

ABE RAPPAPORT, ATTORNEY AT LAW  
195 ROUTE 46 WEST, SUITE 4  
TOTOWA, NEW JERSEY 07512  
973-785-1799  
ATTORNEYS FOR PLAINTIFF ELIZABETH MASON  
BY: JEFFREY KANTOWITZ, ATTORNEY ID No. 017141982

ELIZABETH MASON, : SUPERIOR COURT OF NEW JERSEY  
 : LAW DIVISION  
 Plaintiffs, : HUDSON COUNTY  
 : DOCKET NO. HUD-L-\_\_\_\_  
 vs. :  
 : CIVIL ACTION  
 CITY OF HOBOKEN AND CLERK :  
 OF THE CITY OF HOBOKEN, :  
 :  
 Defendants. : **VERIFIED COMPLAINT**

Plaintiff, Elizabeth Mason, residing at 921 Hudson Street, City of Hoboken, County of Hudson, State of New Jersey, by way of complaint against City of Hoboken and the Clerk of the City of Hoboken, both with offices located at 94 Washington Street, City of Hoboken, County of Hudson, State of New Jersey, says:

FIRST COUNT

1. Plaintiff Elizabeth Mason resides at 921 Hudson Street, City of Hoboken, County of Hudson, State of New Jersey 07030.

2. On information and belief, the City of Hoboken ("City" or "Hoboken") is a duly organized public, municipal corporation under the laws of the State of New Jersey, with its offices located at 94 Washington Street, City of Hoboken, County of

Hudson, State of New Jersey 07030, and is authorized and bound to act under the Constitutions and laws of the United States and the State of New Jersey, and specifically under the laws municipal corporations in New Jersey.

3. On information and belief the Clerk of the City of Hoboken ("Clerk") is a duly appointed municipal clerk under the laws of the State of New Jersey, with its offices located at 94 Washington Street, City of Hoboken, County of Hudson, State of New Jersey 07030, and is authorized and bound to act under the Constitutions and laws of the United States and the State of New Jersey, and specifically under the laws municipal corporations in New Jersey.

4. On information and belief, the Clerk is the Custodian of Records of Hoboken and the person to whom requests for government records under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"), and the common law right of access (CLRA) are directed.

5. The laws of New Jersey, as codified at N.J.S.A. 47:1A-1 et seq. ("Open Public Records Act" or "OPRA"), set forth the duties and obligations of custodians of government records with respect to making such records accessible to the citizens of this State; declare (at N.J.S.A. 47:1A-1) the public policy of

the this State that "government records shall be readily accessible for inspection, copying, or examination," with certain limitations, and that "any limitation on the right of access accorded by [the OPRA] shall be construed in favor of the public's right of access;" and that "all government records shall be subject to public access unless exempt from such access by [the OPRA]."

6. N.J.S.A. 47:1A-5g of OPRA provides: "A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record."

7. Subsection 5i of the statute, N.J.S.A. 47:1A-5i(1), provides, in pertinent part:

(1) Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record or deny a request for access to a government record **as soon as possible, but not later than seven business days after receiving the request...** [emphasis added]

8. OPRA provides for a "reasonable extension" of a response deadline provided a recognized justification is provided to the requestor.

9. For almost two decades, the bedrock policy of OPRA - of which Hoboken should be keenly aware - has been that "citizens

are entitled to swift access to public records..." Mason v. City of Hoboken, 196 N.J. 51, 69 (2008).

10. Under email dated March 12, 2026, see Exhibit A attached hereto, counsel for Plaintiff Mason emailed a request for government records to the Clerk under OPRA and the common law right of access, on the form provided by Hoboken for such OPRA and common law requests for records ("Mason Request"). A true copy of the Mason Request is attached as Exhibit A.

11. As reflected on attached Exhibit A, the Mason Request requested an "Unsafe Structure Notice issued October 1, 2025 from the City of Hoboken Construction Official Mario Patruno regarding 916 Castle Point Terrace, Hoboken (Block 238, Lot 17)." See Schedule A to Exhibit A.

12. The Mason Request indicated that "Elizabeth Mason is a Hoboken resident, and the documents requested pertain to a property, 916 Castle Point Terrace, Hoboken, which is adjacent to and abuts her property (921 Hudson Street)." See Schedule A to Exhibit A.

