the
20 litigation, and the issue of whether their attorney
21 fees were going to be covered under Title VII was at
22 issue.

23 In Teeters v. Division of Youth and Family
24 Services, that plaintiff was initially pro se, but then
25 she got an attorney, and then the issue of attorneys'

1 fees came up for the work the attorney did, not for the
2 work that she did as a pro se plaintiff.

3 In Warrington v. Village Supermarket, that
4 was also a LAD and ADA claim which has its own
5 statutory requirements for prevailing parties for
6 attorneys' fees.

7 Mason v. City of Hoboken was an OPRA matter.
8 She had an attorney. They were not provided attorney
9 fees, so they weren't successful in obtaining their
10 attorneys' fees in that case that he's citing to that
11 supports his claim for attorneys' fees.

12 And lastly, Spectraserv v. Middlesex County
13 Utilities Authorities was a construction company that
14 was in a lengthy litigation with the Middlesex County
15 Utilities Authority, had attorneys, requested attorney
16 fees, and that was also denied.

17 So for those reasons, we don't agree that
18 Mr. Shore should be provided or reimbursed for court
19 costs. He's not an attorney. We don't believe he's
20 the prevailing party. And therefore, we request that
21 his motion to vacate and his motion for reconsideration
22 be denied. Thank you, Your Honor.

23 THE COURT: Do you want to reply?

24 MR. SHORE: Yes, Your Honor, absolutely.

25 So first, in regards to redactions in the

1 Vaughn index, I don't seem to agree that what's listed
2 there is a fair and accurate representation. For
3 example, during the last hearing, one of the issues was
4 whether or not pronouns were redactable. But in the
5 Vaughn index, it doesn't say redacted pronouns due to
6 personal privacy. It doesn't say business names. It
7 doesn't say anything about university affiliation. The
8 Vaughn index does not list the required materials to
9 make it sufficient under the Vaughn (sic) standards.

10 But essentially there's so many issues that
11 were discussed that are not in the standards that it
12 almost is as -- we're missing so much information here.

13 Additionally, talking about the attorney
14 fees, and I think that's the wrong case. It's 815.
15 594, I'm not requesting attorney fees; I'm requesting
16 court costs. 815 is where I have an attorney. Of
17 course, I did utilize legal help in this case because
18 it's -- you know, bringing any civil matter is
19 difficult. And I'm not an attorney. I'm not a lawyer,
20 and I haven't, you know, finished law school or taken a
21 bar, so I'm not able to, you know, to claim that. So I
22 needed some help. And help, I think, is fair for
23 unbundled legal limited services.

24 Additionally, Your Honor, I just -- again,
25 the records that were redacted, I think when you really

1 look at all the Bates stamped documents, there's really
2 so much more there. It doesn't talk anything about
3 university affiliation, business names, contracts. And
4 at the end of the day, this ruling will essentially
5 make it so, you know, every single record that will be
6 stripped of all its content except for the blank
7 template form itself. And I really want to look at
8 Brennan and I really want to look at Bozzi because I
9 think that they're incredibly important here when
10 looking at the privacy.

11 I also don't think the Court had to apply the
12 balancing test because I don't even think there was a
13 privacy exemption. Under Brennan, they actually found
14 that they didn't even need the balancing test because
15 it only dealt with names and addresses. And that was
16 not -- there was no exemption to that. And under
17 Brennan, it was quite literally the Appellate panel
18 actually said that we're not going to disclose it
19 because criminals are going to find these people's
20 names and addresses, who has their seized property.
21 Supreme Court says, we don't care. Public disclosure,
22 that's what the legislature favors; that's what we
23 favor.

24 So even though there are these security risks
25 that the Appellate Division found, they were

1 speculative. There was not a clear, concrete showing.
2 And I really think it's hard to believe that if the
3 Supreme Court wants to allow potentially violent --
4 potentially violent convicts to now know who has their
5 seized assets, that seems a little scary. But the
6 Supreme Court said no, that's fine.

7 Also in Bozzi, for example, people that walk
8 their dogs in public, there's no expectation of
9 privacy. You're in public, you're interacting in
10 public, and when you're walking your dog around, it's a
11 public endeavor. So when you participate with
12 government or when you participate in public, you don't
13 really have the privacy concerns there.

14 So I would say that there are other cases
15 that show such more scary, horrifying facts, and the
16 Supreme Court has consistently affirmed that we need to
17 err on the side of transparency. It's not on the side
18 of caution. It's a clear, concrete showing, and that
19 is what the standard is in OPRA.

20 THE COURT: Okay, thank you.

21 MR. SHORE: Thank you, Your Honor.

22 THE COURT: Anything further? Go ahead.

23 MS. MICHELSON: Sorry, Your Honor.

24 THE COURT: Don't be sorry.

25 MS. MICHELSON: I didn't discuss the 815 --

1 the video issue.

2 THE COURT: I haven't gotten to 815.

3 MS. MICHELSON: Oh, okay, we're just doing
4 59- -- okay.

5 THE COURT: Is there anything you wanted to
6 add with respect --

7 MS. MICHELSON: No, Your Honor. I have
8 nothing further to add.

9 THE COURT: All right.

10 Mr. Shore, I appreciate your passion. I
11 appreciate your zealousness. I applaud you for
12 pursuing what you deem to be something that is
13 important to you. I just completely disagree with you.

