



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

Margaret Sudhakar
Complainant

GRC Complaint No. 2023-50

v.

N.J. Office of the Attorney General
Custodial Agency

Custodian of Record: Ivonnely Colon-Fung
Request Received by Custodian: December 15, 2022
GRC Complaint Received: March 2, 2023

Complaint Disposition: The Complainant affirmatively stated on the Denial of Access Complaint form that she instituted an action in Superior Court regarding the denial of access at issue in the complaint also filed with the GRC. 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.¹ See Lopez-Rodriguez v. Passaic Cnty. Prosecutor’s Office, GRC Complaint No. 2008-23 (March 2008). See also Nichols v. Hous. Auth. of Bergen Cnty., 2014 N.J. Super. Unpub. LEXIS 2884 (December 12, 2014) (dismissing the complaint because plaintiff was not permitted to “double dip” and have both the GRC and superior court review a custodian's denial of access.” Id. at 15).

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: May 30, 2023

¹ The action in question, Sudhakar v. N.J. State Police, et al., Docket No. MER-L-1706-22 (January 5, 2023), was dismissed with prejudice based on multiple procedural issues to include plaintiff’s failure to submit valid OPRA requests. As noted in that decision, plaintiff filed the OPRA request that is the subject of this complaint as a result of defendants’ arguments. In its decision, the trial court stated “given that [plaintiff] subsequently filed an OPRA request that was then denied . . . the Court will address the parties' arguments.” Slip Op. at 4. The trial court proceeded to find that no unlawful denial of access to the subject OPRA request occurred; plaintiffs subsequently filed a “Notice of Appeal” on February 16, 2023 that is still pending.



Prepared By: Frank F. Caruso
Executive Director

Date: May 23, 2023

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