13. The subject of the Unsafe Structure Notice is a retaining wall that is located at the westerly edge of the property at 916 Castle Point Terrace, abutting the easterly edge

of Plaintiff's property, and the safety and soundness of that retaining wall has been a subject of Plaintiff's concern and discussion between Plaintiff and her neighbor at 916 Castle Point Terrace for approximately 2 years.

14. As reflected on attached Exhibit A, the Mason Request also requested other records pertinent to the Unsafe Structure Notice, itself.

15. On March 16, 2026, the Clerk responded to the Mason Request, which was assigned Log #26-583, via an email addressed to Plaintiff and her counsel, and copied to an Alyssa Brattoli and a Marybeth Rotondi. In the email, a true copy of which is attached as Exhibit B, the Clerk wrote:

The City of Hoboken has received your OPRA request Log # 26-583 and the due date for the request is March 23, 3036. **The City of Hoboken requires an additional sixty (60) business days to respond to the request.** The new due date will be June 17, 2026. T.Y. [bold lettering added]

Sincerely,

Michael Mastropasqua"

16. By email dated March 20, 2026, counsel for Plaintiff Mason replied to the Clerk, and copied Ms. Brattoli and Ms. Rotondi, on the email. A true copy of the March 20 email is attached as Exhibit C, and for ease of reference it attached the

Mason Request (Plaintiff's OPRA form), which had been assigned Log #26-583.

17. Plaintiff's counsel's March 20 email, Exhibit C, stated in pertinent part:

"As reflected on the attached OPRA form, Ms. Mason's request seeks an "Unsafe Structure Notice issued October 1, 2025 from the City of Hoboken Construction Official Mario Patruno regarding 916 Castle Point Terrace, Hoboken (Block 238, Lot 17)." Also, the request seeks other records pertinent to that Notice. Further, as indicated on the form, Ms. Mason's property at 921 Hudson Street is adjacent to 916 Castle Point Terrace.

We have reviewed the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (OPRA), effective September 3, 2024. We do not see any basis (nor is any provided) for the 60 business day extension to June 17 that Hoboken has unilaterally granted itself in response to this request for records.

The Notice, itself, is less than 6 months old. Other records requested would also be about 6 months old, as they pertain directly to that October 1, 2025 Notice.

N.J.S.A. 47:1A-5g provides: "A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record." Subsection 5i of the statute, N.J.S.A. 47:1A-5i(1), provides, in pertinent part:

(1) Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record or deny a request for access to a government record **as soon as possible, but not later than seven business days after receiving the request...** [emphasis added],

The statute provides for "reasonable extension" of a response deadline. For example, it provides for an additional 21 days if records are archived.

For almost two decades, the bedrock policy of OPRA - of which Hoboken should be keenly aware - has been that

"citizens are entitled to swift access to public records..."  
Mason v. City of Hoboken, 196 N.J. 51, 69 (2008).

The March 16 email's bald, unilateral 60 business day extension, without any explanation or justification - is a blatant violation of OPRA and the longstanding policy underlying it.

Hoboken advised that the due date was March 23, 2026, 7 business days after Hoboken's March 12 receipt of the request. With 2 business days (March 13 and 16) having passed, we expect and demand that the requested records will be produced within 5 business of receipt of this email, or on or before March 27, 2026.

Please be further advised that we reserve all rights and remedies of Ms. Mason with respect to all persons and entities in regard to this matter.

Thank you."

18. Neither Hoboken nor the Clerk provided any response on March 27, 2026 to Plaintiff's email.

19. Neither Hoboken nor the Clerk provided any records responsive to Plaintiff's request on March 27, 2026.

20. As of this date, neither Hoboken nor the City Clerk has provided any response to Plaintiff's email.

21. As of this date, neither Hoboken nor the Clerk has provided any records responsive to Plaintiff's request.

22. By their acts and omissions, including their failure to: (i) either to grant or deny access; or (ii) offer any reason or explain their specific basis for their March 16 response the date of the Mason Request, defendant Hoboken and defendant Clerk

have denied improperly Plaintiff's access to government records to which Plaintiff is entitled.