14 This matter hinges on the amount of weight
15 I'm willing to give to, I believe, the GRC information
16 you provided to me, and I will give that absolutely no
17 weight. I am not bound by the GRC. If you wanted to
18 have a GRC ruling, you could have filed with the GRC.
19 You certainly had that avenue. You chose not to, for
20 whatever reason. That was your choice.

21 But I am not persuaded by a blanket email or
22 an email from the GRC that may not contain all the
23 information, the facts. It just doesn't.

24 And the GRC is also clear that I still have
25 to analyze an individual's reasonable expectation of

1 privacy and making the decisions regarding disclosure.
2 And despite your statements that you believe there
3 should be absolutely no reasonable expectation of
4 privacy, and that's the standard I seem to think that
5 you want me to be guided by, I disagree.

6 And you don't address to me how this does --
7 you place your desires or your reasoning -- and I, sir,
8 don't really have any say or input on what your other
9 matters are, what your -- this 501(c)(3) corporation.
10 I think it's great that you have this organization that
11 you are working with or working for or working in
12 conjunction with. However, that organization and what
13 it has done does not provide me any basis to change my
14 prior reasoning and decision not to require the
15 disclosure and to intrude on the individual's
16 reasonable expectations of privacy. You failed to meet
17 that burden for this Court.

18 I have, at our prior court hearing, placed on
19 the record my reasoning, which I will adopt here and at
20 length. You just have not provided me sufficient
21 justification why the interests of your request
22 outweigh my reasons articulated in the interest of
23 privacy. I think it's just unclear to me or you fail
24 to meet the burden as to why your interest supersedes
25 the reasonable expectations of privacy that I have

1 previously addressed. And I have no basis under law or
2 from any facts presented to me by you that would cause
3 me to change my prior ruling.

4 Therefore, your motion to reconsider is
5 denied.

6 As to the argument with respect to the video
7 at hand, I'll hear that. The video of the --

8 MR. SHORE: May I ask one question, Your
9 Honor?

10 THE COURT: You can ask. It's not a -- I've
11 made my decision. I'm not going to engage in a
12 question-answer period, but go ahead.

13 MR. SHORE: I was just curious about the 40
14 years of in camera review, why that's no longer --

15 THE COURT: Again, counsel, I don't have to -
16 -

17 MR. SHORE: Understood.

18 THE COURT: -- engage in a question-answer
19 period. I've placed my reasoning on the record, and I
20 have discussed -- I have been clear as to why I believe
21 that the your request for information exceeds that of
22 the reasonable expectation of privacy.

23 I have reviewed the index that was provided
24 to me. I have no reason to conduct an in camera
25 review. And I won't go down the road of a question-

1 answer session.

2 I have made my decision. It was clear and
3 articulate at our first court hearing. Your
4 application presents me absolutely no information, no
5 additional reasons. It was simply I didn't like your
6 decision, Judge. And the GRC wrote a letter that I
7 think helps me, but it doesn't change any of the facts
8 or information that this Court previously addressed and
9 presents me no basis for me to reconsider any of my
10 prior rulings.

11 I do not find you to be prevailing party.
12 You are not an attorney. You've been clear about that.
13 You've represented yourself pro se. There is
14 absolutely no mechanism for me to award attorney fees
15 and costs, none of which I will engage in because I
16 previously -- engage in additional argument on because
17 I did previously address all of these issues.

18 I'll address the video.

19 MR. SHORE: Sure. To the application, Your
20 Honor?

21 THE COURT: What?

22 MR. SHORE: To the application.

23 THE COURT: To the

24 MR. SHORE: 815.

25 THE COURT: Yes.

1 MR. SHORE: Okay, Your Honor. One moment,
2 please.

3 Okay. As a journalist and chief editor of
4 Shore Investigates, I focus on government transparency
5 and public accountability in South Jersey. My
6 reporting has repeatedly demonstrated the power of
7 OPRA.

8 Earlier this year, I obtained and published
9 body-worn footage of a road rage incident, including
10 the Cherry Hill Police Department. Initially, the
11 driver was let off with only a verbal warning after a
12 brief three-minute conversation. But after I released
13 the footage and reported the facts, the police chief
14 publicly acknowledged the incident, took corrective
15 action, and the driver was charged with reckless
16 driving and delaying traffic. Just days ago, the
17 driver pled guilty. Through OPRA, my reporting held
18 public officials accountable.

19 This case is no different. On February 25th,
20 2025, I addressed the Cherry Hill Board of Education
21 via Zoom. When I began speaking, the live stream video
22 -- Your Honor, I apologize. I have a binder with just
23 five exhibits that are all docketed that go with the
24 opening statement.

25 THE COURT: I'm confused. Are these

1 documents that I have?

2 Okay, so why don't you --

3 MR. SHORE: May I give it to the counsel
4 (phonetic)?

5 THE COURT: Yeah, I'm a little confused.
6 Okay.

7 MR. SHORE: I'm sorry. There are only five
8 exhibits that go with it. I have -- they're all the
9 same. If the defendant would like to take a look, I
10 have no objection.

