



PHIL MURPHY
Governor

TAHESHA WAY
Lt. Governor

State of New Jersey
Office of the Public Defender

Special Litigation Unit
FLETCHER C. DUDDY, *Assistant Public Defender*
31 Clinton St., 12th Floor
Newark, New Jersey 07102
Michael R. Noveck, Deputy Public Defender
Tel: (973) 424-8942 · Fax: (973) 877-1615
Michael.Noveck@opd.nj.gov

JENNIFER N. SELLITTI
Public Defender

March 12, 2025

VIA ECOURTS

Douglas H. Hurd, P.J.Cv.
Mercer County Civil Courthouse
175 South Broad Street
Floor 3
Trenton, NJ 08650

Re: A.A. v. Callahan, MER-L-002001-23
Status Report

Judge Hurd:

The Office of the Public Defender (OPD) represents the named Plaintiffs, and the proposed class of similarly situated individuals whom those Plaintiffs seek to represent, in the above-captioned matter. We write on behalf of all parties to the litigation to provide a status report, as required by the Court's January 31, 2025 Case Management Order.

As Your Honor knows, the parties have been working diligently through mediation with the Honorable Jaynee LaVecchia, Retired Associate Justice of the New Jersey Supreme Court, since February 2024 in the hopes of facilitating a

settlement of this matter. The parties recently engaged in mediation sessions with Justice LaVecchia on February 25, 2025 and March 11, 2025. We are pleased to inform the Court that during yesterday's mediation session, the parties signed a term sheet in anticipation of a final settlement and consent order that will resolve this case.

The fully executed term sheet is attached to this status report. The term sheet contains the following terms:

First: as of June 1, the New Jersey State Police (NJSP) will have processed (in other words, will have removed expunged records from the petitioner's criminal case history (CCH)), and on a going-forward basis will process, every expungement order within 120 days of receipt of the order, with the exception of orders that require additional information or an amended order before being processed (as described in the next paragraph of this letter). The NJSP will also notify the petitioner of the processing within that timeframe. The NJSP further agrees to undertake best efforts to accomplish this processing and notification within 90 days of receipt. In other words: by June 1, all orders from earlier than February 1 will have been processed, and there will be at most a 120-day queue going forward. Additionally, if a judge orders a shorter time frame in a unique case with exceptional circumstances, the NJSP will "make every effort to comply" with the shortened time frame upon notice to a designated email address.

Second: for expungement orders that require additional information or an amended order before being processed pursuant to the two interim consent orders that Your Honor has previously entered in this matter, the NJSP will notify parties and their counsel (or the OPD if there is no counsel) within 120 days of receipt of the expungement order. The NJSP will then process that order within either 15 days of receipt of the additional information or amended order at a designated email address, or else within 45 days of receipt of an amended order from the judiciary.

Third: the NJSP has launched, and agrees to maintain, an online portal, available at <https://expungement.njsp.gov/>, where expungement petitioners can register for an account to track the status of their expungement orders. Upon registration, the portal will notify petitioners of any updates to the status of their orders by email.

Fourth: for an eighteen-month period, the NJSP has agreed to publish monthly public statistical reports about its processing of expungement orders so that the parties and the public can track compliance with the terms of the settlement. The NJSP has also agreed to provide monthly audit reports to the OPD and Justice LaVecchia.

Fifth: with Your Honor's consent, the parties have agreed to keep this matter open for a nine-month period to ensure compliance with the settlement.

After that nine-month period, provided the NJSP has complied with the terms of the settlement agreement, the parties have agreed to enter a stipulation of dismissal without prejudice, which will continue for an additional nine months. At the conclusion of that eighteen-month period, provided the NJSP has continued complying with the terms of the settlement agreement, the parties will enter a stipulation of dismissal with prejudice. During the eighteen-month period, the parties will first meet and confer about any potential breaches of the settlement, and then will mediate with Justice LaVecchia, prior to seeking intervention from the Court.

The term sheet provides that the parties will endeavor to have a conforming settlement agreement and consent order finalized, executed, and submitted to Your Honor within 30 days of the execution of the term sheet. While the parties hope and expect to meet this deadline, in case there are any unexpected delays, we are respectfully requesting a 45-day adjournment of deadlines in this matter until Monday, April 28, with the expectation that we will submit a consent order to the Court on or before that date. If the consent order is not finalized by that date, we will instead submit another joint status report. Enclosed herein is a Proposed Order to that effect.

Should Your Honor have any questions for, or requests for additional information from, the parties regarding the status of this matter, we are happy to provide prompt responses to the Court. We thank the Court for its ongoing courtesies.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Noveck", written in a cursive style.

