PREPARED BY THE COURT



JULY 10, 2020



	:	
PHILIP D. MURPHY, in his	:	SUPERIOR COURT OF NEW JERSEY
official capacity as the	:	MERCER COUNTY VICINAGE
GOVERNOR of the STATE OF NEW	:	CHANCERY DIVISION - GENERAL
JERSEY,	:	EQUITY PART
	:	
Plaintiff,	:	DOCKET NO.: C-56-20
	:	
V.	:	
	:	CIVIL ACTION
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).	:	CORRECTED
	:	ORDER GRANTING PRELIMINARY
Defendants.	:	INJUNCTIVE RELIEF

THIS MATTER being brought before the Court, the Hon. Robert Lougy, P.J. Ch., presiding, 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 and supporting certifications filed herewith; and upon notice to Frederick C. Raffetto, Esq., attorney for Defendants, John Moor (in his official capacity as the Mayor of the City of Asbury Park) and the City of Asbury Park; and the Court having read and considered the papers submitted on behalf of plaintiff; and the Court having concluded that Plaintiff establishes by clear and convincing evidence its entitlement to the preliminary injunctive relief sought in the Order to Show Cause, under the standards set forth in <u>Crowe v. De Gioia</u>, 90 N.J. 126 (1982); and counsel for Defendants having advised that Defendants do not oppose the entry of this Order; and for good cause shown;

IT IS on this 10th day of July 2020,

ORDERED that plaintiff's order to show cause and application for preliminary injunctive relief be and hereby is **GRANTED**; and it is

FURTHER ORDERED that during the pendency of this matter, defendants and any and all of their employees, representatives, offices, agents and/or instruments, be and hereby are enjoined and restrained from executing, implementing or otherwise enforcing Paragraph 2 of Asbury Park Resolution 2020-187, adopted June 10, 2020, and certified June 11, 2020, and any and all portions thereof authorizing the operation of indoor food and beverage services for indoor dining purposes; and it is **FURTHER ORDERED** that a copy of this order shall be served upon all parties within seven (7) days of the entry hereof.

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

OPPOSED

X UNOPPOSED