11 This is the judge's copy, this is your copy,
12 and this will be my copy.

13 THE COURT: Are these exhibits that have
14 previously been provided?

15 MR. SHORE: Yes, Your Honor. Everything has
16 a docketing on the top of the page.

17 THE COURT: Okay.

18 MR. SHORE: So first -- oh, I'm sorry.

19 THE COURT: You've got to wait.

20 MR. SHORE: I'm sorry, Your Honor.

21 MS. MICHELSON: It's fine, Your Honor. As
22 long as it's the exhibits that were submitted to court.
23 It's very small. It looks like it was the ones that
24 were uploaded and annexed to his motion -- or his
25 supplemental filings after --

1 MR. SHORE: Yes.

2 MS. MICHELSON: -- the May 19th hearing.

3 THE COURT: Okay.

4 MR. SHORE: So first you'll see on Exhibit B,
5 that's what I see when I spoke, and that's the media
6 news value, which is quite literally nothing from the
7 Board. While the audio of my comments exists, and I
8 have the audio, the video showing how the Board
9 received my remarks was gone.

10 I requested a few minutes of surveillance
11 footage, not out of curiosity, but to ensure that the
12 public can witness in full detail how elected officials
13 react when citizens speak as the legislature envisioned
14 in the Open Public Meetings Act. I intend to use the
15 footage to write about transparency in our school
16 system. Without it, the public record is incomplete.
17 A black screen tells the public nothing about whether
18 their Board was engaged or dismissive and serves little
19 to no news value or media value.

20 Now let's talk about the District's claim.
21 The District cannot have it both ways. On one hand,
22 they claim that releasing video of a public board
23 meeting would pose a security risk. On the other hand,
24 they freely publish videos and images on their own
25 YouTube channel that reveal far more than the footage

1 I've requested. Their public videos include aerial
2 drone footage of every single school building, detailed
3 interior shots of hallways and entryways, and even
4 images of their own surveillance monitors. That's
5 still online today, even after I pointed it out. I
6 don't know why it's still there if it's so secure. If
7 the information were truly dangerous, the District
8 would not voluntarily broadcast it to the world.

9 And more importantly, the legislative intent
10 is clear. The Cherry Hill Board of Education meeting
11 is governed under the Open Public Meetings Act, and the
12 legislature made its purpose clear. "The Legislature
13 finds and declares that the right of the public to be
14 present at all meetings of public bodies, and to
15 witness in full detail all phases of the deliberation,
16 policy formulation, and decision making of public
17 bodies, is vital to the enhancement and proper
18 functioning of the democratic process". That's
19 N.J.S.A. 10:4-7. So what does it mean when the
20 legislature wants us to "witness in full detail all
21 phases" of these meetings? It means that the
22 legislature intended public meetings to be as open and
23 transparent as possible.

24 But the legislature went even further and in
25 2024 strengthened OPRA by adding explicit access to

1 security camera footage. This amendment was a sign to
2 enhance transparency, not create a meaningless right.
3 If the legislature believed that the public has the
4 right to "witness in full detail" all phases of public
5 deliberation, then the footage of the most open and
6 transparent event government conducts must be
7 accessible. To hold otherwise would not only
8 contradict the legislative intent, but it would render
9 the 2024 amendment with security footage hollow. You
10 know, when could it ever be?

11 In fact, the law already spells out specific
12 situations where security camera footage cannot be
13 released. For example, footage within secured
14 perimeter of a correctional facility; that's N.J.A.C.
15 10A:34-1.6. If this Court decides that even the most
16 public footage of a meeting declared by the statute to
17 be "vital to the democratic process" cannot be
18 released, then the 2014 amendment to OPRA would be
19 meaningless.

20 Finally, I must address the Saporito
21 certification submitted by the District.

22 Mr. Saporito's sworn statement claims the
23 board meeting took place on February 26th, 2025. That
24 is not true. The meeting occurred on February 25th.
25 Mr. Saporito claims the meeting was held in the all-

1 purpose room. That is not true. The meeting was held
2 in the gymnasium, not the all-purpose room. Yet his
3 certification continues to discuss blind spots and
4 security weaknesses of an all-purpose room, a room that
5 has absolutely nothing to do with this case.

6 I requested the opportunity to cross-examine
7 Mr. Saporito to test these claims. And I requested the
8 opportunity to file a written response. Neither
9 opportunity was provided. Instead, we are here with no
10 witness, but just a sworn affidavit we know is false.
11 That should not be the standard in OPRA case.

12 The District's defense rests on the wrong
13 date, the wrong room ,and the wrong analysis. OPRA,
14 OPMA and the 2024 amendments all compel transparency.
15 The legislature has declared that "the right of the
16 public to be present at all meetings of public bodies
17 and to witness in full detail all phases is vital to
18 the enhancement and proper functioning of the
19 democratic process".

20 For those reasons, I respectfully ask that
21 the Court honor the legislative intent and grant my
22 application.

23 THE COURT: Okay.

24 MS. MICHELSON: Thank you, Your Honor.

25 First, Mr. Shore has an application for a

1 motion to vacate Your Honor's decision to deny his
2 motion to strike my motion to dismiss. As for the
3 reasons that I raised earlier, he did not provide the
4 specific reasons for the court rule for that to take
5 place. And so I requested his motion to vacate my
6 motion to dismiss be denied.

7 MR. SHORE: Objection, Your Honor.

8 THE COURT: There's -- sir, sit down.

9 MR. SHORE: Okay.

10 THE COURT: You wait for her to finish, and
11 then you get an opportunity. Okay?

12 MR. SHORE: Yes, Your Honor.

13 MS. MICHELSON: Okay. Second, we're here,
14 Your Honor, because Mr. Shore made a public comment at
15 a board meeting. He could have been there in person,
16 but instead he did it remotely. He was given that
17 opportunity. He provided his public comment directly
18 to the Board. The Board heard his comment and they
19 moved to the next comment.