Michael R. Noveck
Deputy Public Defender

Enclosures

cc: Counsel of Record (via eCourts)

Term Sheet Reflecting Settlement

A.A. et al. v. Callahan, MER-L-2001-23

Date: March 11, 2025

This Term Sheet summarizes material terms of an anticipated settlement agreement to resolve the matter identified above, currently pending in the New Jersey Superior Court, Law Division between plaintiffs A.A., B.B., C.C., D.D., E.E., and F.F., on behalf of themselves and all others similarly situated (the “Plaintiffs”), represented by the Office of the Public Defender (the “OPD”), and defendant Colonel Patrick J. Callahan, in his official capacity as Superintendent of State Police (the “NJSP”), represented by Chiesa Shahinian & Giantomasi PC. The Plaintiffs and the NJSP are each referred to herein as a “Party” and collectively the “Parties.”

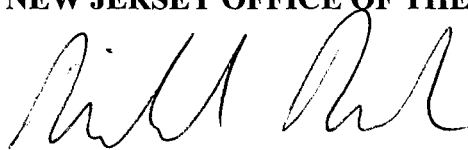
Counsel for the Parties will draft a settlement agreement and consent order consistent with this Term Sheet and will endeavor to have it finalized, executed, and submitted to the Superior Court, Law Division within 30 days of the execution of this Term Sheet.

1. The NJSP, subject to paragraph 3 below, commits to processing each judicial order of expungement (“Expungement Order”) it receives within 120 days of receipt, such that the expungement petitioner’s applicable computerized criminal history (“CCH”) record is cleared of expunged records. The NJSP also commits to providing notice to the petitioner that the CCH has been cleared of expunged records in this same timeframe. The NJSP further commits to taking best efforts to process each Expungement Order and provide notice to the petitioner within 90 days of receipt. In the unique case where the court finds exceptional circumstances for this time period to be shortened for a particular order, with those circumstances stated in the order, the NJSP will make every effort to comply upon receipt of written notice identifying the shortened period to the NJSP at the following email address: expungementlegal@njsp.gov.
2. The NJSP agrees that by June 1, 2025, it will have processed all known Expungement Orders as provided in paragraph 1 above, subject to paragraph 3 below, that are more than 120 days old (received before February 1, 2025).
3. Notwithstanding the provisions in paragraphs 1 and 2, the Parties agree and acknowledge that certain Expungement Orders will require additional information or an amended order to be processed properly pursuant to the Interim Consent Order of April 30, 2024, and the Second Interim Consent Order of August 19, 2024, in the above-referenced docket number (collectively the “Interim Consent Orders”). In such circumstances, the Parties agree to the following procedures, which apply only to expungement orders that require additional information or an amended order as described in the Interim Consent Orders:
 - a. Within 120 days of receipt of the Expungement Order requiring additional information or an amendment pursuant to the Interim Consent Orders, the NJSP will make any necessary request to the appropriate parties and counsel (including the OPD if there is no counsel) pursuant to the Interim Consent Orders.

- b. When an amended Expungement Order is required, the NJSP agrees to process the amended Expungement Order within 15 days of written notice from the OPD, petitioner, or private counsel for petitioner. Written notice shall be provided to NJSP at the following email address: expungementlegal@njsp.gov. If such written notice of an amended Expungement Order is not provided, the NJSP agrees to process the amended Expungement Order within 45 days of receipt.
 - c. If an amended Expungement Order is not required, the NJSP agrees to process the Expungement Order within 15 days of receipt of requested information sufficient to process the original order. The NJSP shall receive such requested information at the following email address: expungementlegal@njsp.gov.
- 4. The NJSP has launched an online portal (expungement.njsp.gov) wherein petitioners can register for an account using their email address and other required information and view the status of their respective Expungement Orders. Registered petitioners will receive email updates alerting them that the status of their order has changed, and they can view the update online. The NJSP agrees to maintain all parts of the portal within its control.
- 5. In order to ensure ongoing compliance with the terms of this agreement, the Parties agree to the following procedures for a period of eighteen months from execution of this Term Sheet:
 - a. The NJSP will make publicly available on its website and provide directly to the OPD and the mediator, Honorable Jaynee LaVecchia, S. Ct. Justice, (ret.), a monthly statistics sheet for each of the first 18 months following the execution of this Term Sheet. The statistics sheet shall report the number of Expungement Orders received year-to-date starting January 1 of the year being reported by expungement type, the number of Expungement Orders received each month by expungement type, the number of Expungement Orders processed year-to-date, and the expungement queue, defined as follows: (1) the number of Expungement Orders pending for more than 90 days; and (2) the number of Expungement Orders pending for more than 120 days. Every three months, the reporting required by this paragraph will also include a breakdown in the 90- and 120-day categories between expedited and non-expedited orders. The parties may agree on any other data points to be provided in addition to those listed in this paragraph.
 - b. In addition to the public filing of its statistics sheet, the NJSP will also on a monthly basis provide to the OPD and Justice LaVecchia, an audit report that contains: (1) all Expungement Order docket numbers received during the preceding 120 days; and (2) specific information about 25 of those Expungement Order docket numbers that are randomly selected by a computer program. The information required for the 25 Expungement Orders shall include: the date the applicable Expungement Order was received, the date intake was completed, the date the Expungement Order was processed, the date(s) that the petitioner's entry in the expungement portal was updated, and any other data points upon which the parties agree. The computer program used to randomly select the 25 Expungement Order docket numbers will be provided as part of the audit report.

