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

NATIONAL ASSOCIATION OF  
THREATE 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,

Plaintiffs,

v.

PHILIP D. MURPHY, in his official  
capacity as Governor of New Jersey;  
and JUDITH PERSICHILLI, in her  
official capacity as Commissioner of  
Health of New Jersey,

Defendants.

CIVIL ACTION NO.:  
3:20-CV-8298-BRM-TJB

**DECLARATION OF COUNSEL**

**DANIEL M. VANNELLA**, of full age, hereby declares as follows:

1. I am employed as an Assistant Attorney General by the State of New Jersey, Department of Law and Public Safety, Division of Law. I provide this Declaration in support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunctive Relief.

2. Attached to this Declaration are true and accurate copies of the following Exhibits:

- A. Michelle L. Holshue, et al., "First Case of 2019 Novel Coronavirus in the United States," *N. Engl. J. Med.* 382:929–36 (Mar. 5, 2020).
- B. Natasha Khan, "New Virus Discovered by Chinese Scientists Investigating Pneumonia Outbreak," *Wall Street Journal* (Jan. 8, 2020).
- C. Berkeley Lovelace, Jr. & William Feuer, "CDC Confirms First Human-to-human Transmission of Coronavirus in US," *CNBC* (Jan. 30, 2020).
- D. Centers for Disease Control and Prevention ("CDC"), *Coronavirus Disease 2019 – Frequently Asked Questions*, available at <https://www.cdc.gov/coronavirus/2019-ncov/faq.html> (last visited July 24, 2020).
- E. March 13, 2020 Proclamation of National Emergency.
- F. Executive Order on Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of Covid-19.
- G. CDC, *Coronavirus Disease 2019 (COVID-19) - Protect Yourself*, available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (last visited July 24, 2020).
- H. Camilla Rothe, et al., "Transmission of 2019-nCoV Infection from an Asymptomatic Contact in Germany," *N. Engl. J. Med.* 382:970–71 (Mar. 5, 2020).

- I. Johns Hopkins Univ., COVID-19 Dashboard, available at <https://coronavirus.jhu.edu/map.html> (last visited July 24, 2020).
- J. CDC, *Coronavirus Disease – Cases in the US*, available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last visited July 24, 2020).
- K. N.J. Dep’t of Health, *New Jersey COVID-19 Dashboard*, available at [https://www.nj.gov/health/cd/topics/covid2019\\_dashboard.shtml](https://www.nj.gov/health/cd/topics/covid2019_dashboard.shtml) (last visited July 24, 2020).
- L. Sheri Fink, “Worst-Case Estimates for U.S. Coronavirus Deaths,” *New York Times* (Mar. 13, 2020).
- M. State of New Jersey, “The Road Back: Restoring Economic Health Through Public Health.”
- N. CDC, *Coronavirus Disease – Deciding to Go Out*, <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/deciding-to-go-out.html> (last visited July 24, 2020).
- O. Peter Sullivan, “Evidence Mounts That Outside Is Safer When It Comes to COVID-19,” *The Hill* (May 6, 2020).
- P. Aylin Woodward, “You’re Most Likely to Catch the Coronavirus in a Poorly Ventilated Space. That Makes Offices Very Risky,” *Business Insider* (May 6, 2020).
- Q. “Are New Movies Longer Than They Were 10, 20, 50 Year Ago?” *Towarddatascience.com* (Dec. 26, 2018).
- R. Katherine Baicker, et al., “Is It Safer to Visit a Coffee Shop or a Gym?” *New York Times* (May 6, 2020).
- S. German Lopez, “Just 3 States Meet These Basic Criteria To Reopen and Stay Safe,” *Vox* (July 22, 2020).
- T. COVID Act Now, “America’s COVID Warning System,” available at <https://covidactnow.org/?s=756131> (last visited July 24, 2020).