20 He had the opportunity to attend in person.
21 He chose not to. He's seeking surveillance footage
22 from that room. We disagree that it was -- he says it
23 was the gymnasium. The Board identifies that room as
24 the all-purpose room. And that's what both the
25 custodian of records and the director of security have

1 deemed it.

2 Whether there was an issue that I see now
3 with the date in Mr. Saporito's certification, that was
4 just a typographical error. It wasn't meant to claim
5 that the board meeting was held on a different day.
6 That was just a typographical error.

7 However, director of securities has provided
8 that the security camera and surveillance footage is of
9 great importance to the school district. We're in a
10 time now where school shootings are unfortunately
11 happening very frequently. And for those reasons, the
12 districts, all districts I believe in all of America,
13 have updated their security system to protect the
14 students and the staff. And one of those is to place a
15 surveillance system in the school district as well as
16 they have -- Mr. Saporito was a retired police officer.
17 They have off-duty police officers working there, and
18 they also have special police officers and security
19 officers as well working throughout the school
20 district.

21 Mr. Saporito has also confirmed what Ms.
22 Shugars' also certified to, that in the event of an
23 emergency, the Cherry Hill Police Department can have
24 access to the security camera, which I assume is if
25 there's a school shooter, the police department can

1 then go into and look and try to figure out where there
2 is such an issue and try to pinpoint what the emergency
3 is.

4 Mr. Shore has included an email
5 correspondence that he had with township counsel. Once
6 again, we request that you provide it very little
7 weight as he provided very little information. He
8 specifically asked the Township of Cherry Hill's
9 counsel whether the police department had the record of
10 the video camera from that date of that Board meeting.

11 We never said that they had the record. We
12 always said that the position of the Board is that the
13 police department has access. If anything, that email
14 is hearsay and is inadmissible as evidence.

15 OPRA provides two exemptions for security
16 footage, for surveillance footage. And so for those
17 reasons, we feel that you properly denied his request.

18 He's also not entitled to the surveillance
19 footage under the common law right to access his. He
20 has no legitimate reason for it. Him wanting to see
21 the faces of the board members as he's speaking is not
22 a legitimate request. And so it doesn't impact his
23 public comment or his opportunity to have a public
24 comment or his impact of him making the public comments
25 and having others be able to hear his public comment at

1 that board meeting.

2 He didn't mention it in his oral argument,
3 but he previously mentioned that he had an attorney
4 representing him on this issue before the Court.
5 Again, Your Honor, we're requesting that all attorneys'
6 fees requests or court costs be denied. There's no
7 attorney on record in this case. Mr. Shore now claims
8 he has a Shore Investigations or he's a reporter.
9 Nonetheless, he's always been a pro se plaintiff and
10 has done this on his own behalf for his own public
11 comment that he made at a board meeting which didn't
12 make any reference or certify to the fact that he was
13 for investigational reasons or as a reporter or any
14 other reason. And so he has no legitimate reason for
15 that.

16 Lastly, the Board provided Mr. Shore with the
17 opportunity to come in and see the surveillance footage
18 so that he could see whatever it is that he's looking
19 for. And that wasn't good enough. He said he was out
20 of state, he was going to college or law school. I
21 believe he's back. He was able to come here today.
22 There's no reason, if he really wants to look at the
23 surveillance footage from that short period, he could
24 come to the Board office and schedule an opportunity to
25 come and review it.

1 And for his exhibits, I don't think these
2 exhibits really show anything. These exhibits were
3 from -- I mean, I believe these are snapped screenshots
4 from the board meeting or whatever video was showing
5 during the board meeting. And they have nothing to do
6 with the surveillance footage of that night.

7 And so for those reasons, we ask that
8 Mr. Shore's order to show cause be denied and his
9 request for attorneys' fees and court costs be denied
10 as well. Thank you.

11 THE COURT: Okay, now it's your turn.

12 MR. SHORE: All right, Your Honor. Thank
13 you, Your Honor.

14 So regarding the motion to vacate, the motion
15 to strike, I did include the court rule. I just didn't
16 say the word "motion to reconsider". But I said
17 "motion to vacate", and then I cited or -- and then I
18 cited the rule for that. But it's not a big deal.

19 Going to the application, it is not the
20 all-purpose room. I went; I double checked. I
21 believed the certification, so I wasn't thinking. But
22 two nights ago, I went ahead and I watched the actual
23 meeting in question. You can tell it's not an all-
24 purpose room. It's in the gymnasium. It's a different
25 room.

1 The entire security analysis of the affidavit
2 is flawed. It's based on a room that has -- it's not
3 the room where this meeting occurred. Under MAG which
4 is good law -- it's been cited by the Appellate
5 Division 97 times and the New Jersey Supreme Court has
6 cited to it at least five times. But in a proceeding
7 conducted under this court rule, we must make finder of
8 fact either by adopting "uncontested facts" or we have
9 to conduct an evidentiary hearing. This has been the
10 law of the land. I think it's good law.

11 And I think that there are clearly facts in
12 dispute. I know the affidavit is false. I can prove
13 the affidavit is false. I just need the opportunity to
14 cross-examine to bring the truth because the trial
15 court, we need to elicit the truth.

