

EXHIBIT KK



Volume 26, Number 7—July 2020

Research Letter

COVID-19 Outbreak Associated with Air Conditioning in Guangzhou, China, 2020

On This Page

Research Letter

Cite This Article



Figures


Figure

Downloads

Article 

Appendix 

Article & Appendix  

RIS [TXT - 2 KB] 

Altmetric



Metric Details

Four Patients with COVID-19 and Tuberculosis, Singapore, April–May 2020

Three Patients with COVID-19 and Pulmonary Tuberculosis, Wuhan, China, January–February 2020

Antibody Responses to SARS-CoV-2 at 8 Weeks Postinfection in Asymptomatic Patients

More articles on Coronavirus, COVID-19

Jianyun Lu¹, Jieni Gu¹, Kuibiao Li¹, Conghui Xu¹, Wenzhe Su, Zhisheng Lai, Deqian Zhou, Yang✉

Author affiliations: Guangzhou Center for Disease Control and Prevention, Guangzhou, China (Lu, Z. Yang); Guangzhou Yuexiu District Center for Disease Control and Prevention, Guangzhou, China (Gu, Z. Yang); Guangzhou Yuexiu District Center for Disease Control and Prevention, Guangzhou, China (Li, B. Xu)

Cite This Article

Abstract

During January 26–February 10, 2020, an outbreak of 2019 novel coronavirus disease in a restaurant in Guangzhou, China, involved 3 family clusters. The airflow direction was consistent with the transmission. To prevent the spread of the virus in restaurants, we recommend increasing the number of tables and improving ventilation.

From January 26 through February 10, 2020, an outbreak of 2019 novel coronavirus disease involved 10 persons from 3 families (families A–C) who had eaten at the same air-conditioned restaurant. The families had just traveled from Wuhan, Hubei Province, China. We performed a detailed investigation of these 10 cases together. Our study was approved by the Ethics Committee of the Guangzhou Center for Disease Control and Prevention.

On January 23, 2020, family A traveled from Wuhan and arrived in Guangzhou. On January 24, 2020, patient A1 (patient A1) ate lunch with 3 other family members (A2–A4) at restaurant X. Two other family members (A5–A6) ate at neighboring tables at the same restaurant. Later that day, patient A1 experienced onset of symptoms and was admitted to the hospital. By February 5, a total of 9 others (4 members of family A, 3 members of family B, and 2 members of family C) had become ill with COVID-19.

The only known source of exposure for the affected persons in families B and C was patient A1. We determined that virus had been transmitted to ≥ 1 member of family B and ≥ 1 member of family C. That further infections in families B and C resulted from within-family transmission.

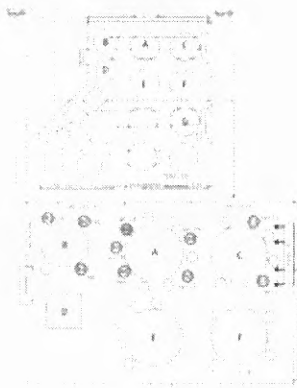


Figure. Sketch showing arrangement of restaurant tables and air conditioning airflow at site of outbreak of 2019 novel coronavirus. Red circles indicate seating of future case-patients; yellow-filled red circles indicate the index patient (A1). Arrows indicate the direction of air conditioning airflow, showing a central air conditioner with return air inlets above table C and supply air outlets above table A, then to table B, and then to table C.

Restaurant X is an air-conditioned, 5-floor building without windows. The third floor dining room has its own air conditioner (Figure). The distance between each table is about 1 m. Family A was seated for an overlapping period of 53 minutes and families A and C for an overlapping period of 10 minutes. The return air inlet for the central air conditioner were located above table C (Figure).

On January 24, a total of 91 persons (83 customers, 8 staff members) were in the restaurant. All 83 customers ate lunch at 15 tables on the third floor. Among the 83 customers, 10 became ill with COVID-19. These 10 were identified as close contacts and quarantined for 14 days. During that period, no symptom samples from the contacts and 6 smear samples from the air conditioner (3 from the air conditioner and 3 from the return air inlet) were negative for severe acute respiratory syndrome coronavirus 2 by reverse transcriptase-polymerase chain reaction.

From our examination of the potential routes of transmission, we concluded that the most likely route was droplet transmission. Although the index patient (patient A1) was asymptomatic during the outbreak, droplet transmission has been reported (1). Given the incubation periods for family B (Appendix F) is that all 3 family B members were directly infected by patient A1. However, we cannot rule out the possibility that patients B2 and B3 were infected by patient B1, the first family B member to become ill. Family C is that both patients C1 and C2 were infected by patient A1; another scenario is that the patients were infected while caring for patient C2, beginning on January 27.

Virus transmission in this outbreak cannot be explained by droplet transmission alone. Large droplets (>5 μ m) remain in the air for only a short time and travel only short distances, generally <1 m. The index patient A1 and persons at other tables, especially those at table C, were all >1 m. However, the air conditioner could have propagated droplets from table C to table A, then to table B, and then to table C.

Virus-laden small (<5 μ m) aerosolized droplets can remain in the air and travel long distances. The transmission of severe acute respiratory syndrome and Middle East respiratory syndrome (5,6). However, none of the staff or other diners in restaurant X were infected. Moreover,

conditioner were all nucleotide negative. This finding is less consistent with aerosol transmission, which would tend to follow the airflow, and the lower concentrations of aerosols at greater distances were insufficient to cause infection in other parts of the restaurant.

Our study has limitations. We did not conduct an experimental study simulating the airborne transmission. We did not perform serologic studies of swab sample–negative asymptomatic family member risk for infection.

We conclude that in this outbreak, droplet transmission was prompted by air-conditioned environment. The direction of infection was the direction of the airflow. Of note, patient B3 was afebrile and 1% of the patients were asymptomatic, providing a potential source of outbreaks among the public (7,8). To prevent future outbreaks in restaurants, we recommend strengthening temperature-monitoring surveillance, increasing ventilation, and improving ventilation.

Mr. Lu is deputy chief of the Department of Control and Prevention for Infectious Disease, Guangzhou Disease Control and Prevention. His research interests are the surveillance, control, and prevention of infectious diseases, including influenza, avian influenza, and scarlet fever.

Acknowledgment

This study was supported by the Medical Health Technology Project for Guangzhou (201804010093, 201707010451), and the Project for Key Construction of Guangzhou Municipality (2017-2019-07).

References

1. Han Y, Zhang Z, Zhu J, Yu P. A familial cluster of infection associated with the 2019 novel coronavirus: possible person-to-person transmission during the incubation period. *J Infect Dis*. 2020;221(12):2025–2028. DOI [10.1093/infdis/jiaa331](#) PubMed [PMID: 32329322](#)
2. Pica N, Bouvier NM. Environmental factors affecting the transmission of respiratory viruses. *Environ Health Perspect*. 2012;120(2):90–5. DOI [10.1289/ehp.11448](#) PubMed [PMID: 22329322](#)
3. Kutter JS, Spronken MI, Fraaij PL, Fouchier RA, Herfst S. Transmission routes of respiratory viruses to humans. *Curr Opin Virol*. 2018;28:142–51. DOI [10.1016/j.cov.2018.05.001](#) PubMed [PMID: 30000000](#)
4. Fernstrom A, Goldblatt M. Aerobiology and its role in the transmission of infectious diseases. *Environ Health Perspect*. 2013;121(13):1493–60. DOI [10.1289/ehp.11448](#) PubMed [PMID: 22329322](#)

5. Lee N, Hui D, Wu A, Chan P, Cameron P, Joynt GM, et al. A major outbreak of severe acute respiratory syndrome in Hong Kong. *N Engl J Med*. 2003;348:1986–94. DOI [PubMed](#)
6. Kim SH, Chang SY, Sung M, Park JH, Bin Kim H, Lee H, et al. Extensive viable Middle East respiratory syndrome (MERS) coronavirus contamination in air and surrounding environment in MERS isolation ward, South Korea, 2015. *Emerg Infect Dis*. 2016;22(3):363–9. DOI [PubMed](#)
7. Tong ZD, Tang A, Li KF, Li P, Wang HL, Yi JP, et al. Potential presymptomatic transmission of 2019 novel coronavirus in Guangdong Province, China, 2020. *Emerg Infect Dis*. 2020;26: Epub ahead of print. DOI [PubMed](#)
8. Chan JF-W, Yuan S, Kok K-H, To KK-W, Chu H, Yang J, et al. A familial cluster of pneumoniae caused by 2019 novel coronavirus indicating person-to-person transmission: a study of a family. *Lancet*. 2020;395(10230):265–73. DOI [PubMed](#)

Figure

Figure. Sketch showing arrangement of restaurant tables and air conditioning airflow at site of outbreak in Guangzhou, China, 2020. Red circles indicate seating of future case-patients; yellow-filled...

Cite This Article

DOI: 10.3201/eid2607.200764

Original Publication Date: April 02, 2020

¹These authors contributed equally to this article.

Table of Contents – Volume 26, Number 7—July 2020

Comments

Please use the form below to submit correspondence to the authors or contact them at the following address:

Zhicong Yang, Guangzhou Center for Disease Control and Prevention, Guangzhou, Guangdong Province 510440, China
District Center for Disease Control and Prevention, Guangzhou, Guangdong Province 510100, China

Return Address

EXHIBIT LL

COVID-19

CORONAVIRUS DISEASE

BE INFORMED:

Know Your Risk During COVID-19

On a scale of 1 to 10, how risky is...

Ranked by physicians from the TMA COVID-19 Task Force and the TMA Committee on Infectious Diseases.

Please assume that participants in these activities are following currently recommended safety protocols when possible.



EXHIBIT MM

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY

3 CIVIL ACTION NUMBER:

4 ATILIS GYM BELLMWR, LLC,
Plaintiff,
v.

20-6347 (RBK) (KMW)

Motion Hearing via Zoom
teleconference

5 PHILIP D. MURPHY, et al.,
Defendants.

6 Pages 1 - 39

7 Mitchell H. Cohen Building & U.S. Courthouse
8 4th & Cooper Streets
Camden, New Jersey 08101
9 Friday, June 19, 2020
Commencing at 10:00 a.m.

10 B E F O R E:

THE HONORABLE ROBERT B. KUGLER,
UNITED STATES DISTRICT JUDGE

11 A P P E A R A N C E S:

12 RUSSELL FRIEDMAN & ASSOCIATES, LLP
13 BY: CHRISTOPHER M. ARZBERGER, ESQUIRE
3000 Marcus Avenue
Suite 2E03
14 Lake Success, NY 11042
- and -
15 THE MERMIGIS LAW GROUP, P.C.
BY: JAMES G. MERMIGIS, ESQUIRE
16 85 Cold Spring Road
Syosset, NY 11791
17 Counsel for the Plaintiff

18 OFFICE OF THE ATTORNEY GENERAL OF NEW JERSEY
DIVISION OF LAW
19 BY: DANIEL MICHAEL VANNELLA, ESQUIRE
JEREMY FEIGENBAUM, ESQUIRE
20 R.J. Hughes Justice Complex
25 Market Street
21 Trenton, NJ 08625
Counsel for Defendants

22 Karen Friedlander, Official Court Reporter
23 friedlanderreporter@gmail.com
(856) 756-0160

24 Proceedings recorded by mechanical stenography;
25 transcript produced by computer-aided transcription.

1 THE COURT: We've got everybody we need at this
2 point. I see Karen Friedlander, our court reporter, is
3 online.

4 So just a few ground rules to go over before we
5 start. You need to speak clearly and distinctly and slowly so
6 she can take down what you're saying. If she can't hear you
7 or decipher what you're saying, she will stop the proceeding,
8 she has my permission to do that, and ask that you repeat what
9 you're going to discuss. Otherwise, we'll handle this as if
10 we are in court for oral argument, but because of the virus
11 and the pretty much total shutdown of the courts, that we are
12 doing this by videoconferencing.

13 So let's start with the appearance of counsel. We'll
14 start with the plaintiffs, please.

15 MR. ARZBERGER: Good morning, Your Honor, Christopher
16 Arzberger, counsel for plaintiff.

17 MR. MERMIGIS: Good morning, Your Honor, James
18 Mermigis, pro hac vice filed and pending, attorney for the
19 plaintiffs.

20 THE COURT: For the State?

21 MR. VANNELLA: Good morning, Your Honor, Daniel
22 Vannella from the New Jersey Office of the Attorney General on
23 behalf of the defendants.

24 MR. FEIGENBAUM: And good morning, Your Honor, Jeremy
25 Feigenbaum also from the Attorney General's Office.

1 THE COURT: All right. If you don't mind, I'll be
2 referring to the collective defendants as "the State" just to
3 make it easier for everybody.

4 Are there any updates as to what's going on, any
5 changes in the State's shutdown orders or anything that's
6 going on that I should know about?

7 MR. VANNELLA: Nothing that is pertinent to this
8 lawsuit, Judge. The reopening of the gyms is part of the
9 State's Phase 3 of their reopening plan. We have just begun
10 Phase 2, so there obviously is an intent and a plan to reopen
11 gyms along with certain other businesses at that point, but
12 there is no date where that will happen yet, as of today.

13 THE COURT: I've noticed in my neighborhood that
14 there are some exercise facilities that are opening up out in
15 the parking lots of the stores, the cycles, bicycles and all
16 kind of stuff are out in the parking lots. I assume that
17 since they're doing it outdoors, that's okay, correct?

18 MR. VANNELLA: That's correct, Your Honor. What is
19 not permitted at this point is indoor recreation. So indoor
20 gyms, indoor fitness centers are still not permitted in light
21 of the health risks that are exacerbated by indoor recreation
22 as opposed to outdoor. But certainly, outdoor recreation
23 facilities are available and open, both public and private.

24 THE COURT: All right. I also noticed in the State's
25 brief that the -- or the State notified me that there's a

1 consent order been entered in the state court that permits the
2 gym to be open for purposes of selling clothing and
3 nutritional products. Perhaps plaintiff's counsel can tell me
4 about that. It's the first I've heard that there's this other
5 business going on at the location. What's going on with that?

6 MR. MERMIGIS: Well, Your Honor, out of the gym, they
7 also sell vitamins and nutrition products and they have a
8 pretty -- they have a nice sized apparel where they sell gym
9 clothing, sweatshirts, t-shirts, yoga pants.

10 So what we did is, we filed an emergency order in
11 state court to allow the gym to be open for, you know, so our
12 clients can have access, because they also had several online
13 orders for the shirts, the clothing, and the vitamins and they
14 could not replenish these orders if they didn't have access to
15 the gym. So my clients now have access to the gym, so the
16 doors have been unlocked, so they do have access to the gym.

17 But again, the clothing and the vitamin is about
18 10 percent of their business, entire business. But they
19 needed to fulfill some orders, so we agreed with the Attorney
20 General's Office that they could open for that purpose and
21 they're open.

22 THE COURT: Were they doing that before the locks
23 were changed?

24 MR. MERMIGIS: I'm sorry, Your Honor?

25 THE COURT: Were they doing that, selling nutritional

1 products before the locks on the building were changed?

