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JUNE 12, 2020

**SUPERIOR COURT OF NJ
MERCER VICINAGE
CHANCERY**

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PHILIP D. MURPHY, in his
official capacity as the
GOVERNOR of the STATE OF NEW
JERSEY,

Plaintiff,

v.

JOHN MOOR, in his official
capacity as the MAYOR of the
CITY OF ASBURY PARK; the CITY
OF ASBURY PARK; JANE DOES 1-
10 (in their official capacity
as agents or officers of the
City of Asbury Park); and XYZ
AGENCIES 1-10 (in their
official capacity as agencies
or offices of the City of
Asbury Park).

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: MERCER COUNTY VICINAGE
: CHANCERY DIVISION - GENERAL
: EQUITY PART

: DOCKET NO.: C-56-20

: CIVIL ACTION

: **ORDER TO SHOW CAUSE GRANTING
TEMPORARY RESTRAINTS PURSUANT
TO RULE 4:52-1**

THIS MATTER being brought before the court by Gurbir S. Grewal, Attorney General of New Jersey (Christopher Weber, Deputy Attorney General appearing), on behalf of plaintiff, Philip D. Murphy, in his official capacity as the Governor of the State of New Jersey, seeking relief by way of temporary restraints pursuant to Rule 4:52-1, based upon the facts set forth in the complaint

filed herewith; and it appearing that defendants, John Moor (in his official capacity as the Mayor of the City of Asbury Park), and the City of Asbury Park, have received notice of the filing of this application on June 12, 2020, by way of email to Frederick C. Raffetto, Esq., counsel for defendants; and the court having determined that immediate and irreparable damage will probably result before a hearing can be held; and for good cause shown;

IT IS on this 12th day of June, 2020,

ORDERED that defendants appear and show cause on the 10th day of July 2020, before the Hon. Robert Lougy, P.J. Ch. at 3:00 p.m., conduct a telephonic hearing (telephone number 609-376-3075, meeting # 74943, participant code 2160553) or as soon thereafter as counsel may be heard, on why an order should not be issued preliminarily:

- A. Declaring that the City of Asbury Park Resolution 2020-187 ("APR 2020-187"), adopted June 10, 2020, and certified June 11, 2020, be and hereby is preempted by Executive Orders 107, 108 and 150;
- B. Enjoining and restraining defendants and any and all of their employees, representatives, agents or instruments from executing, implementing or otherwise enforcing Paragraph 2 of APR 2020-187, and any and all portions thereof authorizing the operation of indoor food and beverage services for indoor dining

purposes;

C. Granting such other relief as the court deems equitable and just.

It is **FURTHER ORDERED** that pending the return date herein, defendants and any of their employees, representatives, agents and instruments be and hereby are enjoined and restrained from executing, implementing, or otherwise enforcing Paragraph 2 of APR 2020-187, or any other portion thereof authorizing the operation of indoor food and beverage services for indoor dining purposes; it is

FURTHER ORDERED that defendants may move to dissolve or modify the temporary restraints herein contained on two (2) days' notice to plaintiff's counsel; it is

FURTHER ORDERED that a copy of this order to show cause, complaint, supporting certifications, brief in support of order to show cause, and certification of service be served upon defendants, within 7 days of the date hereof, or as otherwise specified by the court: _____ in accordance with Rule 4:4-3 and Rule 4:4-4, this being original process; it is

FURTHER ORDERED that plaintiff must file his proof of service of the pleadings on defendants no later than 7 days before the return date; it is

FURTHER ORDERED that defendants shall file and serve a written opposition to the order to show cause, along with proof of service,

by June 26, 2020. The opposition must be filed with the Clerk of the Superior Court in the county listed above. A copy of the opposition papers must be sent to plaintiff's counsel, whose name and address appears above; it is

FURTHER ORDERED that plaintiff must file and serve any written reply to defendants' opposition by July 8, 2020. The reply papers must be filed with the Clerk of the Superior Court in the county listed above. A copy of the reply papers must also be sent to counsel for defendants; it is

FURTHER ORDERED that if defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that plaintiff files a proof of service at least three days prior to the return date; it is

FURTHER ORDERED that **defendants take notice** that plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written opposition to the order to show cause and proof of service before the return date of the order to show cause. These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at

njcourts.gov/forms/10153_deptyclerklawref.pdf. A filing fee payable to the "Treasurer State of New Jersey" may also be required. You must also send a copy of your written opposition to plaintiff's attorney, whose name and address appear above. A telephone call will not protect your rights; you must file and serve your written opposition with the fee or judgment may be entered against you by default; it is

FURTHER ORDERED that **defendants take notice** that if you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at njcourts.gov/forms/10153_deptyclerklawref.pdf; and it is

FURTHER ORDERED that Court will entertain argument, but not testimony, on the return date of the order to show cause.

/s/ Robert Lougy
ROBERT LOUGY, P.J. Ch.