16 So there are material facts in dispute, for
17 sure, regarding the analysis. And the burden, of
18 course, is 100 percent on the district. There's no err
19 on the side of caution. It's a clear and concrete
20 showing. It can't even be speculative. It can't be
21 vague. It needs to be, look, you release this, there's
22 going to be harm. Again, Brennan. We're going to --
23 Brennan said, I know you bought this seized property,
24 but we're going to tell the criminals exactly where you
25 live and your name, and we're going to err on the side

1 disclosure. So I think showing a public board meeting
2 where the legislative intent literally says to be to
3 the maximum extent possible -- I mean, they say they
4 want them to "witness in full detail". What else would
5 the legislature have meant? I am helping fulfill what
6 the legislature has clearly intended, that this helps
7 democracy. It helps, and it is vital to the
8 enhancement of democracy.

9 So because the legislative intent supports
10 putting this to the public, because there are facts in
11 dispute, there should probably be an evidentiary
12 hearing in accordance with, you know, a long line of
13 binding authority, specifically -- specifically MAG
14 Entertainment which, again, is very, very good law,
15 five times in the Supreme Court affirmed. And then, of
16 course, we have (Indiscernible), and a proceeding under
17 a court must make findings of fact that are uncontested
18 or, after, they have to do an evidentiary hearing. So
19 this has not been, like, new law. This has been cited
20 again and again and again. That's the way the law is.

21 Finally, there are some specifics about when
22 live testimony is required. And I would go to Monetti
23 v. Monetti. It's cited in my briefs. You know, there
24 are factual issues, and there's totally credibility at
25 issue as well. So they really should be subject to

1 cross-examination.

2 Finally, I want to talk about some precedent
3 regarding news media because, again, you know, the work
4 that I do matters. The public failed. The police
5 chief acknowledged that he made a mistake. And without
6 OPRA, we would have never uncovered that somebody was
7 going around recklessly driving and endangering the
8 lives of our community. Because of this reporting, the
9 police recognized the mistake. They charged the
10 individual with reckless driving and I believe delaying
11 traffic was the second one, or obstructing traffic.
12 And OPRA held him accountable through my news media
13 reporting. And that's why this matters. And as the
14 Supreme Court said, the in Garrison v. State, there is
15 a "paramount public interest in a free flow of
16 information to the people concerning public officials,
17 their servants."

18 So in light of the Supreme Court, in light of
19 the legislative intent, in light of the binding
20 authority, I'd ask the Court grant my application or at
21 least conduct an evidentiary hearing because I know
22 that the certification is false and I want the
23 opportunity to bring out the truth. Thank you, Your
24 Honor.

25 THE COURT: Go ahead.

1 MS. MICHELSON: Your Honor, may I just point
2 out a couple things? There are no facts in question
3 here. It's very clear what exactly happened.

4 Mr. Shore is claiming that the room that the District
5 has identified as the all-purpose room is incorrect.

6 I would ask that the Court rely on the
7 certifications of the custodian of records and director
8 of security for knowing the name and title of the room
9 where the board members hold. Having them come to
10 court to express that would be the same and wouldn't
11 provide any new information to the Court.

12 And I think there's a credibility issue. It
13 really seems to be with the plaintiff as now he's
14 claimed that he's part of a 501(c)(3) group, and now
15 he's part of Shore Investigations when none of those
16 issues were ever raised in any of his filings when he
17 was just a pro se plaintiff without an attorney seeking
18 government records.

19 Regardless, the Board has provided Mr. Shore
20 with the opportunity to go to the board office and
21 review the video footage that he claims he wants to
22 review. He has declined that numerous times. And so
23 what really is questioning is what is this purpose of
24 this? He has the opportunity to review it. He doesn't
25 want to review it.

1 And so for those reasons, we think his
2 request should be denied.

3 MR. SHORE: Very briefly, Your Honor, if I
4 may?

5 THE COURT: Sure.

6 MR. SHORE: The very first case in 594 talks
7 about Rise Against Hate and what I do in it. The very
8 first case. So I don't think it's true to say that,
9 first time we're hearing Rise Against Hate. I started
10 with that.

11 Additionally, it was not in the normal board
12 meeting room, which is normally the all-purpose room.
13 They had a special meeting and it was held in the
14 gymnasium. I know that because when I ran for office
15 and gained 5,000 votes of Cherry Hill citizens, they
16 had us in the gymnasium instead of the all-purpose
17 room. So I know which room it was. I went to Cherry
18 Hill Public Schools.

19 And also in regards to kids being there, this
20 is the former Malberg School, which is now Arthur
21 Lewis. No longer houses any kids in the building. It
22 is purely an administrative building. They finished
23 their vestibules. They have quite literally made it
24 what they call basically unbreachable. And they've
25 spent hundreds of thousands of dollars on renovations.

1 And the barriers are now in place and everything has
2 been secured. And there are no students in this
3 building. It is purely an administrative building.

4 THE COURT: So the safety of the staff is not
5 relevant?

6 MR. SHORE: Well, the safety of staff should
7 be relevant anywhere. But --

8 THE COURT: But you just told me because
9 there's no students it shouldn't matter.

10 MR. SHORE: Well, they talk about kids and
11 school shootings. So I just don't think --

12 THE COURT: I'm talking about staff in
13 shootings as well. It's a school. I just -- I take --
14 staff matters as well. All people matter.