2 MR. MERMIGIS: Yeah, I guess it was part of their
3 gym, but I was not advised by my client that Rock Bottom
4 Nutrition was a separate entity. I thought it was just all
5 part of the gym. When he indicated to me that he has a
6 separate entity and there's other Rock Bottom Nutrition stores
7 in New Jersey, we filed separately on behalf of Rock Bottom
8 and the apparel store was not on behalf of the gym. So Rock
9 Bottom Nutrition which is within the gym was a separate
10 entity, Your Honor.

11 THE COURT: How about the clothing business, was that
12 a separate entity?

13 MR. MERMIGIS: Yes.

14 THE COURT: Was that operating before the locks were
15 changed?

16 MR. MERMIGIS: Yes, Your Honor.

17 THE COURT: So he had some business going at that
18 location, other than the gym --

19 MR. MERMIGIS: Correct.

20 THE COURT: -- throughout this, correct?

21 MR. MERMIGIS: No -- what do you mean "throughout
22 this," through the lockdowns?

23 THE COURT: Yes, starting in --

24 MR. MERMIGIS: No. It was never -- it was never
25 opened during the lockdowns. They opened on May 18th and they

1 were shut down on May 22nd. They were not open in March and
2 April. They were shut down.

3 THE COURT: I thought the State was permitting retail
4 curbside sales.

5 MR. MERMIGIS: No, they were not allowed to open.

6 THE COURT: All right. Well, now that I got the
7 plaintiffs online, I want to talk to you about the brief you
8 submitted, memorandum of law.

9 The bottom of Page 4 into the top of Page 5, you
10 write: "A temporary restraining order preserves the status
11 quo and prevents irreparable harm until a hearing can be held
12 on a preliminary injunction application."

13 MR. MERMIGIS: Okay.

14 THE COURT: And then you write: "A temporary
15 restraining order may be issued without providing the opposing
16 party an opportunity to be heard," and then you cite
17 Rule 65.1: "Certain standards have to be met to get a TRO
18 without telling your adversary."

19 That has nothing to do with this case, does it?

20 MR. MERMIGIS: Well, at this point, Your Honor, we're
21 looking for an injunction because we're ready, the gym has
22 been unlocked and our main thing is now, Your Honor, that
23 Executive Order 154 that we cited in our response and that
24 opposition cited, indicated that tanning salons, tattoo
25 parlors, barbershops, spas, all indoor businesses are allowed

1 to open and our business is still shut down without a date in
2 sight. And I also cited in at least 30 states that I found
3 that have already reopened, that gyms were included with spas
4 and tanning salons. And what one may argue that, you know,
5 Your Honor, tanning salon bed where you're sweating or you're
6 in a tattoo parlor that's an invasive activity, it's a
7 like-minded activity to a gym.

8 In addition, our gym had 20 -- 25-foot ceilings that
9 have 14,000 square feet and they were only allowing 44 people
10 out of 280 people, which is less than 20 percent capacity.
11 They had moved all the equipment within six feet of each
12 other, they had a thermal scanner when you walk in, it takes
13 your temperature, and if you're anywhere near having a fever,
14 you're not allowed into the gym. Everybody gets a
15 disinfectant bottle that disinfects all the equipment after
16 their use, and they have an air scrubber in there that
17 disinfects the air and -- at any contamination in the air and
18 spreads air throughout the gym.

19 I mean, this place is a fortress that they prepared
20 to protect their members from COVID, and I find it hard how
21 the State can make an equal protection argument that a tanning
22 salon or a barbershop or a tattoo parlor is safer in a closed
23 environment than a gym, and that's -- and that's our main
24 equal protection argument, because a gym is treated a lot
25 differently than a tanning salon or a tattoo parlor and those

1 -- certainly tanning salons and tattoo parlors don't have
2 25-foot ceilings and 14,000-square-foot space.

3 And again, our clients every day that their gym --
4 their gym is their main business. Every day that this gym is
5 closed is one day closer to them being closed for good and
6 shutting down forever. And that's the basis of our argument,
7 Your Honor. The Executive 154 goes into effect on Monday
8 where tanning salons are going to be open, tattoo parlors are
9 allowed to open and there's still no date in sight for our gym
10 to be open and our clients are frustrated. Everything that
11 they've ever invested in, they put all into this gym and
12 they're about to lose it all, Your Honor.

13 THE COURT: Thank you. Perhaps we can get back to
14 the question I asked, Mr. Mermigis.

15 MR. MERMIGIS: Yes.

16 THE COURT: You're not seeking a TRO because --
17 despite you requesting preservation of the status quo, the
18 status quo for the last three months has been, you've been
19 shut down, and a TRO only lasts 14 days. That's not what you
20 want, correct?

21 MR. MERMIGIS: Your Honor, what we want is -- at this
22 point, is an injunction in order to have the gym open, to be
23 allowed to open with tanning salons, tattoo parlors, and
24 like-minded businesses. And we're asking as applied only to
25 this gym, Your Honor, we're not asking for all gyms. We can't

1 stand -- we're not here to stand for all gyms in the State of
2 New Jersey. We don't know what precautions they've taken for
3 CDC, but I certainly -- we certainly know that our gym has
4 gone above and beyond, and some of the arguments that they
5 make that COVID -- the State argument -- one of the main
6 arguments that the State makes for COVID is, it's spread when
7 one person sneezes or coughs. And I take it that that can
8 happen in a Target, in a Walmart, in any indoor facility.

9 So, you know, what we're saying here is, we've taken
10 every precaution. This gym is a fortress. They've invested
11 all their money into it and we believe that it's as safe or
12 safer than tanning salons, tattoo parlors, barbershops, spas,
13 hair salons, and everything else that's allowed to open.

14 And the fact that those businesses are allowed to
15 open goes to the randomness and the arbitrariness of the
16 opening phase -- of opening up New Jersey. Because again, I
17 put in my argument, Your Honor, several states, at least 30
18 states that have opened up gyms and barber salons, they have
19 all opened up in the same phase. All those states found it
20 appropriate that gyms could open up with barber salons, and
21 tanning salons, and hair salons and spas, and we just want the
22 same -- we just want the same treatment, Your Honor, as those
23 businesses.

24 THE COURT: Has your client given any consideration
25 to opening up and moving the equipment outside?

1 MR. MERMIGIS: Yes, they have, they have done that
2 consideration, Your Honor, but it's not the same. I mean,
3 first of all, who's going to protect the equipment overnight.
4 In fact, they did do that for one day, they had a celebration
5 that they were open so they moved equipment into the parking
6 lot, but then, you know, they have to move it in and move it
7 back. I mean, it's expensive equipment. They can't possibly
8 do that on a day-to-day basis, and they did it one day to have
9 like a celebration that they were back open and -- for members
10 to come in and work out, but they moved the equipment back
11 inside the facility. They can't leave all the equipment
12 outside, it will get stolen.

13 THE COURT: A week ago when we had a conference, the
14 State talked about the Younger Abstention Doctrine and a
15 significant portion of their brief is devoted to the Younger
16 Abstention Doctrine.

17 MR. MERMIGIS: Yes.

18 THE COURT: Yet, your reply brief doesn't address it
19 at all. So am I to assume from your failure to address that
20 that you concede that point?

21 MR. MERMIGIS: No. We did say, Your Honor, our first
22 page about the Supreme Court ruling in the *Knick v. Township*
23 *of Scott* case, and that was -- that was from the Third Circuit
24 where the Supreme Court overruled the Third Circuit that said
25 that the general rule is that plaintiffs may bring

1 constitutional claims under Section 1983 without bringing any
2 sort of state lawsuit even when state court actions addressing
3 the underlying behavior are available, and that was in 2019
4 and Judge Roberts wrote the opinion there that we don't have
5 to exhaust any option in state court, and that's -- the Third
6 Circuit ruled that you do, and it was overturned by the
7 Supreme Court of the United States in 2019, Your Honor.

8 THE COURT: Younger is not an exhaustion issue, it's
9 a discretion not to interfere in a pending state proceeding,
10 but you didn't address that, did you?

11 MR. MERMIGIS: Well, Your Honor, we also felt that
12 there's no longer a pending state proceeding because we
13 resolved the opening of the gym, the locks are open, they have
14 access to the gym, and what we were only concerned about is
15 the underlying executive order as to whether it was
16 constitutional or not. That's the main crux of our argument
17 whether these executive -- and we're going into the fourth
18 30-day period of this executive order where the governor of
19 the State of New Jersey has unlimited power to continue
20 expanding these 30-day periods without legislature, without
21 consulting with the legislature or not.

22 He can just keep expanding these 30-day notice --
23 these 30-day periods, and we're not asking for this relief
24 after 30 days or in March or in April. We're saying it's
25 almost July and 90 percent of the hospitalizations are down in

1 the State of New Jersey, and what we're saying, okay, now
2 we're almost in July, tanning salons and barbershops are open,
3 our gym should be able to open and that's what we're saying.

4 And going back to your question, we are asking for an
5 injunction, Your Honor, no longer a TRO.

6 So back about a week ago, Your Honor, just so I could
7 finish, I know this Court was concerned about overruling the
8 fact that the Court had locked up the gym. The gym is no
9 longer locked up, so you don't have to set aside that, Your
10 Honor. All we're asking for is whether or not the continued
11 executive orders of shutting down businesses in New Jersey are
12 constitutional in the -- you know, are constitutional, the
13 continued executive orders.

14 THE COURT: Counsel, might it have been helpful in
15 the reply brief you filed yesterday to say that?

16 MR. MERMIGIS: To say that about the business?

17 THE COURT: That you don't have to worry about the
18 business being locked down, because it isn't, you're not
19 seeking a TR, you're really seeking an injunction against --
20 and actually a declaratory action against the governor's
21 executive orders. That's what you're looking for, right?

22 MR. MERMIGIS: That's what our Complaint states, Your
23 Honor. Our Complaint states that we are looking for
24 declaratory judgment against the executive orders.

25 THE COURT: Mr. Mermigis, I didn't ask you what your

1 Complaint stated. I asked you why you didn't say that in your
2 brief yesterday to be helpful to the Court.

3 All right. Look, we'll move on. Back a week ago --

4 MR. MERMIGIS: Your Honor, would you prefer if we
5 amend it -- we amend it and we refile it?

6 THE COURT: No, it's too late. A week ago you said
7 on the record, this is about your clients: "They're on the
8 brink of losing their business, Your Honor. They have
9 depleted all their savings to make their facility COVID-safe,"
10 CDC standards -- "to follow all CDC standards. They are not
11 making any money. They did not receive any federal aid from
12 PPP or any of the agencies. They're on the brink of losing
13 their small business."

14 Then when the State filed its brief a couple days
15 ago, in addition to disclosing that they had other businesses
16 at the location, which you didn't disclose, the State also
17 discloses that their research has shown that your clients have
18 raised over \$103,000 in GoFundMe campaigns.

19 MR. MERMIGIS: Okay.

20 THE COURT: And yet, when you replied to the State,
21 you didn't address that issue, you doubled down. Page 4 of
22 your brief, you say that: "They're in this dire financial
23 situation at a point of no return, they can no longer pay any
24 bills, they've depleted their savings," and then at Page 8:
25 "They can no longer support their families."

1 MR. MERMIGIS: Well --

2 THE COURT: \$103,000 seems to me like they can
3 support their families, and this is -- this is important to
4 Factors 2 and 3 --

5 MR. MERMIGIS: Yes.

6 THE COURT: -- of the standard for preliminary
7 injunction. Why didn't you tell me about that?

8 MR. MERMIGIS: Well, because that money, Your Honor,
9 that GoFundMe is actually for attorney fees and if the
10 attorney fees -- if that doesn't -- if the attorney fees are
11 significantly less than what they raised in GoFundMe, that
12 money has to go back. That money was only to pay for the
13 attorney fees and to pay for all the fines and the summonses
14 that their members received that week for going into the gym,
15 and that was the sole purpose of the GoFundMe.

16 It had nothing to do with putting money in their
17 pockets to support their families. Every single dollar will
18 go to attorney fees or to all the -- I mean, there were over
19 25 summonses issued to various people in the parking lot that
20 week and that was to go to their attorney's fees, to the court
21 costs, the fees for all the tickets and whatever's left goes
22 back to whoever donated. It does not go into the pockets of
23 our client.

24 And it says that on the GoFundMe -- on the GoFundMe
25 page. It says that it's for attorney's fees.

1 THE COURT: In your claim of substantive due process
2 violation by what the governor's orders have done, you say:
3 "There's a right to engage in business," correct?

4 MR. MERMIGIS: Yes.

5 THE COURT: But the Third Circuit has always
6 consistently said that the right to engage in business is not
7 to protect it by substantive due process considerations, isn't
8 that correct?

9 MR. MERMIGIS: Yes.

10 THE COURT: And yet, you never deal with that in your
11 brief. Why?

12 MR. MERMIGIS: Your Honor, what we said is that there
13 was a right -- what we did say is that owning a business is a
14 -- is a right, that the fact to own a business is a property
15 interest, it's a property right, and that was the substance of
16 our due process argument because it was a property interest
17 owning a business that we were, you know, that the government
18 took away our interest in the right to own a business without
19 process, and that's -- that's what the argument was, Your
20 Honor. The fact that owning the business is a property right.

21 THE COURT: Not protected by the concept of
22 substantive due process, correct?

23 MR. MERMIGIS: Correct, Your Honor.

24 THE COURT: And procedural due process, you argue,
25 and you have to show that the procedures were deficient, but

1 you have to show that there was a property interest protected
2 -- protectable by procedural due process. Let's assume you
3 get past that.

4 All kinds of procedures were available to your client
5 since the first executive order was issued in March, isn't
6 that correct?

7 MR. MERMIGIS: Well, Your Honor, they didn't want to
8 contest it. Nobody knew -- they weren't going to contest
9 this. They're not arguing that the governor, when there's an
10 unknown -- unknown virus, they're not going to contest -- they
11 didn't feel comfortable contesting it right away within 30
12 days or within 60 days, which was entire April.

13 But once they saw that things got better and maybe it
14 wasn't as bad as everybody thought it was going to be, they
15 felt that May, when they decided to open, May 18th, that
16 enough's enough, because at that point, we were going to go
17 into the third 30-day executive period. So they didn't ask
18 anything -- they were willing to be shut down for one month,
19 for two months, but now we're in our fourth month and there's
20 no end in sight, and that's why we filed an action with the
21 Court.

22 We're in our fourth 30-day period and there's still
23 not a date for this gym to open. And I believe -- just right
24 down close to New Jersey, in Delaware, gyms are open and other
25 gyms have been open all over the country, at least 30 states

1 that felt that, you know, gyms could exercise CDC guidelines
2 and that people could be safe in gyms.

3 So the essence of our argument right now is an equal
4 protection argument that similarly like businesses are being
5 treated differently.

6 THE COURT: So are you now discarding your due
7 process arguments?

8 MR. MERMIGIS: No. We still believe that we were
9 never given a --

10 THE COURT: Let me interrupt you because I want to
11 get you back to the question I asked --

12 MR. MERMIGIS: Yes.

13 THE COURT: -- about procedural due process. Just
14 because your client didn't want to avail themselves of their
15 ability to go to court doesn't mean that it wasn't available,
16 correct?

