

# MARC

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

MCCUSKER • ANSELMI

ROSEN • CARVELLI

210 Park Avenue, Suite 301

Florham Park, New Jersey 07932

Tel: 973.635.6300 • Fax: 973.635.6363

www.marc-law.com

BRUCE S. ROSEN

Director

Direct: 973.457.0123

Fax: 973.457.0276

brosen@marc-law.com

January 23, 2013

**Via Facsimile (908) 659-4874**

Hon. Karen M. Cassidy, A.J.S.C.  
Union County Courthouse  
2 Broad Street  
Elizabeth, NJ 07207

**Re: In re January 11, 2013 Subpoena by Grand Jury of Union County, NJ  
Prosecutor's Docket 13-0001**

Dear Judge Cassidy:

This firm represents Tina Renna's in her Motion to Quash the above-referenced subpoena. We filed Ms. Renna's Reply Brief at approximately noon today. At 2:56 pm today, just three hours later, I was aghast to receive a 42-page submission from the Prosecutor's office containing supplemental materials that purportedly support the State's position that Ms. Renna is not entitled to the Newsperson's Shield. The cover letter specifically addresses an issue raised by the Reply, which was Ms. Renna's First Amendment right—indeed her duty as a reporter—to harshly criticize government for any reason. Submission of this sur-reply and supplemental materials, especially with argument scheduled for less than 48 hours away—at 2 pm on Friday, January 25, 2013—is improper and should be rejected by this Court. Sur-replies are disfavored and unfair to both the Court and the other parties. *See, e.g. Hogan v. Donovan*, 2012 N.J. Super. Unpub. LEXIS 841 \*1 n.3 (Law Div. Bergen County April 17, 2012).

I have not had time to review the materials in any detail except to note that none of the materials appears to be dated after 2008, and many of the materials are not dated at all. The Union County Prosecutor is apparently spending at least as much time investigating Ms. Renna as they are the issue for which she is being subpoenaed. If the State had known it was still digging for information after it submitted its Opposition, the least it could have done was let the Court and counsel know there were more materials on the way so we could have held our Reply Brief. Having not done so, we believe the State should be precluded from ambushing counsel and inconveniencing the Court in such a way.

January 23, 2013

We thank the Court for its consideration of this request.

Respectfully submitted,

  
Bruce S. Rosen

BSR/ckc

Cc: Robert Vanderstreet (via email)  
Estrella Lopez, A.P. (via email)  
Ms. Tina Renna (via email)