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May 26, 2016

New Castle County – Civil Division

*Via Lexis/Nexis Only*

The Honorable Richard R. Cooch  
Superior Court of the State of Delaware  
New Castle County Courthouse  
500 North King Street  
Wilmington, Delaware 19801

**RE: *Rudenberg v. Delaware Department of Justice, the Chief Deputy Attorney General, et al.*, C.A. No. N16A-02-006 RRC**

Dear Judge Cooch:

On behalf of the Chief Deputy Attorney General (CDAG), and subject to any request of Your Honor to the contrary, we write to inform the Court that the CDAG does not intend to file an answering brief or otherwise participate in this appeal. The CDAG decided the underlying matter on the merits, and the Appellant primarily raises challenges to the substantive decision of the CDAG. The “adverse interests” in this matter are between the Appellant and Delaware State Police (DSP).<sup>1</sup>

However, we do want to respond to one issue raised by Appellant. He argues in the Opening Brief that he was not provided with a copy of the response filed by DSP. We write to assure the Court that it is the Office’s practice in handling FOIA appeals to share responses with the party challenging a FOIA response if the

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<sup>1</sup> The CDAG’s non-participation is consistent with the principle, highlighted in *Wilmington Trust Company v. Barron* and its progeny, that a party acting in a judicial or quasi-judicial capacity has no cognizable interest in seeking to have her substantive rulings sustained. *See* 470 A.2d 257, 261 (Del. 1983).

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response itself does not otherwise indicate that a copy was provided to the requester. As we believe the record here demonstrates, to the extent Appellant was not provided with DSP's response, it was inadvertent and contrary to the Office's practice.

I am happy to address any questions or concerns that the Court may have.

Respectfully submitted,

/s/ Joseph C. Handlon

Joseph C. Handlon

Deputy Attorney General

cc: Ryan Tack-Hooper, Esquire (*via Lexis Nexis File & Serve*)  
Rae Meredith Mims, Esquire, (*via Lexis Nexis File & Serve*)