17 MR. MERMIGIS: Yes, Your Honor, but it was available
18 to file federal action in March but I don't --

19 THE COURT: No, no, no. If it's available, you could
20 have gone to state court and contested all of these executive
21 orders, isn't that correct?

22 MR. MERMIGIS: That is correct, Your Honor.

23 THE COURT: But you didn't do that. Your client
24 didn't do it but he had the ability to do that, correct?

25 MR. MERMIGIS: To go to state court?

1 THE COURT: Yes.

2 MR. MERMIGIS: Your Honor, yes, he had the ability to
3 go to state court.

4 THE COURT: So how is his procedural due process
5 right violated because he chose not to pursue that avenue that
6 was available to him?

7 MR. MERMIGIS: Well, we chose it on May 26th when we
8 filed the civil action in Federal Court.

9 THE COURT: But you're alleging that your client was
10 denied these procedural due process rights.

11 MR. MERMIGIS: Yes, Your Honor, because he was shut
12 down without -- the health department issued a shutdown order
13 without an investigation, without an inspection. The health
14 department never even entered the premises and issued a
15 shutdown order.

16 THE COURT: But he had the right to contest that and
17 still has that right to contest that through the Appellate
18 Division of the Superior Court, correct?

19 MR. MERMIGIS: Yes, Your Honor.

20 THE COURT: Are you still making the takings
21 argument?

22 MR. MERMIGIS: No, we're not making the takings
23 argument.

24 THE COURT: So we're down to equal protection then,
25 correct?

1 MR. MERMIGIS: Yes, Your Honor.

2 THE COURT: You argue that I should apply strict
3 scrutiny, yet you cite no case law to that effect, is that
4 correct?

5 MR. MERMIGIS: That's correct, Your Honor.

6 THE COURT: Because there is none, isn't that right?

7 MR. MERMIGIS: There is none, Your Honor, no.

8 THE COURT: So why am I bothering with this?

9 MR. MERMIGIS: Well, I'm saying also, Your Honor,
10 while there's like businesses now that are being treated
11 differently than the gym, and that's -- that's an equal --
12 that's our equal protection argument that tanning salons and
13 tattoo parlors are going to be open on Monday and our gym is
14 not, and even in a rational basis theory, I don't think that
15 that would survive constitutional scrutiny.

16 THE COURT: Mr. Mermigis --

17 MR. MERMIGIS: Yes.

18 THE COURT: -- you agree with me that the history of
19 capitalism and the history of commerce in the United States is
20 one of -- one business being favored over another. Look at
21 the tax codes, look at the incentives that are given to
22 manufacturers of electrical vehicles. Does that mean that GM
23 and Ford have an equal protection claim against the government
24 because electric vehicles get tax credits? Is that what
25 you're arguing?

1 MR. MERMIGIS: Your Honor, this is a case of first
2 impression. We have never seen businesses shut down like
3 this, you know, by a governor during any kind of pandemic.
4 This is not a simple -- you know, our client -- yeah, you know
5 what, when you have a business and you can look at a code, you
6 can decide whether or not you want to pursue that business.
7 This is all businesses being shut down simultaneously, and
8 then being ordered to open arbitrarily and randomly, and
9 without any -- without any reason and science why a tanning
10 salon should be open more so than a gym, and basically, the
11 governor has unprecedented powers here, tyrannical powers, in
12 my opinion, to do as he wants without any legislature
13 oversight whatsoever.

14 And, you know -- and that's why we filed in Federal
15 Court, Your Honor. We have a right to file in Federal Court
16 and we wanted a neutral arbiter that will decide this based on
17 the constitution.

18 THE COURT: The State's rational basis for these
19 distinctions it claims to be making, is that indoor recreation
20 presents a greater threat than indoor retail, because people
21 are exerting themselves, they're perspiring, they're breathing
22 heavily, they're in there for a much longer time than people
23 are in an indoor retail setting where you're grabbing
24 something off the shelf and then you're paying for it and you
25 leave and you're not spreading --

1 MR. MERMIGIS: Yeah.

2 THE COURT: And they point to Chief Justice Roberts'
3 concurrence in the *South Bay Pentecostal Church* case where the
4 Chief Justice made the same point, that that's the rational
5 basis. There doesn't have to be a correct basis, it just has
6 to seem rational to the decision makers at the time.

7 MR. MERMIGIS: Yes.

8 THE COURT: Why is that not a rational decision to
9 make, even though it may be wrong in retrospect, and even
10 though a lot of what's been going on.

11 MR. MERMIGIS: Can I address the Judge Roberts'
12 decision? I'm familiar with the Judge Roberts' rational basis
13 South Bay decision. In that decision, he also argued that
14 churches were already opened, so they were given -- yes, in
15 that decision, churches were open up to 25 percent capacity
16 and that's the reason why he denied that, because churches
17 were already given preferential treatment over other mass
18 gatherings like concert halls and arenas and whatnot, so
19 basically, he said that the church was already given
20 preferential treatment pursuant to the fundamental right,
21 freedom of religion, and that's why he thought -- he felt the
22 need that he didn't have to do anything further.

23 I studied that case carefully because I knew that
24 case would be brought up at some point and in that case,
25 churches were already open. You know, they weren't shut down,

1 they were open up to 25 percent capacity, and in my opinion,
2 that appeal to the Supreme Court should have been withdrawn
3 because they were already open and I think they did open
4 between the time of the appeal and when it was heard by the
5 Supreme Court, and Judge Roberts did mention in the decision,
6 since churches were already opened, they were getting that
7 preferential treatment that's afforded by the First Amendment.

8 THE COURT: Counsel, trust me when I tell you that
9 churches didn't think they were open. You had churches with
10 thousands of members who were restricted to 100 people in
11 attendance. They never thought that they were open. That's
12 why they filed a direct application with the Supreme Court for
13 an injunction, which is an unusual matter.

14 Be that as it may, the Chief Justice pointed out the
15 rational basis for the distinctions being made in the State of
16 California in response to this epidemic that was going on, and
17 the need which has been traditional throughout this country,
18 to give the executive of the state or federal government,
19 whoever it may be, enormous powers to deal with it.

20 But anyway --

21 MR. MERMIGIS: Your Honor, also, we are not even
22 open. We would welcome 25 percent capacity. What we are
23 asking for is less than 20 percent capacity. We're asking for
24 44 people out of -- we would welcome 25 percent capacity that
25 the church has. The gym has thousands of members as well, but

1 we're only willing to put in 44 at a time in order to, you
2 know, to keep the gym safe and to keep the members safe from
3 COVID.

4 So in that regards, we're shut down. We wish we were
5 like the church that we had any kind of capacity. And also,
6 as far as tanning salons, they're sweating -- rapid sweating
7 in a tanning salon.

8 I mean, I used to go to tanning salons, you know, in
9 my teenage years, and there was never a time when I left the
10 tanning salon and I wasn't sweating, and tattoo parlors, they
11 deal with blood, they're invasive and you're sitting in a
12 tattoo parlor for hours, so you're basically congregated in a
13 place for hours to get a tattoo done.

14 So these are the distinctions I'm making, Your Honor,
15 and the State, Your Honor, did make -- they gave three reasons
16 why tattoo parlors, tanning salons could open. They say
17 there's no outdoor alternative and the gyms do not have an
18 outdoor alternative. They said they can be conducted with
19 limited and controlled interactions. Our gym is allowing 44
20 people in at a time. All the electrical equipment is shut
21 down, the electrical equipment can't be brought outside, and
22 in addition, there's no spotters, it's just everybody in there
23 for themselves, 44 people out of possible 280.

24 And it also said the third reason was, both staff and
25 clients wearing masks at all times. The gym required masks at

1 all times for all the staff members and all the people working
2 out.

3 The only time -- type of working out that was going
4 on was working out with weights or in sets and everybody was
5 wearing a mask at all times.

6 So the gym qualifies under every -- every requirement
7 that the governor in its executive orders stated why
8 cosmetology, barbershops, beauty salons, spas, massage
9 parlors, tattoo shops and tanning salons can open. So the gym
10 falls under the same qualifications, yet they're being
11 excluded from this with no date in sight and there's no rhyme
12 or reason for this whatsoever, because you can tan in a
13 tanning salon, you can sneeze and cough in a barbershop and --
14 in a tattoo parlor, you're dealing with blood, it's invasive
15 and you could be there for hours.

16 THE COURT: Let me ask the State.

17 Mr. Feigenbaum, are you going to speak for the State?

18 MR. VANNELLA: It will be me actually, Your Honor.

19 THE COURT: Okay. Your Younger abstention argument,
20 I have a question about that. You know, that's easy with the
21 criminal stuff, the summonses that are pending.

22 But as to the civil enforcement action, because of
23 that state court rule, 4:67-6, which prohibited the defendants
24 in that case, plaintiffs in this case, from raising any kind
25 of defense to the enforcement action, how do we -- how do you

1 get over the third factor that you have to show there was an
2 adequate opportunity for the plaintiff in this case to raise
3 the constitutional claims in that enforcement proceeding, the
4 civil enforcement proceedings?

5 MR. VANNELLA: Well, I'll answer your question at the
6 end, if you will. There was something I wanted to bring up
7 about what Mr. Mermigis said earlier. But the reason that the
8 constitutional challenge or any challenge to the validity of
9 the executive order or the administrative order, I should say,
10 cannot be raised directly in the enforcement proceeding, is
11 because under New Jersey court rules, any challenge to state
12 orders or state administrative orders can only be brought in
13 the Appellate Division, and what the state courts do not want
14 is for someone to not avail themselves of that opportunity and
15 instead, just not comply with the state orders.

16 So they don't want a person or a business like Atilis
17 Gym to receive a state closure order, ignore it, defy it, and
18 then when the State brings an enforcement action, only then
19 challenge the validity of the underlying order.

20 If they had brought an appeal at any time after the
21 order was issued, the Appellate Division could consider the
22 constitutionality or any other legal challenge to the order.

23 If after the enforcement action was filed by the
24 State, Atilis Gym filed an appeal to the Appellate Division
25 where they were challenging the order, then jurisdiction falls

1 into the Appellate Division. The Appellate Division could
2 issue direction to Judge Lougy in the trial court to stay the
3 enforcement proceeding, to consolidate the enforcement
4 proceeding. They could also remand the appeal in front of
5 Judge Lougy, if, for example, they felt that the factual
6 record needed development and the trial court would be in a
7 better position than they are to develop that record.

8 But in short, Atilis Gym has the opportunity to raise
9 constitutional challenges in the Appellate Division of the
10 administrative closure order and the underlying executive
11 orders, and that is not lost once the State filed the
12 enforcement proceedings. The only thing it could not do is
13 challenge that and make those arguments in front of Judge
14 Lougy, but they could do so concurrently in front of the
15 Appellate Division.

16 THE COURT: What else did you want to say?

17 MR. VANNELLA: Well, what Mr. Mermigis said earlier
18 is that the -- if I understand him correctly, and if I could,
19 I would like clarification on this. If Atilis Gym is saying
20 that they are no longer contesting the enforcement proceeding
21 and that they don't intend to appeal Judge Lougy's orders,
22 that's something that, you know, we would certainly like to
23 know, among other things. What we said in our brief is
24 Rooker-Feldman would not apply because the matters are
25 ongoing, but an order becomes final if the time for appeal has

1 expired or the plaintiff -- if the Federal Court plaintiff has
2 given indication that they have no intention of pursuing their
3 appellate options, in which case the order is no longer
4 interlocutory or pending, it's a final order.

5 And to the extent that Atilis Gym is asking this
6 Court to render a ruling that would effectually undue Judge
7 Lougy's order, then Rooker-Feldman would apply and this Court
8 would actually lack jurisdiction altogether to do that, as
9 opposed to simply abstaining its jurisdiction as we are
10 arguing.

11 Now, if that's what Atilis Gym is not saying, then
12 our argument is still that they have right to appeal, still,
13 of Judge Lougy's order, of the commissioner's closure order
14 and of the executive orders, and they have ongoing criminal
15 and ongoing civil enforcement proceedings in which case a
16 Younger abstention, we argue, applies to both, for the reasons
17 that we set forth in our brief.

18 I would be happy to answer any other questions Your
19 Honor may have about Younger abstention or about any of our
20 other arguments in our brief.

21 THE COURT: Thank you. Well, let's go back to
22 plaintiff's counsel, and it is an issue that I raised a week
23 ago and you talked about, and -- because at the time, there
24 wasn't any final disposition of the state court civil actions,
25 Rooker wouldn't seem to apply, but, Mr. Mermigis, you seem to

1 indicate that you are not going to go the Appellate Division
2 route, is that correct?

3 MR. MERMIGIS: Your Honor, I haven't discussed that
4 option yet with my clients. We still have time to file an
5 appeal.

6 Again, what we're doing is, we're contesting the
7 constitutionality of the executive order and especially now,
8 the reopening of New Jersey and the arbitrariness and
9 randomness of opening up certain businesses and excluding
10 other businesses, and what, you know, that's what we want. We
11 want to know the constitutionality of the executive order.
12 The Superior Court already agreed to unlock the gym and we
13 signed a consent order to that effect.

14 When we argued, it was simply an enforcement of the
15 health department's order. We were not allowed to put in our
16 arguments, our constitutional arguments in that hearing, and
17 instead, we chose to file in Federal Court pursuant to the
18 *Knick v. Township of Scott* case that we don't have to exhaust
19 any state remedies in order to file in Federal Court, and
20 that's the path that we chose after consulting with our
21 clients.

22 THE COURT: The consent order that you entered into
23 in the state court is -- you seem to agree that if your client
24 were to start exercise activities in the gym, that he would,
25 in fact, be in contempt of the closure order, correct?

1 MR. MERMIGIS: Well, Your Honor, we haven't received
2 a ruling as to whether or not the executive orders are
3 constitutional or not.

4 So, yes, right now, if they were to allow members in
5 there working out, yes, I would agree that they're in
6 violation of the executive order.

7 What we're asking for is whether or not that
8 executive order is constitutional or not, especially with the
9 reopening phase now in Executive Order 154 that allows similar
10 indoor businesses to open with the exclusion of our client's
11 gym.

12 THE COURT: All right. Anything else the plaintiff
13 wants to say at this time?

14 MR. MERMIGIS: Chris?

15 MR. ARZBERGER: No, Your Honor, I think that
16 Mr. Mermigis has actually outlined the points I was going to
17 make. And again, the one thing I'd like to emphasize just to
18 the Court is that the concern that we do have, and not again
19 to reiterate this over and over, but the unequal or
20 disproportionate treatment that the gym is receiving compared
21 to similar businesses, such as tattoo parlors and tanning
22 salons in particular, that have arguably equal, if not more
23 exertion or bodily fluids, if you will.

24 So in terms of the rational, we believe that it's
25 being disproportionately applied to this particular plaintiff.

1 THE COURT: Thank you. Does the State want to say
2 anything else?

3 MR. VANNELLA: No, Your Honor, we've laid out our
4 arguments in our brief and I think Your Honor touched on a lot
5 of them in your questions to counsel. So unless you have any
6 other questions, we'll rely on our briefs.

