

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

In the matter of
TINA TRASTER and
TINA TRASTER PRODUCTIONS, LLC
d/b/a/ ROCKLAND COUNTY BUSINESS
JOURNAL,

Petitioners,

- against -

ROCKLAND COUNTY SOLID WASTE
MANAGEMENT AUTHORITY,

Respondent,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules.

Index No.

VERIFIED PETITION

Oral argument requested

Petitioners Tina Traster and Tina Traster Productions, LLC, the publisher of *Rockland County Business Journal* (“RCBJ” and collectively, “Petitioners”), by and through undersigned counsel, respectfully allege as follows:

PRELIMINARY STATEMENT

1. This Article 78 proceeding challenges Rockland County Solid Waste Management Authority’s (“Respondent”) improper withholdings of public records in violation of the Freedom of Information Law, N.Y. Pub. Off. Law § 84, *et seq.* (“FOIL”), in response to a request submitted by petitioner Tina Traster, a journalist.

2. As part of her reporting into how Respondent, a public authority, selected a company for a controversial \$18 million construction project, Ms. Traster made a request for records under FOIL. Her request seeks critical information to help the public understand the authority’s decision-making and to oversee the government’s actions.

3. Yet Respondent, in violation of FOIL, has spent months refusing to provide the records Ms. Traster requested. First, it slow-walked its response, repeatedly changing its own deadline for production. Then, it attempted to charge Ms. Traster an exorbitant fee before she could see the documents. Finally, after it abandoned both gambits in the face of Ms. Traster's appeals, Respondent unlawfully withheld numerous documents and redacted others.

4. Respondent attempts to justify its withholdings through vague and generic citations of FOIL exemptions. But the law does not allow Respondent's vast withholdings. Rather, FOIL requires it to produce all the records Ms. Traster requested, with only targeted redactions for information that may properly be withheld under the law's limited exemptions. Anything short of that would imperil the public's right to know what its government is doing.

PARTIES

5. Petitioner Tina Traster is editor and publisher of Tina Traster Productions, LLC. She has worked as a journalist for decades, including at *The New York Post*, *Crain's New York Business*, and *The Bergen Record*. A resident of Rockland County for more than 20 years, Ms. Traster founded the *Rockland County Business Journal* to provide her community with local news on important topics about the economy, government, and more.

6. Petitioner Tina Traster Productions, LLC is the publisher of *Rockland County Business Journal*, Rockland County's premier source for news about local businesses, economic issues, and government.

7. Respondent Rockland County Solid Waste Management Authority is a public authority subject to the requirements of the Freedom of Information Law, New York Public Officers Law § 84 *et seq.* By statute, it is alternatively known as Rockland Green. Pub. Auth. Law § 2053-b. Respondent maintains its office at 172 Main Street, Nanuet, N.Y. 10954.

VENUE AND JURISDICTION

8. Ms. Traster has exhausted her administrative remedies. This Court therefore has jurisdiction over this matter pursuant to New York Public Officers Law § 89(4)(b) and CPLR Article 78.

9. Pursuant to CPLR § 506(b) and § 7804(b), this proceeding is commenced in Rockland County, where Respondent's principal offices are located, where its agent made the determinations petitioned against and complained of, and where it failed to perform the duties required of it by law.

STATEMENT OF FACTS

10. Ms. Traster filed a FOIL request with Respondent on December 12, 2024. A true and correct copy of the request is attached as **Exhibit 1**.

11. The request sought two sets of records: (1) "all of the bid documents and submissions submitted for the construction of the animal shelter at 427 Beach Road in West Haverstraw," and (2) "notes of the committee assessing the bids and any determination made to accept or reject a submitted bid." Ex. 1 at 4.

12. These records pertain to an animal shelter that has sparked years of public controversy. In 2022, Respondent assumed oversight from Rockland County of the County's animal shelter. The shelter had been run by a non-profit organization for decades.¹ The building was in poor condition, and the County had initiated a plan to build a new one next door to the existing shelter.²

¹ For part of 2023, Ms. Traster's husband was executive director of the non-profit.