15 MR. SHORE: Of course.

16 THE COURT: But your statement made it was
17 that only because there's no students there now,
18 shouldn't matter.

19 MR. SHORE: I'm sorry. It's just the
20 certification talks about students there, but that's
21 also not true. So I just wanted to point out that --

22 THE COURT: Students don't go in there with
23 their parents for administrative reasons? People don't
24 go there to register?

25 MR. SHORE: That's --

1 THE COURT: People don't go there to get
2 records?

3 MR. SHORE: Yeah, I mean, those are all good
4 points, but I still think it goes back to the fact that
5 this is the legislative intent. This is -- there's
6 evidentiary hearings in dispute. That's been affirmed
7 five times in New Jersey Supreme Court. You know, MAG
8 is good law.

9 THE COURT: Do you know what the difference
10 between the Open Public Meeting Act is and the --

11 MR. SHORE: Yes.

12 THE COURT: There is a diff --

13 MR. SHORE: Yes, they are quite often cited
14 simultaneously with each other.

15 THE COURT: Did you know what my question was
16 going to be before you answered?

17 MR. SHORE: No, I apologize.

18 THE COURT: Okay.

19 MR. SHORE: I thought I understood it.

20 THE COURT: I didn't even get it out. That's
21 why. So stop for a sec.

22 MR. SHORE: Sorry, Judge.

23 THE COURT: Just listen. So the Open Public
24 Meetings Act, that is when there's a quorum and
25 business can be transacted, correct?

1 MR. SHORE: I imagine so. I don't have --

2 THE COURT: So in order for business, for
3 government to conduct business, they have to advertise
4 so the public has an opportunity to engage. Correct?

5 MR. SHORE: I definitely know the
6 advertisement is part of it.

7 THE COURT: Well, because what they don't and
8 what legislator (sic) -- legislature -- I can never get
9 that word out without mumbling -- legislature does not
10 want is backroom transactions. So essentially seven --
11 just using random numbers -- there's seven board
12 members.

13 MR. SHORE: Um-hum.

14 THE COURT: You would need four of them to
15 have a quorum, correct?

16 MR. SHORE: Yes. It's majority, I guess.

17 THE COURT: Well, there's a difference
18 between a majority and a quorum. So you need a quorum
19 to transact business. And if you're going to have a
20 quorum together, then the public has to be notified
21 because the public has a right to know what business is
22 being transacted. That's what OPMA is all about.

23 MR. SHORE: Um-hum.

24 THE COURT: OPMA is about making sure that
25 business -- that four or five counsel people, school

1 board members, fire district members, they don't sit
2 down at a diner and decide to discuss business and
3 decide how they're going to do something, because
4 that's actually a meeting. And anytime they meet, the
5 public has to be notified.

6 MR. SHORE: Um-hum.

7 THE COURT: That's what OPMA is all about.

8 OPRA is about the documents --

9 MR. SHORE: Sure.

10 THE COURT: -- the videos. So when you talk
11 about them together, I listen to them very differently
12 and I look at them very differently because I
13 understand what OPMA is all about. I also understand
14 what OPRA is all about. I think they are the most
15 fabulous tools because the public should know.

16 What I am not willing to do, sir, is
17 substitute my judgment for that of law enforcement. I
18 am not willing to substitute my judgment regarding
19 safety and concerns regarding security measures. There
20 are things that I, as an everyday person -- sir, I
21 don't pretend to know what the sheriff's department in
22 this building does to ensure my safety. Some of it
23 probably seems pretty obvious, and some of it probably
24 makes absolutely no sense to me. But what I am willing
25 to do is recognize that they are the professionals, and

1 it is not my role to substitute my judgment for that of
2 the professional.

3 I do not see what you see. I do not see --
4 and when I have a -- what I saw was captain -- captain
5 from the Cherry Hill Police Department. And he's the
6 safety director of -- director of security. I don't
7 know why I called it public safety. Got all the names
8 confused here.

9 At the end of the day, when I have the safety
10 director tell me that releasing this video or the
11 information that you are requesting would somehow
12 compromise the integrity of the school district
13 security systems, and -- I'm not willing to substitute
14 my judgment. I don't want to do anything that would
15 jeopardize the safety of the school district, whether
16 it be the students or the staff or both. I do not see
17 and I will not engage in an argument with a law
18 enforcement professional to determine whether or not
19 there is a security issue.

20 I have a certification, albeit I have been
21 advised, and I expect an amended certification with the
22 proper date in it so that issue is clarified. But I am
23 willing (sic) to engage in the exploration, fishing
24 expedition, or the expedition of any sort with respect
25 to the conclusion of law enforcement that this security

Colloquy

43

1 information would jeopardize the security of the
2 building or facility or the persons therein.

3 Therefore, your application for
4 reconsideration is denied. Thank you.

5 MS. MICHELSON: Thank you, Your Honor.

6 (Proceedings concluded at 10:03 a.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

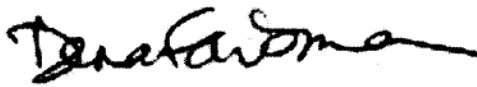
23

24

25

CERTIFICATION

I, Dena Farbman, the assigned transcriber, do hereby certify that the foregoing transcript of proceedings in the Camden County Superior Court on July 31, 2024, digitally recorded from 9:16 a.m. until 10:03 a.m., is prepared in full compliance with the current Transcription Format for Judicial Proceedings and is a true and accurate non-compressed transcript of the proceedings, as recorded.