7 THE COURT: I don't have any other questions and it's
8 my intention now to put my findings on the record and so you
9 don't have to wait for a written opinion which would take a
10 little while to do, in case someone wants to take an appeal.

11 Let me start by saying that I am very sympathetic to
12 the plight that the plaintiff finds itself in. The gym and
13 many other small businesses in this country have suffered
14 tremendously from these shutdown orders. The hourly wage
15 earners in this country have suffered even more.

16 Perhaps in the coming years when the definitive
17 history of this pandemic and the government's various
18 responses to it is written, we will conclude that what the
19 government did was mistaken in a lot of situations. Clearly,
20 the governments, and it's not just New Jersey, but it's
21 throughout the country, have made decisions. They favor some
22 businesses, they disfavor other businesses. There's no doubt
23 that that's been going on, and the disfavored businesses want
24 to be heard. They have a right to be heard. Some of them may
25 have legitimate complaints.

1 That's not the question for this Court. The question
2 for this Court is whether or not what the governor did
3 regarding this gym violated the Constitution of the United
4 States.

5 And I think a timeline of the events in this case is
6 important to an understanding of where I'm going. According
7 to the plaintiff's certification, it was back on March 19th of
8 this year, that he decided to spend whatever money he had left
9 to COVID-proof his business. He spent some \$15,000 on
10 renovations. So clearly in late March, he knew he was having
11 a problem. At that time, he had the ability to attack these
12 executive orders through the state courts, or even I guess in
13 the Federal Court, had he wanted to, but he didn't.

14 And then what seems to be May 18th, May 19th and
15 May 20th of this year, he reopened and received a number of
16 summonses which carry a penalty, a maximum of six months in
17 jail returnable before the municipal court in the municipality
18 where the business is located.

19 Then on May 22nd, the commissioner of health issued a
20 final administrative action which ordered the business, the
21 gym, shut down, but provided in that order that it was a final
22 administrative action and thus could be appealed to the New
23 Jersey Superior Court, Appellate Division May 20th.

24 May 22nd, the State then went to the Superior Court
25 to enforce that order and got temporary restraints in a

1 hearing in which plaintiff's counsel were involved, but which
2 plaintiff's counsel rightfully notes they were unable because
3 of the state court rules at that time in that proceeding to
4 raise any kind of constitutional defenses. They could have,
5 had they filed an appeal from the commissioner's final
6 administrative action, raised the constitutional issues there,
7 and sought to stay the enforcement action. They did not.

8 May 23rd, the locks were changed. It was May 26th
9 that the Complaint was filed in this Federal Court. As soon
10 as I saw the Complaint, which was the following day, I
11 instructed one of my law clerks to call plaintiff's counsel
12 and she called Mr. Arzberger and explained that under the
13 rules, the Complaint was insufficient to have a hearing on the
14 application for an injunction or a TRO, that a separate
15 application would have to be made and served. His response
16 was that they would bring the application the following day.

17 Later that day, some other attorney from that office
18 called, didn't seem to know that my office had a conversation
19 with Mr. Arzberger already and so they didn't know when they
20 were going to file the application.

21 It wasn't until almost ten days later, June 5th, that
22 the application was actually filed in this Court. Then on
23 June 7th, there was the letter from the State that they had
24 just gotten an e-mail from plaintiff's counsel with the
25 application papers.

1 June 8th, the plaintiff did not contest in the
2 Superior Court of New Jersey the enforcement proceedings, and
3 I guess in essence, there was default entered, but the
4 injunction was entered closing down the business.

5 Then it was June 11th, which was a mere four days
6 after I got the State's letter about them finally getting
7 notice of this action, that I held a phone conference in which
8 I set the deadlines and gave the State essentially 48 hours to
9 submit a brief and then -- 48 business hours to submit a brief
10 and then the plaintiff another 48 hours to respond, and the
11 very next day, after we got the plaintiff's supposed reply
12 brief, which really didn't reply to much of anything that I'm
13 holding this hearing.

14 In order to succeed on this injunction request,
15 plaintiff must show a likelihood of success on the merits.
16 They raised substantive due process. I think they concede now
17 that there is no substantive due process right involved in
18 engaging in a business. The Third Circuit has never said that
19 engaging in a business is protected by substantive due
20 process.

21 You'd also have to show the actions of the governor
22 shock the conscience, has to be the most egregious conduct
23 imaginable, a standard that clearly couldn't be met anyway.

24 As to the procedural due process claims, well, he has
25 no claim. Plaintiff has no claim. He had all kinds of

1 opportunities to challenge these things before we got here.
2 So there's plenty of procedural due process available to him.
3 The fact that he chose not to exercise it, well, that was his
4 choice, but it eliminates the claim that he was denied
5 procedural due process.

6 He's abandoned the taking this claim, rightfully so,
7 because the Fifth Amendment has never been interpreted to
8 prohibit the State's exercise of temporary police powers and
9 furthermore, the Fifth Amendment does not prohibit a
10 government from taking property. It just says if they do,
11 they have to pay for it, so you can't get an injunction in a
12 takings case.

13 The main argument seems to be equal protection, and
14 as counsel says, that they're being treated unequally and
15 disproportionately, and that's -- and factually probably
16 correct, make all kinds of arguments about the disease and how
17 it's spread and all that.

18 But it's a rational basis review, it's not a strict
19 scrutiny review. All the State needs to show is any
20 reasonable or conceivable state of facts that could provide a
21 rational basis for the decision.

22 So long as there is a plausible policy reason for the
23 classification, it passes constitutional muster. That, the
24 State has done. There is a rational basis to believe, based
25 on the science that was available and is available and which I

1 again repeat, may ultimately turn out to be wrong, but it's
2 not a question of whether it's right or wrong, it's a question
3 of whether it's rational at the time it's made, that indoor
4 recreation presents a greater threat than retail does, because
5 retail stores, you don't remain in place for any period of
6 time in close proximity, you grab and go. So that's the
7 rational basis that they have shown.

8 The second factor is plaintiff has to show they'll
9 suffer irreparable harm. They note that they have other
10 businesses, and ask counsel about the GoFundMe campaign and he
11 explains that it's for counsel fees and to pay the costs of
12 the summonses, and I'll accept that. The financial dire
13 straits may not be so dire.

14 But then there's the timeline. They waited ten days
15 after filing this action in Federal Court to even file the
16 application despite telling us it would be the next day. Why
17 wait so long? And they had months to challenge these
18 executive orders in the state court. They could have
19 challenged this as soon as the commissioner entered the
20 shutdown rule. They chose not to do so. It's hard for me to
21 conclude there's irreparable harm when they really haven't
22 done much to exercise their rights.

23 Balancing of the equities. This is the factor where
24 I'm supposed to determine who gets hurt the most by entering
25 or not entering the injunction. Will granting the relief

1 sought result in even greater harm.

2 So what's the precise harm here to the plaintiffs?
3 They can't operate their gym indoors. They could operate it
4 outdoors, which some people are doing. I'm not sure what the
5 historical financial data is for the other businesses at the
6 location. Counsel claims it's 10 percent of their business.
7 I'll accept that representation, but I don't know what that
8 means.

9 On the other hand, enjoining the State, if you accept
10 the rational basis mainly to outbreaks of this disease which
11 has terrible consequences for society.

12 And last but not least, what's the public interest?
13 Does the public interest favor this injunction? And the
14 answer is, again, as in the third category, no, at this point,
15 because again, there's still this risk, according to the
16 scientists and doctors being relied upon by the State and
17 other governments of an outbreak of this disease should this
18 gym and other gyms be permitted to open at this time.

19 So I can't conclude that the public interest favors
20 this gym at this time.

21 So on the merits of the case, the plaintiff loses. I
22 also find that the Younger abstention should be exercised
23 here. We have a situation where there are three -- at least
24 three criminal matters pending. As plaintiff's counsel stated
25 at their last meeting, what they are essentially asking me to

1 do is to vacate or overturn the actions of the Superior Court
2 and the commissioner of health. That would unjustly interfere
3 in the pending state criminal proceedings, because the judge
4 in those cases would be faced with a Federal Court order that
5 says that the actions the commissioner held were
6 unconstitutional.

7 There's no question but that these plaintiffs who are
8 defendants -- well, the plaintiff is not a defendant, but the
9 individuals who are charged in the state court proceeding have
10 a right to defend on the constitutional implications of the
11 governor's shutdown orders.

12 So there's an ongoing state judicial proceeding which
13 implicates important state interests, which is the health of
14 society, and there is this adequate opportunity for these
15 individuals to contest their federal constitutional claims
16 which they are seeking to advance in this lawsuit.

17 Furthermore, and this is a little trickier, I think
18 Younger would require I abstain because of the pending civil
19 enforcement proceedings.

20 There is, of course, the ongoing state judicial
21 proceeding involving the parties. It's ongoing because the
22 plaintiff still the right to exercise their appeal as to the
23 commissioner's shutdown order. Again, it involves important
24 state interests which are health and welfare.

25 And the third factor, which is a little more

1 difficult because of New Jersey court rule 4:67-6(c)3, which
2 prohibits the trial court from considering the validity of an
3 agency order in an enforcement action such as this one, is met
4 because had the plaintiff in this case, the defendant in that
5 case, taken an appeal of the commissioner's shutdown order,
6 which was entered in May, they could have stayed the
7 enforcement proceeding and then proceeded and get a ruling on
8 the constitutionality of the executive order, which was the
9 basis of the commissioner's shutdown order.

10 So I think all those factors are made and the Court
11 would exercise its discretion in Younger to abstain from
12 deciding this case. But in addition, as I've just said on the
13 merits, I'm going to deny the application for the preliminary
14 injunction at this time. We will enter an order that will be
15 entered today.

16 Is there anything further in this matter?

17 MR. VANNELLA: No, Your Honor.

18 MR. MERMIGIS: No, Your Honor.

19 THE COURT: All right. Thank you, everybody, and
20 thank you for the arguments and the briefs, it's very good.
21 Thank you.

22 MR. MERMIGIS: Thanks, Your Honor.

23 (10:59 a.m.)
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - - - -

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

/S/ Karen Friedlander, CRR, RMR
Court Reporter/Transcriber

June 30, 2020
Date

\$	11:24, 16:11, 16:25, 39:8	accept [3] - 35:12, 36:7, 36:9	altogether [1] - 27:8	aside [1] - 12:9
\$103,000 [2] - 13:18, 14:2	30-day [6] - 11:18, 11:20, 11:22, 11:23, 16:17, 16:22	access [5] - 4:12, 4:14, 4:15, 4:16, 11:14	amend [2] - 13:5	ASSOCIATES [1] - 1:12
\$15,000 [1] - 31:9	3000 [1] - 1:13	according [2] - 31:6, 36:15	Amendment [3] - 22:7, 34:7, 34:9	assume [3] - 3:16, 10:19, 16:2
/	4	action [15] - 12:20, 16:20, 17:18, 18:8, 24:22, 24:25, 25:18, 25:23, 31:20, 31:22, 32:6, 32:7, 33:7, 35:15, 38:3	answer [3] - 25:5, 27:18, 36:14	Attila [6] - 25:16, 25:24, 26:8, 26:19, 27:5, 27:11
/S [1] - 39:6	4 [2] - 6:9, 13:21	actions [5] - 11:2, 27:24, 33:21, 37:1, 37:5	anyway [2] - 22:20, 33:23	ATILIS [1] - 1:3
0	40 [1] - 1:6	ACTION [1] - 1:2	apparel [2] - 4:8, 5:8	attack [1] - 31:11
08101 [1] - 1:7	44 [5] - 7:9, 22:24, 23:1, 23:19, 23:23	activities [1] - 28:24	appeal [13] - 22:2, 22:4, 25:20, 25:24, 26:4, 26:21, 26:25, 27:12, 28:5, 30:10, 32:5, 37:22, 38:5	attendance [1] - 22:11
08625 [1] - 1:21	48 [3] - 33:8, 33:9, 33:10	activity [2] - 7:6, 7:7	appealed [1] - 31:22	ATTORNEY [1] - 1:18
1	4:67-6 [1] - 24:23	addition [4] - 7:8, 13:15, 23:22, 38:12	appearance [1] - 2:13	attorney [7] - 2:18, 14:9, 14:10, 14:13, 14:18, 32:17
1 [1] - 1:6	4:67-6(c)3 [1] - 38:1	address [5] - 10:18, 10:19, 11:10, 13:21, 21:11	Appellate [10] - 18:17, 25:13, 25:21, 25:24, 26:1, 26:9, 26:15, 28:1, 31:23	Attorney [3] - 2:22, 2:25, 4:19
10 [2] - 4:18, 36:6	4th [1] - 1:7	addressing [1] - 11:2	appellate [1] - 27:3	attorney's [2] - 14:20, 14:25
100 [1] - 22:10	5	adequate [2] - 25:2, 37:14	application [10] - 6:12, 22:12, 32:14, 32:15, 32:16, 32:20, 32:22, 32:25, 35:16, 38:13	avail [2] - 17:14, 25:14
10:00 [1] - 1:8	5 [1] - 6:9	administrative [6] - 25:9, 25:12, 26:10, 31:20, 31:22, 32:6	applied [2] - 8:24, 29:25	available [10] - 3:23, 11:3, 16:4, 17:15, 17:17, 17:19, 18:6, 34:2, 34:25
10:59 [1] - 38:23	5th [1] - 32:21	advance [1] - 37:16	applies [1] - 27:16	Avenue [1] - 1:13
11042 [1] - 1:14	6	adversary [1] - 6:18	apply [4] - 19:2, 26:24, 27:7, 27:25	avenue [1] - 18:5
11791 [1] - 1:16	60 [1] - 16:12	advised [1] - 5:3	appropriate [1] - 9:20	B
11th [1] - 33:5	65.1 [1] - 6:17	afforded [1] - 22:7	April [3] - 6:2, 11:24, 16:12	bad [1] - 16:14
14 [1] - 8:19	7	agencies [1] - 13:12	arbit [1] - 20:16	balancing [1] - 35:23
14,000 [1] - 7:9	756-0160 [1] - 1:23	agency [1] - 38:3	arbitrarily [1] - 20:8	barber [2] - 9:18, 9:20
14,000-square-foot [1] - 8:2	7th [1] - 32:23	ago [6] - 10:13, 12:6, 13:3, 13:6, 13:15, 27:23	arbitrariness [2] - 9:15, 28:8	barbershop [2] - 7:22, 24:13
154 [3] - 6:23, 8:7, 29:9	8	agree [3] - 19:18, 28:23, 29:5	arenas [1] - 21:18	barbershops [4] - 6:25, 9:12, 12:2, 24:8
18th [3] - 5:25, 16:15, 31:14	8 [1] - 13:24	agreed [2] - 4:19, 28:12	arguably [1] - 29:22	based [2] - 20:16, 34:24
19 [1] - 1:8	85 [1] - 1:16	aid [1] - 13:11	argue [4] - 7:4, 15:24, 19:2, 27:16	basis [14] - 8:6, 10:8, 19:14, 20:18, 21:5, 21:12, 22:15, 34:18, 34:21, 34:24, 35:7, 36:10, 38:9
1983 [1] - 11:1	856 [1] - 1:23	aided [1] - 1:25	argued [2] - 21:13, 28:14	Bay [2] - 21:3, 21:13
19th [2] - 31:7, 31:14	8th [1] - 33:1	air [4] - 7:16, 7:17, 7:18	arguing [3] - 16:9, 19:25, 27:10	beauty [1] - 24:8
2	9	al [1] - 1:5	argument [17] - 2:10, 7:21, 7:24, 8:6, 9:5, 9:17, 11:16, 15:16, 15:19, 17:3, 17:4, 18:21, 18:23, 19:12, 24:19, 27:12, 34:13	becomes [1] - 26:25
2 [2] - 3:10, 14:4	90 [1] - 11:25	alleging [1] - 18:9	arguments [10] - 9:4, 9:6, 17:7, 26:13, 27:20, 28:16, 30:4, 34:16, 38:20	bed [1] - 7:5
20 [3] - 7:8, 7:10, 22:23	A	allow [2] - 4:11, 29:4	ARZBERGER [3] - 1:12, 2:15, 29:15	begun [1] - 3:9
20-6347 [1] - 1:3	a.m [2] - 1:8, 38:23	allowed [8] - 6:5, 6:25, 7:14, 8:9, 8:23, 9:13, 9:14, 28:15	Arzberger [3] - 2:16, 32:12, 32:19	behalf [3] - 2:23, 5:7, 5:8
2019 [2] - 11:3, 11:7	abandoned [1] - 34:6	allowing [2] - 7:9, 23:19		behavior [1] - 11:3
2020 [2] - 1:8, 39:8	ability [4] - 17:15, 17:24, 18:2, 31:11	allows [1] - 29:9		BELLMAWR [1] - 1:3
20th [2] - 31:15, 31:23	able [1] - 12:3	almost [3] - 11:25, 12:2, 32:21		better [2] - 16:13, 26:7
22nd [3] - 6:1, 31:19, 31:24	above-entitled [1] - 39:4	alternative [2] - 23:17, 23:18		between [1] - 22:4
23rd [1] - 32:8	abstain [2] - 37:18, 38:11			beyond [1] - 9:4
25 [6] - 1:20, 14:19, 21:15, 22:1, 22:22, 22:24	abstaining [1] - 27:9			bicycles [1] - 3:15
25-foot [2] - 7:8, 8:2	abstention [4] - 24:19, 27:16, 27:19, 36:22			bills [1] - 13:24
26th [2] - 18:7, 32:8	Abstention [2] - 10:14, 10:16			blood [2] - 23:11, 24:14
280 [2] - 7:10, 23:23				
2E03 [1] - 1:13				
3				
3 [2] - 3:9, 14:4				
30 [6] - 7:2, 9:17,				