- U. Nick Devlin, “N.J. Is Only State in the U.S. to see COVID-19 Cases Drop for Two Weeks Running,” *NJ.com* (July 23, 2020).
- V. Sarah Whitten, “These Charts Show Why Studios Are Likely to Delay ‘Tenet’ and ‘Mulan’ Again,” *CNBC.com* (July 16, 2020).
- W. Noah Higgins-Dunn, “California Closes Indoor Restaurants, Movie Theaters and All Bars Statewide as Coronavirus Cases Rise,” *CNBC.com* (July 13, 2020).
- X. Tom Tapp, “California Coronavirus Update: Gov. Gavin Newsom Orders L.A. Restaurants, Movie Theaters to Shut Down Indoor Operations, Deploys Enforcement ‘Strike Team,’” *Deadline* (July 1, 2020).
- Y. State of New York, Exec. Order No. 202.48 (July 6, 2020).
- Z. State of North Carolina, Exec. Order No. 151 (July 16, 2020).
- AA. “Gov. Cooper: N.C. to Remain Under ‘Safer at Home’ Phase 2 for Three More Weeks,” *WBTV.com* (July 14, 2020).
- BB. Jens Gould, “Lujan Grisham Delays Phase 2 of New Mexico Reopening,” *Santa Fe New Mexican* (June 25, 2020).
- CC. State of Arizona, Exec. Order No. 2020-43 (June 29, 2020).
- DD. Anthony D’Alessandro, “AMC Theatres Will Start Reopening in August Following ‘Tenet’ Pause,” *Deadline* (July 23, 2020).
- EE. Frank Pallotta, “AMC Theatres Postpones Reopening Again as Summer Blockbusters Are Delayed,” *CNN* (July 23, 2020).
- FF. Ryan Scott, “Regal Cinemas Puts Reopening Plans on Hold, New Date Expected Soon,” *Movieweb.com* (July 22, 2020).
- GG. Kevin Burwick, “Cinemark Halts Plans to Reopen Theaters This Friday,” *Movieweb.com* (July 22, 2020).
- HH. Transcript of June 15, 2020 Decision Denying Preliminary Injunctive Relief, *Dwelling Place Network, et al. v. Murphy, et al.*, 20-cv-6281-RBK.

II. Sidney Fussell, “Are Movies Getting Longer? Here’s the Data,” *Business Insider* (June 14, 2016).

JJ. Sarah Whitten, “‘It’s Too Soon to Go to a Movie Theater,’ Infectious Disease Experts Say,” *CNBC* (June 25, 2020).

KK. Jianyun Lu, et al., “COVID-19 Outbreak Associated with Air Conditioning in Restaurant, Guangzhou, China, 2020,” *Emerging Infectious Diseases* 26:7 (July 2020), available at <https://wwwnc.cdc.gov/eid/article/26/7/pdfs/20-0764.pdf> (last visited July 24, 2020).

LL. Texas Medical Association, “Be Informed: Know Your Risk During COVID-19,” available at [https://www.texmed.org/uploadedFiles/Current/2016\\_Public\\_Health/Infectious\\_Diseases/309193%20Risk%20Assessment%20Chart%20V2\\_FINAL.pdf](https://www.texmed.org/uploadedFiles/Current/2016_Public_Health/Infectious_Diseases/309193%20Risk%20Assessment%20Chart%20V2_FINAL.pdf) (last visited July 24, 2020).

MM. Transcript of June 19, 2020 Decision Denying Preliminary Injunctive Relief, *Atilis Gym Bellmawr, LLC v. Philip D. Murphy, et al.*, 20-cv-6347-RBK.

NN. Allison Pries, “Drive-in movies are popping up across N.J. Here’s where you can find them,” *NJ.com* (May 20, 2020).

OO. Gabrielle Bruney, “Here Are the 2020 Movies Streaming Online Early Due to the Coronavirus,” *Esquire* (July 2, 2020).

PP. Brooks Barnes & Nicole Sperling, “Studio’s Movies in Theaters Will Be Offered for In-Home Rental,” *New York Times* (Mar. 16, 2020).

QQ. Certifications of Plaintiffs in Support of Motion for Preliminary Restraints, *Dwelling Place Network, et al. v. Murphy, et al.*, 20-cv-6281-RBK.

RR. Affidavits of Plaintiffs in Support of Motion for Preliminary Restraints, *Solid Rock Baptist Church, et al. v. Murphy, et al.*, 20-cv-6805-RMB.

SS. AMC Theatres, *On Demand*, available at <https://www.amctheatres.com/on-demand> (last visited July 24, 2020).

TT. Alexandra Steigrad, “Summer Movie Season Is Officially Dead as Warner Delays ‘Tenet’ Again,” *New York Post* (July 20, 2020).

UU. Rong-Gong Lin II & Phil Willon, “California to Allow Movie Theaters to Reopen in Most Counties,” *Los Angeles Times* (June 8, 2020).

VV. Sarah Whitten, “Disney Delays ‘Mulan’ Indefinitely, Star Wars and Avatar Movies Pushed Back a Year,” *CNBC* (July 23, 2020).

I declare that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Daniel M. Vannella

Daniel M. Vannella

Assistant Attorney General

Date: July 24, 2020