² Tina Traster, *Rockland Green To Bond \$18 Million For Shelter Construction; Meeting Devolves Into Airing Of Old Grudges And Ad Hominem Attacks*, RCBJ (Dec. 11, 2024), <https://rcbizjournal.com/2024/12/11/rockland-green-to-bond-18-million-for-shelter-construction-meeting-devolves-into-airing-of-old-grudges-and-ad-hominem-attacks/>.

13. Rather than continuing with that plan, Respondent instead chose to build a new shelter at a different location, to be run by a different organization.

14. This new, \$18 million shelter is substantially more expensive than the prior plan was expected to be.³

15. Respondent sought proposals from companies to construct the new shelter. In December 2024, it awarded the contract to O'Connor Company, which was not the lowest bidder and does not have experience building animal shelters.⁴

16. The public remains in the dark about the details of why Respondent chose to build a new shelter from scratch, or how it chose the company to construct it. Ms. Traster's FOIL request sought records concerning why Respondent selected the company it did.

17. After Ms. Traster filed her FOIL request, Respondent made multiple attempts to avoid providing the documents she sought.

18. First, the authority repeatedly extended its own response deadline in violation of FOIL. It told Ms. Traster that it would "be forwarding the documents [to Ms. Traster] once the contract is signed by O'Connor Company."

19. Although the O'Connor Company announced on January 7, 2025, that it had been awarded the contract,⁵ the Authority did not produce the requested documents in January.

20. Respondent stated that it expected to respond "no later than February 28, [2025]." But on February 27, 2025, it further extended its own deadline, claiming it expected to respond by March 21, 2025.

³ *Id.*

⁴ *Id.*

⁵ *O'Connor Company Awarded \$14.7M Rockland Animal Shelter Project*, ABNewswire (Jan. 7, 2025), https://www.abnewswire.com/pressreleases/oconnor-company-awarded-147m-rockland-animal-shelter-project_726576.html.

21. On March 11, 2025, Ms. Traster filed an administrative appeal objecting to the authority's constructive denial of her request. Attached as **Exhibit 2** is a copy of the appeal.

22. Respondent never formally responded to that appeal. However, after Ms. Traster filed the appeal, Respondent sent her a letter stating that the documents she requested "are available," but that it would charge a \$450 "fee for processing such documents." Attached as **Exhibit 3** is a copy of the letter.

23. Respondent provided no justification for its exorbitant fee, let alone one that complied with FOIL's strict limits on permissible fees. Ms. Traster therefore filed a second administrative appeal, which she submitted on March 26, 2025. Attached as **Exhibit 4** is a copy of the second appeal.

24. Following the appeal, Respondent reduced its fee by nearly 90 percent, to \$52.42, which Ms. Traster paid. Attached as **Exhibit 5** is a copy of the Authority's response to Ms. Traster's second appeal.

25. Respondent finally produced records partially responsive to Ms. Traster's request on April 16, 2025.

26. The production consists of nine documents, each one a separate proposal filed by a company seeking to build the animal shelter. Attached as **Exhibit 6** are excerpts of the documents that Respondent produced.⁶

27. The documents produced by Respondent are responsive to the first part of Ms. Traster's request, which sought "bid documents and submissions submitted for the construction of the animal shelter" ("Part One" of the request).

⁶ Exhibit 6 consists of excerpted documents, as the full records are voluminous. These excerpts illustrate the documents and Respondent's redactions, but they do not include all the material that Respondent improperly redacted. If the Court prefers, Petitioners will submit the full documents.

28. Respondent did not produce any records responsive to the second part of Ms. Traster's request, which sought "notes of the committee assessing the bids and any determination made to accept or reject a submitted bid" ("Part Two" of the request).

29. The records that were produced contain numerous redactions. In many cases, entire pages are redacted. In other cases, the redactions pertain to such material as (among other examples) a company's "qualifications and experience," or the name of an ongoing construction project, or "projects completed within the past five years." Ex. 6.

30. The production does not include any explanation for the redactions. Instead, Respondent emailed Ms. Traster two days before she received the production, stating: "The nature of the redactions that have been [] made pertain to personal information of the various proposers, their financials and their references. These determinations were made pursuant to Section 87 (2) of the Freedom of Information Law which allows a denial of access to information which, if disclosed, would constitute an unwarranted invasion of personal privacy and would cause substantial injury to the competitive position of the subject proposers' enterprises." Attached as **Exhibit 7** is the correspondence from the Authority.