bodily ^[1] - 29:23 bothering ^[1] - 19:8 bottle ^[1] - 7:15 Bottom ^[4] - 5:3, 5:6, 5:7, 5:9 bottom ^[1] - 6:9 breathing ^[1] - 20:21 brief ^[16] - 3:25, 6:7, 10:15, 10:18, 12:15, 13:2, 13:14, 13:22, 15:11, 26:23, 27:17, 27:20, 30:4, 33:9, 33:12 briefs ^[2] - 30:6, 38:20 bring ^[3] - 10:25, 25:6, 32:16 bringing ^[1] - 11:1 brings ^[1] - 25:18 brink ^[2] - 13:8, 13:12 brought ^[4] - 21:24, 23:21, 25:12, 25:20 Building ^[1] - 1:6 building ^[1] - 5:1 business ^[30] - 4:5, 4:18, 5:11, 5:17, 7:1, 8:4, 12:16, 12:18, 13:8, 13:13, 15:3, 15:6, 15:13, 15:14, 15:17, 15:18, 15:20, 19:20, 20:5, 20:6, 25:16, 31:9, 31:18, 31:20, 33:4, 33:9, 33:18, 33:19, 36:6 businesses ^[21] - 3:11, 6:25, 8:24, 9:14, 9:23, 12:11, 13:15, 17:4, 19:10, 20:2, 20:7, 28:9, 28:10, 29:10, 29:21, 30:13, 30:22, 30:23, 35:10, 36:5 BY ^[3] - 1:12, 1:15, 1:19	25:2, 27:3, 27:15, 28:18, 30:10, 31:5, 34:12, 36:21, 38:4, 38:5, 38:12 cases ^[1] - 37:4 category ^[1] - 36:14 CDC ^[4] - 9:3, 13:10, 17:1 ceilings ^[2] - 7:8, 8:2 celebration ^[2] - 10:4, 10:9 centers ^[1] - 3:20 certain ^[3] - 3:11, 6:17, 28:9 certainly ^[5] - 3:22, 8:1, 9:3, 26:22 certification ^[1] - 31:7 certify ^[1] - 39:3 challenge ^[8] - 25:8, 25:11, 25:19, 25:22, 26:13, 34:1, 35:17 challenged ^[1] - 35:19 challenges ^[1] - 26:9 challenging ^[1] - 25:25 changed ^[4] - 4:23, 5:1, 5:15, 32:8 changes ^[1] - 3:5 charged ^[1] - 37:9 Chief ^[3] - 21:2, 21:4, 22:14 choice ^[1] - 34:4 chose ^[6] - 18:5, 18:7, 28:17, 28:20, 34:3, 35:20 Chris ^[1] - 29:14 CHRISTOPHER ^[1] - 1:12 Christopher ^[1] - 2:15 Church ^[1] - 21:3 church ^[3] - 21:19, 22:25, 23:5 churches ^[7] - 21:14, 21:15, 21:16, 21:25, 22:6, 22:9 Circuit ^[5] - 10:23, 10:24, 11:6, 15:5, 33:18 cite ^[2] - 6:16, 19:3 cited ^[3] - 6:23, 6:24, 7:2 civil ^[6] - 18:8, 24:22, 25:4, 27:15, 27:24, 37:18 CIVIL ^[1] - 1:2 claim ^[6] - 15:1, 19:23, 33:25, 34:4, 34:6 claims ^[6] - 11:1, 20:19, 25:3, 33:24, 36:6, 37:15	clarification ^[1] - 26:19 classification ^[1] - 34:23 clearly ^[4] - 2:5, 30:19, 31:10, 33:23 clerks ^[1] - 32:11 client ^[9] - 5:3, 9:24, 14:23, 16:4, 17:14, 17:23, 18:9, 20:4, 28:23 client's ^[1] - 29:10 clients ^[9] - 4:12, 4:15, 8:3, 8:10, 13:7, 13:17, 23:25, 28:4, 28:21 close ^[2] - 16:24, 35:6 closed ^[3] - 7:22, 8:5 closer ^[1] - 8:5 closing ^[1] - 33:4 closure ^[4] - 25:17, 26:10, 27:13, 28:25 clothing ^[5] - 4:2, 4:9, 4:13, 4:17, 5:11 code ^[1] - 20:5 codes ^[1] - 19:21 Cohen ^[1] - 1:6 Cold ^[1] - 1:16 collective ^[1] - 3:2 comfortable ^[1] - 16:11 coming ^[1] - 30:16 Commencing ^[1] - 1:8 commerce ^[1] - 19:19 commissioner ^[4] - 31:19, 35:19, 37:2, 37:5 commissioner's ^[5] - 27:13, 32:5, 37:23, 38:5, 38:9 compared ^[1] - 29:20 Complaint ^[6] - 12:22, 12:23, 13:1, 32:9, 32:10, 32:13 complaints ^[1] - 30:25 Complex ^[1] - 1:20 comply ^[1] - 25:15 computer ^[1] - 1:25 computer-aided ^[1] - 1:25 concede ^[2] - 10:20, 33:16 conceivable ^[1] - 34:20 concept ^[1] - 15:21 concern ^[1] - 29:18 concerned ^[2] - 11:14, 12:7 concert ^[1] - 21:18 conclude ^[3] - 30:18,	35:21, 36:19 concurrence ^[1] - 21:3 concurrently ^[1] - 26:14 conduct ^[1] - 33:22 conducted ^[1] - 23:18 conference ^[2] - 10:13, 33:7 congregated ^[1] - 23:12 conscience ^[1] - 33:22 consent ^[3] - 4:1, 28:13, 28:22 consequences ^[1] - 36:11 consider ^[1] - 25:21 consideration ^[2] - 9:24, 10:2 considerations ^[1] - 15:7 considering ^[1] - 38:2 consistently ^[1] - 15:6 consolidate ^[1] - 26:3 Constitution ^[1] - 31:3 constitution ^[1] - 20:17 constitutional ^[16] - 11:1, 11:16, 12:12, 19:15, 25:3, 25:8, 26:9, 28:16, 29:3, 29:8, 32:4, 32:6, 34:23, 37:10, 37:15 constitutionality ^[4] - 25:22, 28:7, 28:11, 38:8 consulting ^[2] - 11:21, 28:20 contamination ^[1] - 7:17 contempt ^[1] - 28:25 contest ^[7] - 16:8, 16:10, 18:16, 18:17, 33:1, 37:15 contested ^[1] - 17:20 contesting ^[3] - 16:11, 26:20, 28:6 continue ^[1] - 11:19 continued ^[2] - 12:10, 12:13 controlled ^[1] - 23:19 conversation ^[1] - 32:18 Cooper ^[1] - 1:7 correct ^[23] - 3:17, 3:18, 5:19, 5:20, 8:20, 15:3, 15:8, 15:22, 15:23, 16:6, 17:16, 17:21, 17:22, 17:24, 18:18, 18:25,	19:4, 19:5, 21:5, 28:2, 28:25, 34:16, 39:3 correctly ^[1] - 26:18 cosmetology ^[1] - 24:8 costs ^[2] - 14:21, 35:11 cough ^[1] - 24:13 coughs ^[1] - 9:7 Counsel ^[2] - 1:17, 1:21 counsel ^[16] - 2:13, 2:16, 4:3, 12:14, 22:8, 27:22, 30:5, 32:1, 32:2, 32:11, 32:24, 34:14, 35:10, 35:11, 36:6, 36:24 country ^[5] - 16:25, 22:17, 30:13, 30:15, 30:21 couple ^[1] - 13:14 course ^[1] - 37:20 Court ^[30] - 1:22, 10:22, 10:24, 11:7, 12:7, 18:8, 18:18, 20:15, 22:2, 22:5, 22:12, 27:1, 27:6, 27:7, 28:12, 28:17, 28:19, 31:1, 31:2, 31:13, 31:23, 31:24, 32:9, 32:22, 33:2, 35:15, 37:1, 37:4, 39:6 COURT ^[1] - 1:1 court ^[22] - 2:2, 2:10, 4:1, 4:11, 11:2, 11:5, 17:15, 17:20, 17:25, 18:3, 24:23, 25:11, 26:2, 26:6, 27:24, 28:23, 31:17, 32:3, 35:18, 37:9, 38:1, 38:2 Courthouse ^[1] - 1:6 courts ^[3] - 2:11, 25:13, 31:12 COVID ^[6] - 7:20, 9:5, 9:6, 13:9, 23:3, 31:9 COVID-proof ^[1] - 31:9 COVID-safe ^[1] - 13:9 credits ^[1] - 19:24 criminal ^[4] - 24:21, 27:14, 36:24, 37:3 CRR ^[1] - 39:6 crux ^[1] - 11:16 curbside ^[1] - 6:4 cycles ^[1] - 3:15
C				
California ^[1] - 22:16 Camden ^[1] - 1:7 campaign ^[1] - 35:10 campaigns ^[1] - 13:18 cannot ^[1] - 25:10 capacity ^[7] - 7:10, 21:15, 22:1, 22:22, 22:23, 22:24, 23:5 capitalism ^[1] - 19:19 carefully ^[1] - 21:23 carry ^[1] - 31:16 case ^[21] - 6:19, 10:23, 19:3, 20:1, 21:3, 21:23, 21:24, 24:24,	25:2, 27:3, 27:15, 28:18, 30:10, 31:5, 34:12, 36:21, 38:4, 38:5, 38:12 cases ^[1] - 37:4 category ^[1] - 36:14 CDC ^[4] - 9:3, 13:10, 17:1 ceilings ^[2] - 7:8, 8:2 celebration ^[2] - 10:4, 10:9 centers ^[1] - 3:20 certain ^[3] - 3:11, 6:17, 28:9 certainly ^[5] - 3:22, 8:1, 9:3, 26:22 certification ^[1] - 31:7 certify ^[1] - 39:3 challenge ^[8] - 25:8, 25:11, 25:19, 25:22, 26:13, 34:1, 35:17 challenged ^[1] - 35:19 challenges ^[1] - 26:9 challenging ^[1] - 25:25 changed ^[4] - 4:23, 5:1, 5:15, 32:8 changes ^[1] - 3:5 charged ^[1] - 37:9 Chief ^[3] - 21:2, 21:4, 22:14 choice ^[1] - 34:4 chose ^[6] - 18:5, 18:7, 28:17, 28:20, 34:3, 35:20 Chris ^[1] - 29:14 CHRISTOPHER ^[1] - 1:12 Christopher ^[1] - 2:15 Church ^[1] - 21:3 church ^[3] - 21:19, 22:25, 23:5 churches ^[7] - 21:14, 21:15, 21:16, 21:25, 22:6, 22:9 Circuit ^[5] - 10:23, 10:24, 11:6, 15:5, 33:18 cite ^[2] - 6:16, 19:3 cited ^[3] - 6:23, 6:24, 7:2 civil ^[6] - 18:8, 24:22, 25:4, 27:15, 27:24, 37:18 CIVIL ^[1] - 1:2 claim ^[6] - 15:1, 19:23, 33:25, 34:4, 34:6 claims ^[6] - 11:1, 20:19, 25:3, 33:24, 36:6, 37:15	clarification ^[1] - 26:19 classification ^[1] - 34:23 clearly ^[4] - 2:5, 30:19, 31:10, 33:23 clerks ^[1] - 32:11 client ^[9] - 5:3, 9:24, 14:23, 16:4, 17:14, 17:23, 18:9, 20:4, 28:23 client's ^[1] - 29:10 clients ^[9] - 4:12, 4:15, 8:3, 8:10, 13:7, 13:17, 23:25, 28:4, 28:21 close ^[2] - 16:24, 35:6 closed ^[3] - 7:22, 8:5 closer ^[1] - 8:5 closing ^[1] - 33:4 closure ^[4] - 25:17, 26:10, 27:13, 28:25 clothing ^[5] - 4:2, 4:9, 4:13, 4:17, 5:11 code ^[1] - 20:5 codes ^[1] - 19:21 Cohen ^[1] - 1:6 Cold ^[1] - 1:16 collective ^[1] - 3:2 comfortable ^[1] - 16:11 coming ^[1] - 30:16 Commencing ^[1] - 1:8 commerce ^[1] - 19:19 commissioner ^[4] - 31:19, 35:19, 37:2, 37:5 commissioner's ^[5] - 27:13, 32:5, 37:23, 38:5, 38:9 compared ^[1] - 29:20 Complaint ^[6] - 12:22, 12:23, 13:1, 32:9, 32:10, 32:13 complaints ^[1] - 30:25 Complex ^[1] - 1:20 comply ^[1] - 25:15 computer ^[1] - 1:25 computer-aided ^[1] - 1:25 concede ^[2] - 10:20, 33:16 conceivable ^[1] - 34:20 concept ^[1] - 15:21 concern ^[1] - 29:18 concerned ^[2] - 11:14, 12:7 concert ^[1] - 21:18 conclude ^[3] - 30:18,	35:21, 36:19 concurrence ^[1] - 21:3 concurrently ^[1] - 26:14 conduct ^[1] - 33:22 conducted ^[1] - 23:18 conference ^[2] - 10:13, 33:7 congregated ^[1] - 23:12 conscience ^[1] - 33:22 consent ^[3] - 4:1, 28:13, 28:22 consequences ^[1] - 36:11 consider ^[1] - 25:21 consideration ^[2] - 9:24, 10:2 considerations ^[1] - 15:7 considering ^[1] - 38:2 consistently ^[1] - 15:6 consolidate ^[1] - 26:3 Constitution ^[1] - 31:3 constitution ^[1] - 20:17 constitutional ^[16] - 11:1, 11:16, 12:12, 19:15, 25:3, 25:8, 26:9, 28:16, 29:3, 29:8, 32:4, 32:6, 34:23, 37:10, 37:15 constitutionality ^[4] - 25:22, 28:7, 28:11, 38:8 consulting ^[2] - 11:21, 28:20 contamination ^[1] - 7:17 contempt ^[1] - 28:25 contest ^[7] - 16:8, 16:10, 18:16, 18:17, 33:1, 37:15 contested ^[1] - 17:20 contesting ^[3] - 16:11, 26:20, 28:6 continue ^[1] - 11:19 continued ^[2] - 12:10, 12:13 controlled ^[1] - 23:19 conversation ^[1] - 32:18 Cooper ^[1] - 1:7 correct ^[23] - 3:17, 3:18, 5:19, 5:20, 8:20, 15:3, 15:8, 15:22, 15:23, 16:6, 17:16, 17:21, 17:22, 17:24, 18:18, 18:25,	19:4, 19:5, 21:5, 28:2, 28:25, 34:16, 39:3 correctly ^[1] - 26:18 cosmetology ^[1] - 24:8 costs ^[2] - 14:21, 35:11 cough ^[1] - 24:13 coughs ^[1] - 9:7 Counsel ^[2] - 1:17, 1:21 counsel ^[16] - 2:13, 2:16, 4:3, 12:14, 22:8, 27:22, 30:5, 32:1, 32:2, 32:11, 32:24, 34:14, 35:10, 35:11, 36:6, 36:24 country ^[5] - 16:25, 22:17, 30:13, 30:15, 30:21 couple ^[1] - 13:14 course ^[1] - 37:20 Court ^[30] - 1:22, 10:22, 10:24, 11:7, 12:7, 18:8, 18:18, 20:15, 22:2, 22:5, 22:12, 27:1, 27:6, 27:7, 28:12, 28:17, 28:19, 31:1, 31:2, 31:13, 31:23, 31:24, 32:9, 32:22, 33:2, 35:15, 37:1, 37:4, 39:6 COURT ^[1] - 1:1 court ^[22] - 2:2, 2:10, 4:1, 4:11, 11:2, 11:5, 17:15, 17:20, 17:25, 18:3, 24:23, 25:11, 26:2, 26:6, 27:24, 28:23, 31:17, 32:3, 35:18, 37:9, 38:1, 38:2 Courthouse ^[1] - 1:6 courts ^[3] - 2:11, 25:13, 31:12 COVID ^[6] - 7:20, 9:5, 9:6, 13:9, 23:3, 31:9 COVID-proof ^[1] - 31:9 COVID-safe ^[1] - 13:9 credits ^[1] - 19:24 criminal ^[4] - 24:21, 27:14, 36:24, 37:3 CRR ^[1] - 39:6 crux ^[1] - 11:16 curbside ^[1] - 6:4 cycles ^[1] - 3:15