7/31/2025

Dena Farbman, AD/T 646

Date

Tape Reporters, Inc.

EXHIBIT D

ORDER PREPARED BY THE COURT

BENJAMIN SHORE,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
Plaintiff,	:	CAMDEN COUNTY
	:	
v.	:	
	:	DOCKET NO. CAM-L-815-25
CHERRY HILL PUBLIC SCHOOLS,	:	
	:	
Defendant.	:	CIVIL ACTION
	:	
	:	ORDER

THIS MATTER has come before the Court on November 20, 2025, upon Motion for Reconsideration or, in the alternative, to Vacate, filed by Plaintiff, Benjamin Shore, appearing virtually pro se, and Eric Harrison, Esquire, appearing virtually on behalf of Cherry Hill Public School District for oral argument.

On May 19, 2025, Judge Schweitzer denied Plaintiff's Motion to Vacate the Denial of his Motion to Strike Defendant's Motion to Dismiss on or about May 19, 2025. Plaintiff filed a Motion for Reconsideration of Judge Schweiter's Order on August 25, 2025. Defendant filed a Reply Brief in opposition to said motion on September 4, 2025. The Court recognizes this is a truncated overview of the extensive motion practice this instant litigation has occurred so far.

In Plaintiff's Motion for Reconsideration, Plaintiff points to this court's decision in Demo v. Township of Cherry Hill, (Docket CAM-L-831-25) to argue that the prior court erred in its decision in rejecting his request when an OPRA request in Demo was granted.

The Court finds the facts in Demo are distinguishable to the facts in the instant matter. The Demo court granted limited access to video footage of a ballot box rather than video surveillance recordings of an entire layout of a building; moreover, Demo court's decision falls within the proper exercise of its discretion in that matter with a complete different set of facts and circumstances. To comment further would result this Court improperly usurping the role of the Appellate Division beyond the authority conferred to this Court.

Plaintiff also relies upon States Newsroom Inc. v. City of Jersey City, 089943, 2025 WL 2202105 (N.J. Aug. 4, 2025). There, the States Newsroom Court held that common law right of access entitled plaintiff to requested internal affairs reports with expunged records properly

redacted to protect the interest of both parties. Again, the Court finds the material facts distinguishable from the facts of this instant matter.

In turn, Defense argues that Plaintiff's Motion for Reconsideration should be denied because Plaintiff failed to establish there was a prior mistake, a change in circumstances, or the court's misappreciation of what was previously argued when the Court denied his Order to Show Cause and Motion to Strike.

Defense argues that a motion for reconsideration is governed by strict limitations as articulated in Lawson v. Dewar, 468 N.J. Super. 128, 136 (App. Div. 2021), pursuant to R. 4:49-2, requiring the party seeking reconsideration to "argue in good faith a prior mistake, a change in circumstances, or the court's misappreciation of what was previously argued." Ibid. Defense argues that Plaintiff failed to meet this threshold to justify reconsideration and, in fact, reiterated the same arguments advanced in his initial Motion to Strike and Order to Show Cause.

Moreover, Defense argues that Plaintiff was not initially entitled to the requested surveillance recordings at issue under the common law right of access. In determining whether a citizen's right to access public records outweighs the government's interest in confidentiality, courts apply a balancing test, considering various factors, as set forth in Loigman v. Kimmelman, 102 N.J. 98, 112 (1986). Defense argued that Plaintiff failed to demonstrate that his interest in obtaining the video outweighs the government's compelling interest in maintaining security and integrity of its surveillance system. Nevertheless, the District was reasonable in its response in offering Plaintiff an opportunity to view the surveillance footage in person at the District's office; Plaintiff declined.

Under the Rules of Court, motions for reconsideration are addressed by "the sound discretion of the Court, to be exercised in the interest of justice." Cummings v. Bahr, 295 N.J. Super. 374, 384, 685 A.2d 60 (App.Div.1996) (quoting D'Atria v. D'Atria, 242 N.J. Super. 392, 401, 576 A.2d 957 (Ch.Div.1990)). In Cummings, the Appellate Division explained that:

Reconsideration should be utilized only for those cases which fall into that narrow corridor in which either 1) the Court has expressed its decision based upon a palpably incorrect or irrational basis, or 2) it is obvious that the Court either did not consider, or failed to appreciate the significance of probative, competent evidence...

Id. at 384.

The Court, having reviewed all submissions, the factual records, and oral argument set forth on the record, finds Plaintiff to have not met the requisite standard to grant reconsideration of the prior order on this matter; upon review of the prior decision, this Court finds Plaintiff to have failed to demonstrate the prior order was “based upon a palpably incorrect or irrational basis.” The court’s prior decision to rely upon the better judgment of law enforcement regarding security measures is far removed from irrationality, much less palpably incorrect. Furthermore, Plaintiff’s burden to demonstrate the second prong falls short by a large margin as, to this Court, the assertion of Plaintiff that the court failed to appreciate the significance of probative, competent evidence submitted and argued by Plaintiff, while certain specific arguments of Plaintiff’s may have not been dissected on the record in its findings, is far from obvious. As such, Plaintiff’s Motion for Reconsideration is hereby **DENIED**.