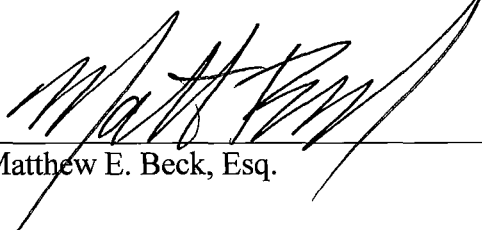
- c. For all statistics and audit reports the NJSP is required to file under this paragraph, the Parties agree that the NJSP shall provide such reports within the first 10 business days of the calendar month.
6. During the 18-month period set forth in paragraph 5, the Parties agree that this litigation will conclude in phases as follows:
 - a. The first phase will commence upon the execution of this Term Sheet and continue for 9 months. During this phase, this litigation shall be stayed, but remain open so that any violation can be brought to the court's attention, subject to paragraph 7 below.
 - b. The second phase will commence 9 months after the execution of this Term Sheet, provided the NJSP complies with the terms of the settlement agreement throughout the first phase. At the beginning of the second phase, the parties will file a stipulation of dismissal without prejudice pursuant to R. 4:37-1. The second phase will continue for 9 months.
 - c. At the end of the second phase, 18 months after the execution of this Term Sheet, provided the NJSP has continued to comply with the terms of the settlement agreement, the Parties shall then file with the Court a stipulation pursuant to R. 4:37-1 dismissing the action with prejudice. Justice LaVecchia's duties as mediator at this point shall be discharged.
 7. Should the NJSP fail to comply with the terms of the settlement agreement at any point during the two phases outlined in paragraph 6, the Parties agree to first meet and confer to discuss potential remedies and solutions. If the Parties are unable to reach a resolution during their meet and confer, they shall then mediate before Justice LaVecchia. Only if the Parties are still unable to reach a resolution during mediation may the OPD then seek relief from the court.
 8. The Parties understand and agree there may be circumstances that make it impossible for the NJSP to be able to comply with the settlement agreement, such as new legislation. If such circumstances are to happen before this action is dismissed with prejudice as set forth in paragraph 6.c., the NJSP will bring the issue to the attention of the OPD and Justice LaVecchia. The OPD and the NJSP agree to first meet and confer about possible modifications to the settlement agreement. If the Parties are unable to reach a resolution, they shall then mediate before Justice LaVecchia. Only if the Parties are still unable to reach a resolution during mediation may the NJSP then seek relief from the court.
 9. The settlement agreement shall not be effective unless it bears signatures of the OPD on behalf of Plaintiffs, Chiesa Shahinian & Giantomasi PC on behalf of the NJSP, a representative of the Office of the Attorney General, and a representative of the NJSP.

NEW JERSEY OFFICE OF THE PUBLIC DEFENDER



Michael R. Noveck, Deputy Public Defender

CHIESA SHAHINIAN & GIANDOMASI PC



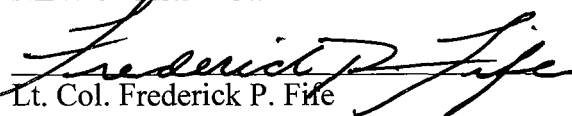
Matthew E. Beck, Esq.

OFFICE OF THE ATTORNEY GENERAL



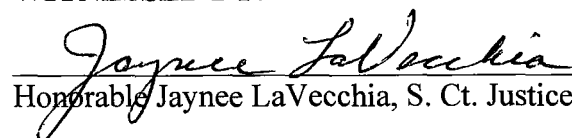
Angela Cai, Executive Assistant Attorney General

NEW JERSEY STATE POLICE



Lt. Col. Frederick P. Fife

WITNESSED BY:



Honorable Jaynee LaVecchia, S. Ct. Justice, (ret.)