<p>D</p> <p>Daniel [1] - 2:21</p> <p>DANIEL [1] - 1:19</p> <p>data [1] - 36:5</p> <p>Date [1] - 39:8</p> <p>date [5] - 3:12, 7:1, 8:9, 16:23, 24:11</p> <p>day-to-day [1] - 10:8</p> <p>days [8] - 8:19, 11:24, 13:14, 16:12, 32:21, 33:5, 35:14</p> <p>deadlines [1] - 33:8</p> <p>deal [3] - 15:10, 22:19, 23:11</p> <p>dealing [1] - 24:14</p> <p>decide [2] - 20:6, 20:16</p> <p>decided [2] - 16:15, 31:8</p> <p>deciding [1] - 38:12</p> <p>decipher [1] - 2:7</p> <p>decision [8] - 21:6, 21:8, 21:12, 21:13, 21:15, 22:5, 34:21</p> <p>decisions [1] - 30:21</p> <p>declaratory [2] - 12:20, 12:24</p> <p>default [1] - 33:3</p> <p>defend [1] - 37:10</p> <p>defendant [2] - 37:8, 38:4</p> <p>Defendants [2] - 1:5, 1:21</p> <p>defendants [4] - 2:23, 3:2, 24:23, 37:8</p> <p>defense [1] - 24:25</p> <p>defenses [1] - 32:4</p> <p>deficient [1] - 15:25</p> <p>definitive [1] - 30:16</p> <p>defy [1] - 25:17</p> <p>Delaware [1] - 16:24</p> <p>denied [3] - 18:10, 21:16, 34:4</p> <p>deny [1] - 38:13</p> <p>department [2] - 18:12, 18:14</p> <p>department's [1] - 28:15</p> <p>depleted [2] - 13:9, 13:24</p> <p>despite [2] - 8:17, 35:16</p> <p>determine [1] - 35:24</p> <p>develop [1] - 26:7</p> <p>development [1] - 26:6</p> <p>devoted [1] - 10:15</p> <p>differently [3] - 7:25, 17:5, 19:11</p>	<p>difficult [1] - 38:1</p> <p>dire [3] - 13:22, 35:12, 35:13</p> <p>direct [1] - 22:12</p> <p>direction [1] - 26:2</p> <p>directly [1] - 25:10</p> <p>discarding [1] - 17:6</p> <p>disclose [1] - 13:16</p> <p>discloses [1] - 13:17</p> <p>disclosing [1] - 13:15</p> <p>discretion [2] - 11:9, 38:11</p> <p>discuss [1] - 2:9</p> <p>discussed [1] - 28:3</p> <p>disease [3] - 34:16, 36:10, 36:17</p> <p>disfavor [1] - 30:22</p> <p>disfavored [1] - 30:23</p> <p>disinfectant [1] - 7:15</p> <p>disinfects [2] - 7:15, 7:17</p> <p>disposition [1] - 27:24</p> <p>disproportionate [1] - 29:20</p> <p>disproportionately [2] - 29:25, 34:15</p> <p>distinctions [3] - 20:19, 22:15, 23:14</p> <p>distinctly [1] - 2:5</p> <p>DISTRICT [3] - 1:1, 1:1, 1:10</p> <p>Division [10] - 18:18, 25:13, 25:21, 25:24, 26:1, 26:9, 26:15, 28:1, 31:23</p> <p>DIVISION [1] - 1:18</p> <p>doctors [1] - 36:16</p> <p>Doctrine [2] - 10:14, 10:16</p> <p>dollar [1] - 14:17</p> <p>donated [1] - 14:22</p> <p>done [5] - 10:1, 15:2, 23:13, 34:24, 35:22</p> <p>doors [1] - 4:16</p> <p>doubled [1] - 13:21</p> <p>doubt [1] - 30:22</p> <p>down [21] - 2:6, 6:1, 6:2, 7:1, 8:6, 8:19, 11:25, 12:11, 12:18, 13:21, 16:18, 16:24, 18:12, 18:24, 20:2, 20:7, 21:25, 23:4, 23:21, 31:21, 33:4</p> <p>due [16] - 15:1, 15:7, 15:16, 15:22, 15:24, 16:2, 17:6, 17:13, 18:4, 18:10, 33:16, 33:17, 33:19, 33:24, 34:2, 34:5</p> <p>during [2] - 5:25, 20:3</p>	<p>E</p> <p>e-mail [1] - 32:24</p> <p>earners [1] - 30:15</p> <p>easier [1] - 3:3</p> <p>easy [1] - 24:20</p> <p>effect [3] - 8:7, 19:3, 28:13</p> <p>effectually [1] - 27:6</p> <p>egregious [1] - 33:22</p> <p>electric [1] - 19:24</p> <p>electrical [3] - 19:22, 23:20, 23:21</p> <p>eliminates [1] - 34:4</p> <p>emergency [1] - 4:10</p> <p>emphasize [1] - 29:17</p> <p>end [2] - 16:20, 25:6</p> <p>enforce [1] - 31:25</p> <p>enforcement [18] - 24:22, 24:25, 25:3, 25:4, 25:10, 25:18, 25:23, 26:3, 26:12, 26:20, 27:15, 28:14, 32:7, 33:2, 37:19, 38:3, 38:7</p> <p>engage [2] - 15:3, 15:6</p> <p>engaging [2] - 33:18, 33:19</p> <p>enjoining [1] - 36:9</p> <p>enormous [1] - 22:19</p> <p>enough's [1] - 16:16</p> <p>enter [1] - 38:14</p> <p>entered [8] - 4:1, 18:14, 28:22, 33:3, 33:4, 35:19, 38:6, 38:15</p> <p>entering [2] - 35:24, 35:25</p> <p>entire [2] - 4:18, 16:12</p> <p>entitled [1] - 39:4</p> <p>entity [4] - 5:4, 5:6, 5:10, 5:12</p> <p>environment [1] - 7:23</p> <p>epidemic [1] - 22:16</p> <p>equal [9] - 7:21, 7:24, 17:3, 18:24, 19:11, 19:12, 19:23, 29:22, 34:13</p> <p>equipment [10] - 7:11, 7:15, 9:25, 10:3, 10:5, 10:7, 10:10, 10:11, 23:20, 23:21</p> <p>equities [1] - 35:23</p> <p>especially [2] - 28:7, 29:8</p> <p>ESQUIRE [4] - 1:12, 1:15, 1:19, 1:19</p> <p>essence [2] - 17:3,</p>	<p>33:3</p> <p>essentially [2] - 33:8, 36:25</p> <p>et [1] - 1:5</p> <p>events [1] - 31:5</p> <p>exacerbated [1] - 3:21</p> <p>example [1] - 26:5</p> <p>excluded [1] - 24:11</p> <p>excluding [1] - 28:9</p> <p>exclusion [1] - 29:10</p> <p>Executive [3] - 6:23, 8:7, 29:9</p> <p>executive [23] - 11:15, 11:17, 11:18, 12:11, 12:13, 12:21, 12:24, 16:5, 16:17, 17:20, 22:18, 24:7, 25:9, 26:10, 27:14, 28:7, 28:11, 29:2, 29:6, 29:8, 31:12, 35:18, 38:8</p> <p>exercise [8] - 3:14, 17:1, 28:24, 34:3, 34:8, 35:22, 37:22, 38:11</p> <p>exercised [1] - 36:22</p> <p>exerting [1] - 20:21</p> <p>exertion [1] - 29:23</p> <p>exhaust [2] - 11:5, 28:18</p> <p>exhaustion [1] - 11:8</p> <p>expanding [2] - 11:20, 11:22</p> <p>expensive [1] - 10:7</p> <p>expired [1] - 27:1</p> <p>explained [1] - 32:12</p> <p>explains [1] - 35:11</p> <p>extent [1] - 27:5</p> <p>F</p> <p>faced [1] - 37:4</p> <p>facilities [2] - 3:14, 3:23</p> <p>facility [3] - 9:8, 10:11, 13:9</p> <p>fact [7] - 9:14, 10:4, 12:8, 15:14, 15:20, 28:25, 34:3</p> <p>factor [4] - 25:1, 35:8, 35:23, 37:25</p> <p>Factors [1] - 14:4</p> <p>factors [1] - 38:10</p> <p>facts [1] - 34:20</p> <p>factual [1] - 26:5</p> <p>factually [1] - 34:15</p> <p>failure [1] - 10:19</p> <p>falls [2] - 24:10, 25:25</p> <p>familiar [1] - 21:12</p> <p>families [3] - 13:25,</p>	<p>14:3, 14:17</p> <p>far [1] - 23:6</p> <p>favor [2] - 30:21, 36:13</p> <p>favorable [1] - 19:20</p> <p>favours [1] - 36:19</p> <p>Federal [10] - 18:8, 20:14, 20:15, 27:1, 28:17, 28:19, 31:13, 32:9, 35:15, 37:4</p> <p>federal [4] - 13:11, 17:18, 22:18, 37:15</p> <p>fees [9] - 14:9, 14:10, 14:13, 14:18, 14:20, 14:21, 14:25, 35:11</p> <p>feet [2] - 7:9, 7:11</p> <p>FEIGENBAUM [2] - 1:19, 2:24</p> <p>Feigenbaum [2] - 2:25, 24:17</p> <p>Feldman [2] - 26:24, 27:7</p> <p>felt [5] - 11:11, 16:15, 17:1, 21:21, 26:5</p> <p>fever [1] - 7:13</p> <p>few [1] - 2:4</p> <p>Fifth [2] - 34:7, 34:9</p> <p>file [7] - 17:18, 20:15, 28:4, 28:17, 28:19, 32:20, 35:15</p> <p>filed [15] - 2:18, 4:10, 5:7, 12:15, 13:14, 16:20, 18:8, 20:14, 22:12, 25:23, 25:24, 26:11, 32:5, 32:9, 32:22</p> <p>filing [1] - 35:15</p> <p>final [6] - 26:25, 27:4, 27:24, 31:20, 31:21, 32:5</p> <p>finally [1] - 33:6</p> <p>financial [3] - 13:22, 35:12, 36:5</p> <p>findings [1] - 30:8</p> <p>finer [1] - 14:13</p> <p>finish [1] - 12:7</p> <p>First [1] - 22:7</p> <p>first [5] - 4:4, 10:3, 10:21, 16:5, 20:1</p> <p>fitness [1] - 3:20</p> <p>fluids [1] - 29:23</p> <p>follow [1] - 13:10</p> <p>following [2] - 32:10, 32:16</p> <p>FOR [1] - 1:1</p> <p>Ford [1] - 19:23</p> <p>foregoing [1] - 39:3</p> <p>forever [1] - 8:6</p> <p>forth [1] - 27:17</p> <p>fortress [2] - 7:19,</p>
--	---	---	---	--

