



**NEW JERSEY GOVERNMENT RECORDS COUNCIL**  
**Administrative Complaint Disposition – Pending Action in Superior Court**

**Tina Lunney**  
**Complainant**

**GRC Complaint No. 2020-185**

v.

**Essex County Prosecutor's Office**  
**Custodial Agency**

**Custodian of Record:** Stephen A. Pogany  
**Requests Received by Custodian:** July 1, 2020  
**GRC Complaint Received:** September 22, 2020

**Complaint Disposition:** The Complainant affirmatively stated on the Denial of Access Complaint form that she instituted an action in the Superior Court of New Jersey challenging the same records denial decision at issue in the instant complaint before the GRC.<sup>1</sup> Pursuant to N.J.S.A. 47:1A-6, the GRC shall dismiss this complaint because an action is already pending in the Superior Court. See Lopez-Rodriguez v. Passaic Cnty. Prosecutor's Office, GRC Complaint No. 2008-23 (March 2008).

**Applicable OPRA Provision:** "A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may: institute a proceeding to challenge the custodian's decision by filing an action in Superior Court . . .; *or in lieu of filing an action in Superior Court*, file a complaint with the Government Records Council . . ." N.J.S.A. 47:1A-6 (emphasis added).

**This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk's Office, Hughes Justice Complex, 25 W. Market St. PO Box 006, Trenton, NJ 08625-0006.**

**Effective Date of Disposition:** November 10, 2020

Prepared By: John E. Stewart

Date: October 27, 2020

**Distribution Date: November 12, 2020**

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<sup>1</sup> Next to the docket number prompt on the Denial of Access Complaint form the Complainant stated, "Superior Court of N.J. (see attached letter)." However, the Complainant failed to attach the letter containing the docket number.