

**ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND  
RESOLUTION #2018- 34**

**A RESOLUTION AUTHORIZING THE FUND CHAIR AND SECRETARY TO EXECUTE ALL NECESSARY DOCUMENTS AND TO MAKE ALL NECESSARY PAYMENTS TO CONCLUDE AND SETTLE THE HARRY SCHEELER, JR. VS. ACM JIF MATTER, AND AUTHORIZING THE FUND TREASURER TO PAY TO THE PLAINTIFF'S ATTORNEYS THEIR FEES IN THE AMOUNT OF \$38,000.00 FROM THE FUND YEAR 2016 RESERVES.**

**WHEREAS**, the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND") has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

**WHEREAS**, the FUND is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and

**WHEREAS**, the FUND is subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) (hereinafter OPRA); and

**WHEREAS**, Harry Scheeler, Jr. had made numerous OPRA requests of the FUND including information requests in 2016 requesting copies of detailed legal bills for both ongoing and concluded litigated matters pertaining to members of the FUND; and

**WHEREAS**, in response to those requests, the FUND provided summary invoices only for the ongoing litigated actions; and

**WHEREAS**, a civil complaint was filed against the FUND by Harry Scheeler, Jr. in 2016 challenging the FUND's position that detailed legal bills for ongoing litigated matters being defended by the FUND on behalf of its member municipalities were not subject to the provisions of the Open Public Records Act; and

**WHEREAS**, this civil matter is captioned as *Harry Scheeler, Jr. vs. ACM JIF, Docket No. BUR-L-990-15*; and

**WHEREAS**, Superior Court Judge Bookbinder of Burlington County determined that the Plaintiff was entitled to receive the detailed legal bills for ongoing litigated matters and that the FUND should be responsible to pay the Plaintiff's legal expenses and costs totaling \$21,560.12; and

**WHEREAS**, the FUND authorized the filing of an appeal of Judge Bookbinder's decision; and

**WHEREAS**, Superior Court decisions in other jurisdictions regarding similar issues were also filed with the Appellate Division and those cases were consolidated with the *Harry Scheeler, Jr. vs. ACM JIF* matter in the Appellate Division; and

**WHEREAS**, in a decision dated May 16, 2018, the Appellate Division affirmed Superior Court Judge Bookbinder's decision in the *Harry Scheeler, Jr. vs. ACM JIF* matter, and in addition to the attorney's fees award by Judge Bookbinder in the Superior Court matter, the FUND was required to pay the Plaintiff's attorney's fees for the appeal totaling \$26,915.37 for a total of \$48,475.49; and

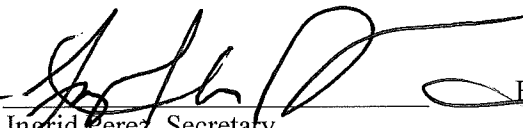
**WHEREAS**, the attorney representing the FUND in this matter, James R. Birchmeier, Esquire has negotiated a reduction in the amount to be paid to satisfy Plaintiff's attorney's fees to \$38,000.00.

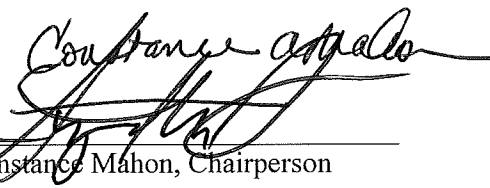
**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Atlantic County Municipal Joint Insurance Fund that the Fund Chair and Secretary are hereby authorized to execute all necessary documents and to make all necessary payments to conclude and settle the *Harry Scheeler, Jr. vs. ACM JIF* matter; and

**BE IT FURTHER RESOLVED** that the FUND Treasurer is hereby authorized to issue payment to Pashman Stein Walder Hayden, PC in the amount of \$38,000.00 from the 2016 Reserve Accounts representing payment of Plaintiff's attorney's fees in the *Harry Scheeler, Jr. vs. ACM JIF* matter.

This Resolution was duly adopted by the Atlantic County Municipal Joint Insurance Fund at a public meeting held on June 20, 2018.

**ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

Attest:   
Ingrid Perez, Secretary

By:   
Constance Mahon, Chairperson

Date: June 20, 2018