<p>9:10 four [1] - 33:5 fourth [3] - 11:17, 16:19, 16:22 freedom [1] - 21:21 Friday [1] - 1:8 Friedlander [3] - 1:22, 2:2, 39:6 friedlanderreporter@gmail.com [1] - 1:23 FRIEDMAN [1] - 1:12 front [3] - 26:4, 26:13, 26:14 frustrated [1] - 8:10 fulfill [1] - 4:19 fundamental [1] - 21:20 furthermore [2] - 34:9, 37:17</p>	<p>27:5, 27:11 GYM [1] - 1:3 gym [54] - 4:2, 4:6, 4:8, 4:11, 4:15, 4:16, 5:3, 5:5, 5:8, 5:9, 5:18, 6:21, 7:7, 7:8, 7:14, 7:18, 7:23, 7:24, 8:3, 8:4, 8:9, 8:11, 8:22, 8:25, 9:3, 9:10, 11:13, 11:14, 12:3, 12:8, 14:14, 16:23, 19:11, 19:13, 20:10, 22:25, 23:2, 23:19, 23:25, 24:6, 24:9, 28:12, 28:24, 29:11, 29:20, 30:12, 31:3, 31:21, 36:3, 36:18, 36:20 gyms [14] - 3:8, 3:11, 3:20, 7:3, 8:25, 9:1, 9:18, 9:20, 16:24, 16:25, 17:1, 17:2, 23:17, 36:18</p>	<p>9:17, 9:22, 10:2, 10:21, 11:7, 11:11, 12:5, 12:6, 12:10, 12:23, 13:4, 13:8, 14:8, 15:12, 15:20, 15:23, 16:7, 17:17, 17:22, 18:2, 18:11, 18:19, 19:1, 19:5, 19:7, 19:9, 20:1, 20:15, 22:21, 23:14, 23:15, 24:18, 27:19, 28:3, 29:1, 29:15, 30:3, 30:4, 38:17, 38:18, 38:22 HONORABLE [1] - 1:9 hospitalizations [1] - 11:25 hourly [1] - 30:14 hours [6] - 23:12, 23:13, 24:15, 33:8, 33:9, 33:10 Hughes [1] - 1:20 hurt [1] - 35:24</p>	<p>intent [1] - 3:10 intention [2] - 27:2, 30:8 interactions [1] - 23:19 interest [7] - 15:15, 15:16, 15:18, 16:1, 36:12, 36:13, 36:19 interests [2] - 37:13, 37:24 interfere [2] - 11:9, 37:2 interlocutory [1] - 27:4 interpreted [1] - 34:7 interrupt [1] - 17:10 invasive [3] - 7:6, 23:11, 24:14 invested [2] - 8:11, 9:10 investigation [1] - 18:13 involved [2] - 32:1, 33:17 involves [1] - 37:23 involving [1] - 37:21 irreparable [3] - 6:11, 35:9, 35:21 issue [4] - 11:8, 13:21, 26:2, 27:22 issued [7] - 6:15, 14:19, 16:5, 18:12, 18:14, 25:21, 31:19 issues [1] - 32:6 itself [1] - 30:12</p>	<p>32:23, 33:1, 33:5, 39:8 jurisdiction [3] - 25:25, 27:8, 27:9 Justice [4] - 1:20, 21:2, 21:4, 22:14</p>
G				K
<p>gatherings [1] - 21:18 General [1] - 2:22 GENERAL [1] - 1:18 general [1] - 10:25 General's [2] - 2:25, 4:20 given [7] - 9:24, 17:9, 19:21, 21:14, 21:17, 21:19, 27:2 GM [1] - 19:22 GoFundMe [7] - 13:18, 14:9, 14:11, 14:15, 14:24, 35:10 government [5] - 15:17, 19:23, 22:18, 30:19, 34:10 government's [1] - 30:17 governments [2] - 30:20, 36:17 governor [7] - 11:18, 16:9, 20:3, 20:11, 24:7, 31:2, 33:21 governor's [3] - 12:20, 15:2, 37:11 grab [1] - 35:6 grabbing [1] - 20:23 granting [1] - 35:25 greater [3] - 20:20, 35:4, 36:1 ground [1] - 2:4 GROUP [1] - 1:15 guess [3] - 5:2, 31:12, 33:3 guidelines [1] - 17:1 Gym [6] - 25:17, 25:24, 26:8, 26:19,</p>				<p>Karen [3] - 1:22, 2:2, 39:6 keep [3] - 11:22, 23:2 kind [5] - 3:16, 20:3, 23:5, 24:24, 32:4 kinds [3] - 16:4, 33:25, 34:16 Knick [2] - 10:22, 28:18 KUGLER [1] - 1:9</p>
	H	I		L
<p>hac [1] - 2:18 hair [2] - 9:13, 9:21 halls [1] - 21:18 hand [1] - 36:9 handle [1] - 2:9 happy [1] - 27:18 hard [2] - 7:20, 35:20 harm [5] - 6:11, 35:9, 35:21, 36:1, 36:2 health [8] - 3:21, 18:12, 18:13, 28:15, 31:19, 37:2, 37:13, 37:24 hear [1] - 2:6 heard [5] - 4:4, 6:16, 22:4, 30:24 hearing [5] - 6:11, 28:16, 32:1, 32:13, 33:13 Hearing [1] - 1:4 heavily [1] - 20:22 held [3] - 6:11, 33:7, 37:5 helpful [2] - 12:14, 13:2 historical [1] - 36:5 history [3] - 19:18, 19:19, 30:17 holding [1] - 33:13 Honor [57] - 2:15, 2:17, 2:21, 2:24, 3:18, 4:6, 4:24, 5:10, 5:16, 6:20, 6:22, 7:5, 8:7, 8:12, 8:21, 8:25,</p>	<p>ignore [1] - 25:17 imaginable [1] - 33:23 implicates [1] - 37:13 implications [1] - 37:10 important [4] - 14:3, 31:6, 37:13, 37:23 impression [1] - 20:2 incentives [1] - 19:21 included [1] - 7:3 indicate [1] - 28:1 indicated [2] - 5:5, 6:24 indication [1] - 27:2 individuals [2] - 37:9, 37:15 indoor [11] - 3:19, 3:20, 3:21, 6:25, 9:8, 20:19, 20:20, 20:23, 29:10, 35:3 indoors [1] - 36:3 injunction [14] - 6:12, 6:21, 8:22, 12:5, 12:19, 14:7, 22:13, 32:14, 33:4, 33:14, 34:11, 35:25, 36:13, 38:14 inside [1] - 10:11 inspection [1] - 18:13 instead [2] - 25:15, 28:17 instructed [1] - 32:11 insufficient [1] - 32:13 intend [1] - 26:21</p>			<p>lack [1] - 27:8 laid [1] - 30:3 lake [1] - 1:14 last [3] - 8:18, 36:12, 36:25 lasts [1] - 8:19 late [2] - 13:6, 31:10 law [3] - 6:8, 19:3, 32:11 LAW [2] - 1:15, 1:18 lawsuit [3] - 3:8, 11:2, 37:16 least [5] - 7:2, 9:17, 16:25, 36:12, 36:23 leave [2] - 10:11, 20:25 left [3] - 14:21, 23:9, 31:8 legal [1] - 25:22 legislature [3] - 11:20, 11:21, 20:12 legitimate [1] - 30:25 less [3] - 7:10, 14:11, 22:23 letter [2] - 32:23, 33:6 light [1] - 3:20 like-minded [2] - 7:7, 8:24 likelihood [1] - 33:15 limited [1] - 23:19 LLC [1] - 1:3 LLP [1] - 1:12 located [1] - 31:18 location [4] - 4:5, 5:18, 13:16, 36:6 lockdowns [2] - 5:22, 5:25 locked [3] - 12:8, 12:9,</p>
			J	
			<p>jail [1] - 31:17 James [1] - 2:17 JAMES [1] - 1:15 Jeremy [1] - 2:24 JEREMY [1] - 1:19 JERSEY [2] - 1:1, 1:18 Jersey [15] - 1:7, 2:22, 5:7, 9:2, 9:16, 11:19, 12:1, 12:11, 16:24, 25:11, 28:8, 30:20, 31:23, 33:2, 38:1 Judge [11] - 3:8, 11:4, 21:11, 21:12, 22:5, 26:2, 26:5, 26:13, 26:21, 27:6, 27:13 judge [1] - 37:3 JUDGE [1] - 1:10 judgment [1] - 12:24 judicial [2] - 37:12, 37:20 July [2] - 11:25, 12:2 June [6] - 1:8, 32:21,</p>	

<p>12:18 locks [5] - 4:22, 5:1, 5:14, 11:13, 32:8 look [4] - 13:3, 19:20, 19:21, 20:5 looking [3] - 6:21, 12:21, 12:23 lose [1] - 8:12 loses [1] - 36:21 losing [2] - 13:8, 13:12 lost [1] - 26:11 Lougy [3] - 26:2, 26:5, 26:14 Lougy's [3] - 26:21, 27:7, 27:13</p>	<p>6:20, 8:15, 8:21, 10:1, 10:17, 10:21, 11:11, 12:16, 12:22, 13:4, 13:19, 14:1, 14:5, 14:8, 15:4, 15:9, 15:12, 15:23, 16:7, 17:8, 17:12, 17:17, 17:22, 17:25, 18:2, 18:7, 18:11, 18:19, 18:22, 19:1, 19:5, 19:7, 19:9, 19:17, 20:1, 21:1, 21:7, 21:11, 22:21, 28:3, 29:1, 29:14, 38:18, 38:22 Mermigis [8] - 2:18, 8:14, 12:25, 19:16, 25:7, 26:17, 27:25, 29:16 met [3] - 6:17, 33:23, 38:3 MICHAEL [1] - 1:19 might [1] - 12:14 mind [1] - 3:1 minded [2] - 7:7, 8:24 mistaken [1] - 30:19 Mitchell [1] - 1:6 Monday [2] - 8:7, 19:13 money [7] - 9:11, 13:11, 14:8, 14:12, 14:16, 31:8 month [2] - 16:18, 16:19 months [4] - 8:18, 16:19, 31:16, 35:17 morning [4] - 2:15, 2:17, 2:21, 2:24 most [2] - 33:22, 35:24 Motion [1] - 1:4 move [3] - 10:6, 13:3 moved [3] - 7:11, 10:5, 10:10 moving [1] - 9:25 MR [66] - 2:15, 2:17, 2:21, 2:24, 3:7, 3:18, 4:6, 4:24, 5:2, 5:13, 5:16, 5:19, 5:21, 5:24, 6:5, 6:13, 6:20, 8:15, 8:21, 10:1, 10:17, 10:21, 11:11, 12:16, 12:22, 13:4, 13:19, 14:1, 14:5, 14:8, 15:4, 15:9, 15:12, 15:23, 16:7, 17:8, 17:12, 17:17, 17:22, 17:25, 18:2, 18:7, 18:11, 18:19, 18:22, 19:1, 19:5,</p>	<p>19:7, 19:9, 19:17, 20:1, 21:1, 21:7, 21:11, 22:21, 24:18, 25:5, 26:17, 28:3, 29:1, 29:14, 29:15, 30:3, 38:17, 38:18, 38:22 municipal [1] - 31:17 municipality [1] - 31:17 MURPHY [1] - 1:5 must [1] - 33:15 muster [1] - 34:23</p>	<p>O</p> <p>obviously [1] - 3:10 OF [4] - 1:1, 1:18, 1:18 Office [3] - 2:22, 2:25, 4:20 office [2] - 32:17, 32:18 OFFICE [1] - 1:18 Official [1] - 1:22 once [2] - 16:13, 26:11 one [12] - 7:4, 8:5, 9:5, 9:7, 10:4, 10:8, 16:18, 19:20, 29:17, 32:11, 38:3 ongoing [6] - 26:25, 27:14, 27:15, 37:12, 37:20, 37:21 online [3] - 2:3, 4:12, 6:7 open [40] - 3:23, 4:2, 4:11, 4:20, 4:21, 6:1, 6:5, 7:1, 8:8, 8:9, 8:10, 8:22, 8:23, 9:13, 9:15, 9:20, 10:5, 10:9, 11:13, 12:2, 12:3, 16:15, 16:23, 16:24, 16:25, 19:13, 20:8, 20:10, 21:15, 21:25, 22:1, 22:3, 22:9, 22:11, 22:22, 23:16, 24:9, 29:10, 36:18 opened [6] - 5:25, 9:18, 9:19, 21:14, 22:6 opening [6] - 3:14, 9:16, 9:25, 11:13, 28:9 operate [2] - 36:3 operating [1] - 5:14 opinion [4] - 11:4, 20:12, 22:1, 30:9 opportunities [1] - 34:1 opportunity [5] - 6:16, 25:2, 25:14, 26:8, 37:14 opposed [2] - 3:22, 27:9 opposing [1] - 6:15 opposition [1] - 6:24 option [2] - 11:5, 28:4 options [1] - 27:3 oral [1] - 2:10 order [44] - 4:1, 4:10, 6:10, 6:15, 8:22, 11:15, 11:18, 16:5, 18:12, 18:15, 23:1, 25:9, 25:17, 25:19,</p>	<p>25:21, 25:22, 25:25, 26:10, 26:25, 27:3, 27:4, 27:7, 27:13, 28:7, 28:11, 28:13, 28:15, 28:19, 28:22, 28:25, 29:6, 29:8, 31:21, 31:25, 33:14, 37:4, 37:23, 38:3, 38:5, 38:8, 38:9, 38:14 Order [2] - 6:23, 29:9 ordered [2] - 20:8, 31:20 orders [22] - 3:5, 4:13, 4:14, 4:19, 12:11, 12:13, 12:21, 12:24, 15:2, 17:21, 24:7, 25:12, 25:15, 26:11, 26:21, 27:14, 29:2, 30:14, 31:12, 35:18, 37:11 otherwise [1] - 2:9 outbreak [1] - 36:17 outbreaks [1] - 36:10 outdoor [4] - 3:22, 23:17, 23:18 outdoors [2] - 3:17, 36:4 outlined [1] - 29:16 outside [3] - 9:25, 10:12, 23:21 overnight [1] - 10:3 overruled [1] - 10:24 overruling [1] - 12:7 oversight [1] - 20:13 overturn [1] - 37:1 overturned [1] - 11:6 own [2] - 15:14, 15:18 owning [3] - 15:13, 15:17, 15:20</p>
<p>M</p> <p>mail [1] - 32:24 main [6] - 6:22, 7:23, 8:4, 9:5, 11:16, 34:13 makers [1] - 21:6 manufacturers [1] - 19:22 March [6] - 6:1, 11:24, 16:5, 17:18, 31:7, 31:10 Marcus [1] - 1:13 Market [1] - 1:20 mask [1] - 24:5 masks [2] - 23:25 mass [1] - 21:17 massage [1] - 24:8 matter [3] - 22:13, 38:16, 39:4 matters [2] - 26:24, 36:24 maximum [1] - 31:16 mean [8] - 5:21, 7:19, 10:2, 10:7, 14:18, 17:15, 19:22, 23:8 means [1] - 36:8 mechanical [1] - 1:24 meeting [1] - 36:25 members [8] - 7:20, 10:9, 14:14, 22:10, 22:25, 23:2, 24:1, 29:4 memorandum [1] - 6:8 mention [1] - 22:5 mere [1] - 33:5 merits [3] - 33:15, 36:21, 38:13 MERMIGIS [57] - 1:15, 1:15, 2:17, 4:6, 4:24, 5:2, 5:13, 5:16, 5:19, 5:21, 5:24, 6:5, 6:13,</p>	<p>N</p> <p>near [1] - 7:13 need [4] - 2:1, 2:5, 21:22, 22:17 needed [2] - 4:19, 26:6 needs [1] - 34:19 neighborhood [1] - 3:13 neutral [1] - 20:16 never [10] - 5:24, 15:10, 17:9, 18:14, 20:2, 22:11, 23:9, 33:18, 34:7 NEW [2] - 1:1, 1:18 New [15] - 1:7, 2:22, 5:7, 9:2, 9:16, 11:19, 12:1, 12:11, 16:24, 25:11, 28:8, 30:20, 31:22, 33:2, 38:1 next [2] - 33:11, 35:16 nice [1] - 4:8 NJ [1] - 1:21 nobody [1] - 16:8 none [2] - 19:6, 19:7 note [1] - 35:9 notes [1] - 32:2 nothing [3] - 3:7, 6:19, 14:16 notice [2] - 11:22, 33:7 noticed [2] - 3:13, 3:24 notified [1] - 3:25 NUMBER [1] - 1:2 number [1] - 31:15 nutrition [1] - 4:7 Nutrition [3] - 5:4, 5:6, 5:9 nutritional [2] - 4:3, 4:25 NY [2] - 1:14, 1:16</p>	<p>P</p> <p>P.C [1] - 1:15 page [2] - 10:22, 14:25 Page [4] - 6:9, 13:21, 13:24 Pages [1] - 1:6 pandemic [2] - 20:3, 30:17 pants [1] - 4:9 papers [1] - 32:25 parking [4] - 3:15, 3:16, 10:5, 14:19 parlor [5] - 7:6, 7:22, 7:25, 23:12, 24:14 parlors [10] - 6:25, 8:1, 8:8, 8:23, 9:12, 19:13, 23:10, 23:16, 24:9, 29:21</p>		

