

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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NATIONAL ASSOCIATION OF THEATRE OWNERS; NATIONAL ASSOCIATION OF THEATRE OWNERS OF NEW JERSEY;	:	Case No. 3:20-cv-08298-BRM-TJB
AMERICAN MULTI-CINEMAS, INC.;	:	
CINEMARK USA, INC.; REGAL CINEMAS, INC.;	:	ECF Case
BJK ENTERTAINMENT, INC.; BOW TIE CINEMAS, LLC; and COMMUNITY THEATERS LLC,	:	
Plaintiffs,	:	ORDER TO SHOW CAUSE FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION
- against -	:	
PHILIP D. MURPHY, in his official capacity as Governor of New Jersey; and JUDITH PERSICHILLI, in her official capacity as Acting Commissioner of Health of New Jersey,	:	<u>ORAL ARGUMENT REQUESTED</u>
Defendants.	:	
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THIS MATTER having been brought before the Court by Plaintiffs National Association of Theatre Owners, National Association of Theatre Owners of New Jersey, American Multi-Cinema, Inc., Cinemark USA, Inc., Regal Cinemas, Inc., BJK Entertainment, Inc., Bow Tie Cinemas, LLC, and Community Theaters LLC (collectively, “Plaintiffs”), through their counsel, by Order to Show Cause seeking a temporary restraining order and preliminary injunction pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, and upon the Memorandum of Law and Declarations submitted herewith, the Court having determined that good and sufficient reasons exist to proceed by way of Order to Show Cause, and for good cause shown,

IT IS on this _____ day of July, 2020, **ORDERED** that the Defendants Philip D. Murphy, in his official capacity as Governor of New Jersey, and Judith Persichilli, in her official capacity as Acting Commissioner of Health of New Jersey (“Defendants”), appear personally or

through counsel, and show cause on the _____ day of July, 2020, before the United States District Court for the District of New Jersey, Hon. Brian R. Martinotti, at the Trenton Courthouse, located at 402 East State Street, Trenton, New Jersey 08608, at _____ .m., or as soon thereafter as counsel can be heard, why an Order should not be entered:

1. enjoining and restraining Defendants, as well as their officers, agents, servants, employees, and all persons in concert or participation with them, from applying or enforcing any Executive Orders (including, without limitation, Executive Order No. 157) or other official actions, against movie theatres, requiring their closure, or imposing different terms for opening to the public than those imposed upon religious or political indoor gatherings.

And it is further **ORDERED** that:

1. Pending further hearing on this Order to Show Cause, Defendants, as well as their officers, agents, servants, employees, and all persons in concert or participation with them, are temporarily enjoined and restrained from applying or enforcing any Executive Orders (including, without limitation, Executive Order No. 157) or other official actions, against movie theatres, requiring their closure, or imposing different terms for opening to the public than those imposed upon religious or political indoor gatherings.

2. A copy of this Order to Show Cause, Memorandum of Law, and the supporting Declarations shall be served upon the Defendants through their counsel, Daniel Vannella, Esq., via e-mail at Daniel.Vannella@law.njoag.gov, within _____ days of the date hereof.

3. Defendants shall file and serve written response(s) to this Order to Show Cause and the supporting Memorandum of Law on or before July ____, 2020.

4. Plaintiffs may file and serve any written reply to one or both Defendants' opposition by July ____, 2020.

5. If the 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.

6. The Court will notify the parties whether it will entertain argument on the return date of the Order to Show Cause in accordance with Local Civil Rule 78.1.

Hon. Brian R. Martinotti
United States District Court Judge