31. Respondent did not specify which exemption it believes applies to which redaction. It did not support its exemption claims with any evidence. And it did not provide any other detail about why it believes each redaction is justified.

32. Ms. Traster filed a third administrative appeal on May 6, 2025. This appeal objected to Respondent's failure to respond to Part Two of her request, and it objected to Respondent's redactions as unexplained, unjustifiable under FOIL's exemptions, and excessively broad, all in violation of the law. Attached as **Exhibit 8** is a copy of the third appeal.

33. Respondent denied the appeal on May 20, 2025. Attached as **Exhibit 9** is a copy of Respondent's denial.

34. In its appeal decision, Respondent stated, for the first time, that it was withholding records responsive to Part Two of the request. It claimed that the records were "exempt from disclosure as pre-decisional materials that are part of the deliberative process." *Id.*

35. Respondent's decision further claimed that its redactions were properly explained, FOIL's exemptions were applied appropriately, and the redactions were sufficiently narrow. *Id.*

CLAIM FOR RELIEF

(Article 78 Review of Wrongful Denial of FOIL Request)

36. Petitioners hereby reassert and reallege paragraphs 1 through 35 as if fully set forth herein.

37. Petitioners commence this proceeding, which is in the nature of a writ of prohibition and a writ of mandamus, pursuant to CPLR Article 78 and N.Y. Pub. Off. Law § 89(4)(b).

38. Under FOIL, all documents held by government entities like Respondent are presumed open for public inspection and copying. Documents may be withheld from public inspection only if expressly permitted by a specific statutory exemption, and such exemptions must be interpreted narrowly to ensure the public has the maximum possible access to government records.

39. Respondent has no reasonable basis for denying access to the requested records.

40. Specifically, Respondent has misapplied FOIL's exemptions, attempting to withhold material that may not properly be withheld under the exemptions Respondent cited.

41. Respondent's actions have caused and continue to cause irreparable harm to the rights guaranteed to Petitioners and to the public at large under FOIL.

42. The information requested by Petitioners is of significant interest and concern to the general public.

43. Petitioners have exhausted their administrative remedies and have obtained none of the withheld information.

44. As a result of the foregoing, Respondent has violated FOIL.

45. Petitioners have no other adequate remedy at law.

46. No prior application for the relief requested herein has been made to the Court.

WHEREFORE, Petitioners respectfully request this Court to grant judgment:

- (a) Directing Respondent to comply with its duty under FOIL and to produce the requested records, with redactions that are limited to only the material that may properly be withheld under FOIL's narrow exemptions, within twenty (20) days;
- (b) Awarding Petitioners their reasonable attorney's fees and litigation costs pursuant to N.Y. Pub. Off. Law § 89(4)(c); and
- (c) Awarding Petitioners such further relief as the Court deems just and proper.

Dated: July 10, 2025

Respectfully submitted,

By: /s/ Michael Linhorst

Michael Linhorst

Heather E. Murray

Cornell Law School First Amendment Clinic

Myron Taylor Hall

Ithaca, New York 14853

Tel.: (607) 255-8518

mml89@cornell.edu

hem58@cornell.edu

Counsel for Tina Traster

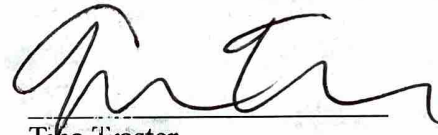
and Tina Traster Productions, LLC

VERIFICATION

STATE OF NEW YORK)
) SS.:
COUNTY OF ROCKLAND)

TINA TRASTER, being duly sworn, deposes and says under penalty of perjury:

1. I filed the FOIL request at issue in this proceeding.
2. I have read the annexed Verified Petition. Based on my personal knowledge, and on information obtained in the regular course of business from records and from individuals with knowledge, the information contained herein is true to the best of my knowledge, information, and belief.


Tina Traster

Sworn before me this

10th day of July, 2025

NICOLE M. SCAFFIDI
Notary Public - State of New York
No. 04SC0029499
Qualified in Rockland County
Commission Expires October 3, 2028


Notary Public