

# Sued late, no fees, judges tell Mason

Wednesday, July 23, 2008

By AMY SARA CLARK

**JOURNAL STAFF WRITER**

HOBOKEN - After winning an Open Public Records Act lawsuit last week, Councilwoman Beth Mason lost one yesterday when the state Supreme Court refused to extend the 45-day deadline to sue over access to public documents and found that she is not entitled to attorneys fees.

"Citizens are entitled to swift access to public records, and both the public and governmental bodies are logically entitled to have any disputes brought and addressed in the same, rapid manner," Chief Justice Stuart Rabner wrote.

The case stems from two 2004 lawsuits. Mason filed the first in March after the city failed to respond within the required seven days to a February request to see the city's general ledger for fiscal year 2003-2004. The city fulfilled the request after the lawsuit went to a judge, but before a decision was made.

The lawsuit decided yesterday looked at the question of whether a plaintiff should be awarded attorney's fees if requested documents are provided after a lawsuit is filed, but before a court decision is made.

The court determined that fees should be awarded only if the lawsuit served as a catalyst for providing the documents, which it said was not the case in this instance.

Mason's second suit, filed in September, contended that 15 separate OPRA requests - seeking names and pension information for all city employees, all Blue Cross Blue Shield contracts and listings of all contracts - were not fulfilled.

But the court upheld the appellate court's decision that a 45-day deadline for Mason to request the information had expired.

But Mason, who has sued over access to public records 11 times, said in a statement: "I remain committed to fighting for the rights of the press and the public to access government records and determine how their government is operating and how public officials are spending taxpayer money."

Mason has won five such lawsuits, and six others were either dropped, lost, or are on appeal.

©2008 Jersey Journal

© 2008 NJ.com All Rights Reserved.