23. By their acts and omissions, defendant Hoboken and defendant Clerk have each failed to comply with and have violated the provisions of N.J.S.A. 47:1A-1 et seq., which requires prompt access to the records requested by Plaintiff, but in no event later than seven (7) days from the date of the Mason Request.

WHEREFORE, Plaintiff demands judgment against defendants Hoboken and the Clerk as follows:

1. Finding that by their acts and omissions, defendants violated OPRA;

2. Ordering defendants Hoboken and the Clerk to grant access and produce immediately all records comprehended by the Plaintiff's Request, unaltered and unchanged by any subsequent actions;

3. Awarding reasonable attorney's fees under N.J.S.A. 47:1A-6;

4. Awarding costs of suit;

5. Directing that defendants Hoboken and the Clerk comply with any future requests of plaintiff, as required by law;

6. Imposing a fine on defendants Hoboken and the Clerk

for their knowing and willful violation of OPRA, under N.J.S.A.  
47:1A-11; and

7. For such other relief as the Court deems just and equitable.

SECOND COUNT

1. Plaintiff repeats and re-alleges the allegations of the First Count of the Complaint as if set forth at length herein.

2. By their acts and omissions, defendants Hoboken and the Clerk have denied and violated Plaintiff's common law right to know and of access to government records and public records comprehended by the Mason Request attached as Exhibit A.

WHEREFORE, Plaintiff demands judgment against defendant HHA as follows:

WHEREFORE, Plaintiff demands judgment against defendants Hoboken and the Clerk as follows:

1. Finding that by their acts and omissions, defendants violated the common law right of access;

2. Ordering defendants Hoboken and the Clerk to grant access and produce immediately all records comprehended by the Plaintiff's Request, unaltered and unchanged by any subsequent actions;

3. Awarding attorney's fees and costs of suit;

4. Directing that defendants Hoboken and the Clerk comply

with any future requests of Plaintiff, as required by law;

5. For such other relief as the Court deems just and equitable.

Respectfully,  
Abe Rappaport, Attorney at Law  
Attorneys for Plaintiff  
Elizabeth Mason

By:



Jeffrey Kantowitz

Dated: March 30, 2026

CERTIFICATION UNDER R. 4:5-1

Plaintiff, through her attorneys, hereby certifies that the subject matter of this Complaint is not the subject of any other pending or contemplated litigation or arbitration proceeding, and plaintiff further certifies that she is not aware of any other party or parties who should be joined in this action.

Respectfully,  
Abe Rappaport, Attorney at Law  
Attorneys for Plaintiff  
Elizabeth Mason

By:



Jeffrey Kantowitz

Dated: March 30, 2026

CERTIFICATION UNDER R. 4:25-1

Plaintiff hereby designates Jeffrey Kantowitz, Esq. as trial counsel in the captioned action.

Respectfully,  
Abe Rappaport, Attorney at Law  
Attorneys for Plaintiff  
Elizabeth Mason

By:



Jeffrey Kantowitz

Dated: March 30, 2026

CERTIFICATION UNDER R. 1:38-7(b,c)

Plaintiff, through her attorneys, certifies 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 accord with R. 1:38-7(b,c).

Respectfully,  
Abe Rappaport, Attorney at Law  
Attorneys for Plaintiff  
Elizabeth Mason



By: Jeffrey Kantowitz  
Attorney ID# 017141982

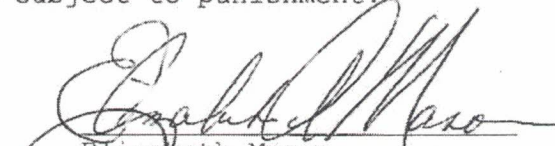
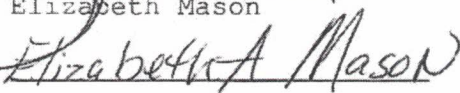
Dated: March 30, 2026

VERIFICATION OF PLEADING BY CERTIFICATION

ELIZABETH MASON, of full age, certifies as follows:

1. I am the plaintiff in this matter.
2. I have read the foregoing complaint, and on my personal knowledge, I know that the facts set forth are true and accurate based on the information available to me, and they are incorporated in this certification by reference.
3. The complaint is made in good faith and as to any facts alleged to be on information and belief, I believe those facts to be true.

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

  
Elizabeth Mason  


DATED: MARCH 30, 2026