IT IS SO ORDERED.

Date: 01/02/2026


Michael S. Mikulski II, J.S.C.

Christina Michelson - ID #032412008
 METHFESSEL & WERBEL, ESQS.
 2025 Lincoln Hwy, Suite 200
 Edison, NJ 08817
 732-248-4200
 732-248-2355
 michelson@methwerb.com
 Attorneys for Cherry Hill Township Board of Education
 and Jason Schimpf
 Our File No. 97726 CMM

BENJAMIN SHORE,

Plaintiff,

V.

JASON SCHIMPF, as his official
 capacity as Record Custodian, and
 CHERRY HILL TOWNSHIP BOARD
 OF EDUCATION,

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION: CAMDEN COUNTY
 DOCKET NO.: CAM-L-477-26

Civil Action

**CERTIFICATION OF ANTHONY
 SAPORITO**

I, Anthony Saporito , of full age, hereby certify as follows:

1. I am the Director of Security for the Cherry Hill Public Schools District ("District") and have been in this position for over 10 years. As such, I am fully familiar with the facts and circumstances herein.

2. I make this certification in support of the Defendants' opposition to Plaintiff, Benjamin Shore's Order to Show Cause seeking documents pursuant to the Open Public Records Act ("OPRA") and common law.

3. I retired as a Captain from the Cherry Hill Police Department after 30 years. I am responsible for overseeing the Security Department, which provides safety to 20 schools and over 10,000 students and staff.

4. The safety of our students and staff is paramount to the District.

5. The District has several security concerns that it must protect its students and staff from.

6. Over the past couple of years, school shootings have increased at schools. In an effort to protect the District's students and staff, the District has implemented several security measures.

7. For example, the District has hired security guards and campus police officers to serve the district.

8. The District also installed a surveillance camera system in every district building.

9. The security system monitors the activity throughout the entire school district.

10. On December 16, 2025, the Board held a meeting at the Arthur Lewis Administration Building located at 45 Ranoldo Terrace, Cherry Hill, New Jersey.

11. The Board held its meeting in the "All Purpose Room," which has two surveillance cameras recording the room for security purposes only.

12. The video cameras in the "All Purpose Room" monitors the entire room, including all exits to the room.

13. The videos from the "All Purpose Room" show blind spots and possible security weaknesses for an intruder to exploit.

14. The release of the video footage from the surveillance camera would reveal the system's operations and jeopardize the safety of the school district.

15. It would be a breach of the District's security infrastructure if the security footage from the "All Purpose Room" is released to the public and posted online.

16. The District also assigns a campus police officer to each public meeting.

17. The Cherry Hill Police Department has access to the video surveillance system as another level of security, however, only in case of an emergency.

18. The Cherry Hill Police Department is permitted to enter the security system remotely and view the cameras only if there is an emergency.

19. The Board's meetings are streamed online via Zoom and the link is found on the Board's website at <https://www.chclc.org/board-of-education/boe-streaming-and-videos>. Previously broadcast meetings are also available on YouTube.

20. The Board's District Policy #7441 sets forth the policy for electronic surveillance system in the school district. (See a true and accurate copy of Policy #7441 annexed here to as **Exhibit A**).

21. The Cherry Hill Police Department does not have access to the District's surveillance videos or store them.

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 by law.

DATE: 3/26/2026

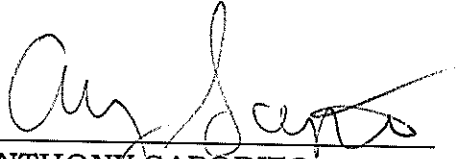
By: 
ANTHONY SAPORITO
DIRECTOR OF SECURITY

EXHIBIT A

< Prev Next >

[Search District Policies](#)[District Policies TOC](#)

District Policy

7441 - ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

Section: Property
 Date Created: May 2016
 Date Edited: April 2025

The Board of Education authorizes the use of electronic surveillance systems in school buildings and on school grounds to enhance the safety and security for school district staff, students, community members, and other building occupants and to protect the school district's buildings and grounds.

The content produced by the surveillance system under certain circumstances may be considered a student record and if so it will be subject to the Board policy and regulation regarding confidential student records. If the content of the surveillance system becomes the subject of a disciplinary proceeding, it shall be treated like other evidence in the proceeding.

In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board shall enter into a Memorandum of Understanding (MOU) with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video during an emergency situation. The MOU shall include the provisions of N.J.S.A. 18A:41-9 and any additional information required by law enforcement officials. In the event the parties to the MOU are unable to reach an agreement regarding any provision required to be included in the MOU as per N.J.S.A. 18A:41-9a, the County Prosecutor shall make the final determination regarding that provision. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that does not have the ability to have live streaming video.

The Board shall post signage in a prominent, public place in buildings and on school grounds where electronic surveillance equipment may be used.

In addition to posting, the district shall notify school staff members, parent(s), and students that electronic surveillance may be used in school buildings and on school grounds through publication in student and staff handbooks, school calendars, notice sent home with students, or any other effective means to publish the district's use of electronic surveillance equipment in school buildings and on school grounds.

N.J.S.A. 18A:41-9

A Uniform State Memorandum of Agreement Between Education and Law
 Enforcement Officials – 2023 Revisions

Adopted: 24 May 2016

Revised: 25 March 2025