<p>part [3] - 3:8, 5:2, 5:5 particular [2] - 29:22, 29:25 parties [1] - 37:21 party [1] - 6:16 passes [1] - 34:23 past [1] - 16:3 path [1] - 28:20 pay [5] - 13:23, 14:12, 14:13, 34:11, 35:11 paying [1] - 20:24 penalty [1] - 31:16 pending [8] - 2:18, 11:9, 11:12, 24:21, 27:4, 36:24, 37:3, 37:18 Pentecostal [1] - 21:3 people [12] - 7:9, 7:10, 14:19, 17:2, 20:20, 20:22, 22:10, 22:24, 23:20, 23:23, 24:1, 36:4 percent [9] - 4:18, 7:10, 11:25, 21:15, 22:1, 22:22, 22:23, 22:24, 36:6 perhaps [3] - 4:3, 8:13, 30:16 period [4] - 11:18, 16:17, 16:22, 35:5 periods [2] - 11:20, 11:23 permission [1] - 2:8 permits [1] - 4:1 permitted [3] - 3:19, 3:20, 36:18 permitting [1] - 6:3 person [2] - 9:7, 25:16 perspiring [1] - 20:21 pertinent [1] - 3:7 Phase [2] - 3:9, 3:10 phase [3] - 9:16, 9:19, 29:9 PHILIP [1] - 1:5 phone [1] - 33:7 place [3] - 7:19, 23:13, 35:5 plaintiff [16] - 2:16, 25:2, 27:1, 29:12, 29:25, 30:12, 33:1, 33:10, 33:15, 33:25, 35:8, 36:21, 37:8, 37:22, 38:4 Plaintiff [2] - 1:3, 1:17 plaintiffs [9] - 4:3, 27:22, 31:7, 32:1, 32:2, 32:11, 32:24, 33:11, 36:24 plaintiffs [7] - 2:14, 2:19, 6:7, 10:25,</p>	<p>24:24, 36:2, 37:7 plan [2] - 3:9, 3:10 plausible [1] - 34:22 plenty [1] - 34:2 plight [1] - 30:12 pockets [2] - 14:17, 14:22 point [12] - 2:2, 3:11, 3:19, 6:20, 8:22, 10:20, 13:23, 16:16, 21:2, 21:4, 21:24, 36:14 pointed [1] - 22:14 points [1] - 29:16 police [1] - 34:8 policy [1] - 34:22 portion [1] - 10:15 position [1] - 26:7 possible [1] - 23:23 possibly [1] - 10:7 power [1] - 11:19 powers [4] - 20:11, 22:19, 34:8 PPP [1] - 13:12 precaution [1] - 9:10 precautions [1] - 9:2 precise [1] - 36:2 prefer [1] - 13:4 preferential [3] - 21:17, 21:20, 22:7 preliminary [3] - 6:12, 14:6, 38:13 premises [1] - 18:14 prepared [1] - 7:19 presents [2] - 20:20, 35:4 preservation [1] - 8:17 preserves [1] - 6:10 pretty [2] - 2:11, 4:8 prevents [1] - 6:11 private [1] - 3:23 pro [1] - 2:18 problem [1] - 31:11 procedural [8] - 15:24, 16:2, 17:13, 18:4, 18:10, 33:24, 34:2, 34:5 procedures [2] - 15:25, 16:4 proceeded [1] - 38:7 proceeding [13] - 2:7, 11:9, 11:12, 25:3, 25:10, 26:3, 26:4, 26:20, 32:3, 37:9, 37:12, 37:21, 38:7 proceedings [7] - 25:4, 26:12, 27:15, 33:2, 37:3, 37:19, 39:4 Proceedings [1] -</p>	<p>1:24 process [17] - 15:1, 15:7, 15:16, 15:19, 15:22, 15:24, 16:2, 17:7, 17:13, 18:4, 18:10, 33:16, 33:17, 33:20, 33:24, 34:2, 34:5 produced [1] - 1:25 products [3] - 4:3, 4:7, 5:1 prohibit [2] - 34:8, 34:9 prohibited [1] - 24:23 prohibits [1] - 38:2 proof [1] - 31:9 property [6] - 15:14, 15:15, 15:16, 15:20, 16:1, 34:10 protect [3] - 7:20, 10:3, 15:7 protectable [1] - 16:2 protected [3] - 15:21, 16:1, 33:19 protection [7] - 7:21, 7:24, 17:4, 18:24, 19:12, 19:23, 34:13 provide [1] - 34:20 provided [1] - 31:21 providing [1] - 6:15 proximity [1] - 35:6 public [4] - 3:23, 36:12, 36:13, 36:19 purpose [2] - 4:20, 14:15 purposes [1] - 4:2 pursuant [2] - 21:20, 28:17 pursue [2] - 18:5, 20:6 pursuing [1] - 27:2 put [5] - 8:11, 9:17, 23:1, 28:15, 30:8 putting [1] - 14:16</p>	<p>14:11, 25:10, 27:22, 32:6, 33:16 raising [1] - 24:24 randomly [1] - 20:8 randomness [2] - 9:15, 28:9 rapid [1] - 23:6 rational [14] - 19:14, 20:18, 21:4, 21:6, 21:8, 21:12, 22:15, 29:24, 34:18, 34:21, 34:24, 35:3, 35:7, 36:10 RBK(KMW) [1] - 1:3 ready [1] - 6:21 really [3] - 12:19, 33:12, 35:21 reason [6] - 20:9, 21:16, 23:24, 24:12, 25:7, 34:22 reasonable [1] - 34:20 reasons [2] - 23:15, 27:16 receive [2] - 13:11, 25:17 received [3] - 14:14, 29:1, 31:15 receiving [1] - 29:20 record [5] - 13:7, 26:6, 26:7, 30:8, 39:4 recorded [1] - 1:24 recreation [5] - 3:19, 3:21, 3:22, 20:19, 35:4 referring [1] - 3:2 refile [1] - 13:5 regarding [1] - 31:3 regards [1] - 23:4 reiterate [1] - 29:19 relied [1] - 36:16 relief [2] - 11:23, 35:25 religion [1] - 21:21 rely [1] - 30:6 remain [1] - 35:5 remand [1] - 26:4 remedies [1] - 28:19 render [1] - 27:6 renovations [1] - 31:10 reopen [1] - 3:10 reopened [2] - 7:3, 31:15 reopening [4] - 3:8, 3:9, 28:8, 29:9 repeat [2] - 2:8, 35:1 replenish [1] - 4:14 replied [1] - 13:20 reply [4] - 10:18, 12:15, 33:11, 33:12</p>	<p>Reporter [1] - 1:22 reporter [1] - 2:2 Reporter/Transcriber [1] - 39:6 representation [1] - 36:7 request [1] - 33:14 requesting [1] - 8:17 require [1] - 37:18 required [1] - 23:25 requirement [1] - 24:6 research [1] - 13:17 resolved [1] - 11:13 respond [1] - 33:10 response [3] - 6:23, 22:16, 32:15 responses [1] - 30:18 restraining [2] - 6:10, 6:15 restraints [1] - 31:25 restricted [1] - 22:10 result [1] - 36:1 retail [5] - 6:3, 20:20, 20:23, 35:4, 35:5 retrospect [1] - 21:9 return [1] - 13:23 returnable [1] - 31:17 review [2] - 34:18, 34:19 rhyme [1] - 24:11 rightfully [2] - 32:2, 34:6 rights [2] - 18:10, 35:22 risk [1] - 36:15 risks [1] - 3:21 RMR [1] - 39:6 Road [1] - 1:16 ROBERT [1] - 1:9 Roberts [2] - 11:4, 22:5 Roberts' [3] - 21:2, 21:11, 21:12 Rock [4] - 5:3, 5:6, 5:7, 5:8 Rooker [3] - 26:24, 27:7, 27:25 Rooker-Feldman [2] - 26:24, 27:7 route [1] - 28:2 Rule [1] - 6:17 rule [4] - 10:25, 24:23, 35:20, 38:1 ruled [1] - 11:6 rules [4] - 2:4, 25:11, 32:3, 32:13 ruling [4] - 10:22, 27:6, 29:2, 38:7 RUSSELL [1] - 1:12</p>
---	--	--	--	---

<p>S</p> <p>safe [5] - 9:11, 13:9, 17:2, 23:2</p> <p>safer [2] - 7:22, 9:12</p> <p>sales [1] - 6:4</p> <p>salon [7] - 7:5, 7:22, 7:25, 20:10, 23:7, 23:10, 24:13</p> <p>salons [19] - 6:24, 7:4, 8:1, 8:8, 8:23, 9:12, 9:13, 9:18, 9:20, 9:21, 12:2, 19:12, 23:6, 23:8, 23:16, 24:8, 24:9, 29:22</p> <p>savings [2] - 13:9, 13:24</p> <p>saw [2] - 16:13, 32:10</p> <p>scanner [1] - 7:12</p> <p>science [2] - 20:9, 34:25</p> <p>scientists [1] - 36:16</p> <p>Scott [2] - 10:23, 28:18</p> <p>scrubber [1] - 7:16</p> <p>scrutiny [3] - 19:3, 19:15, 34:19</p> <p>second [1] - 35:8</p> <p>Section [1] - 11:1</p> <p>see [1] - 2:2</p> <p>seeking [4] - 8:16, 12:19, 37:16</p> <p>seem [5] - 21:6, 27:25, 28:23, 32:18</p> <p>sell [2] - 4:7, 4:8</p> <p>selling [2] - 4:2, 4:25</p> <p>separate [5] - 5:4, 5:6, 5:9, 5:12, 32:14</p> <p>separately [1] - 5:7</p> <p>served [1] - 32:15</p> <p>set [3] - 12:9, 27:17, 33:8</p> <p>sets [1] - 24:4</p> <p>setting [1] - 20:23</p> <p>several [2] - 4:12, 9:17</p> <p>shelf [1] - 20:24</p> <p>shirts [2] - 4:9, 4:13</p> <p>shock [1] - 33:22</p> <p>shops [1] - 24:9</p> <p>short [1] - 26:8</p> <p>show [7] - 15:25, 16:1, 25:1, 33:15, 33:21, 34:19, 35:8</p> <p>shown [2] - 13:17, 35:7</p> <p>shut [12] - 6:1, 6:2, 7:1, 8:19, 16:18, 18:11, 20:2, 20:7, 21:25, 23:4, 23:20, 31:21</p>	<p>shutdown [10] - 2:11, 3:5, 18:12, 18:15, 30:14, 35:20, 37:11, 37:23, 38:5, 38:9</p> <p>shutting [2] - 8:6, 12:11</p> <p>sight [4] - 7:2, 8:9, 16:20, 24:11</p> <p>signed [1] - 28:13</p> <p>significant [1] - 10:15</p> <p>significantly [1] - 14:11</p> <p>similar [2] - 29:9, 29:21</p> <p>similarly [1] - 17:4</p> <p>simple [1] - 20:4</p> <p>simply [2] - 27:9, 28:14</p> <p>simultaneously [1] - 20:7</p> <p>single [1] - 14:17</p> <p>sitting [1] - 23:11</p> <p>situation [2] - 13:23, 36:23</p> <p>situations [1] - 30:19</p> <p>six [2] - 7:11, 31:16</p> <p>sized [1] - 4:8</p> <p>slowly [1] - 2:5</p> <p>small [2] - 13:13, 30:13</p> <p>sneeze [1] - 24:13</p> <p>sneezes [1] - 9:7</p> <p>society [2] - 36:11, 37:14</p> <p>sole [1] - 14:15</p> <p>someone [2] - 25:14, 30:10</p> <p>soon [2] - 32:9, 35:19</p> <p>sorry [1] - 4:24</p> <p>sort [1] - 11:2</p> <p>sought [2] - 32:7, 36:1</p> <p>South [2] - 21:3, 21:13</p> <p>space [1] - 8:2</p> <p>spas [5] - 6:25, 7:3, 9:12, 9:21, 24:8</p> <p>spend [1] - 31:8</p> <p>spent [1] - 31:9</p> <p>spotters [1] - 23:22</p> <p>spread [2] - 9:6, 34:17</p> <p>spreading [1] - 20:25</p> <p>spreads [1] - 7:18</p> <p>Spring [1] - 1:16</p> <p>square [1] - 7:9</p> <p>staff [2] - 23:24, 24:1</p> <p>stand [2] - 9:1</p> <p>standard [2] - 14:6, 33:23</p> <p>standards [3] - 6:17, 13:10</p> <p>start [5] - 2:5, 2:13,</p>	<p>2:14, 28:24, 30:11</p> <p>starting [1] - 5:23</p> <p>state [30] - 4:1, 4:11, 11:2, 11:5, 11:9, 11:12, 17:20, 17:25, 18:3, 22:18, 24:23, 25:11, 25:12, 25:13, 25:15, 25:17, 27:24, 28:19, 28:23, 31:12, 32:3, 34:20, 35:18, 37:3, 37:9, 37:12, 37:13, 37:20, 37:24</p> <p>State [29] - 2:20, 3:2, 3:25, 6:3, 7:21, 9:1, 9:5, 9:6, 10:14, 11:19, 12:1, 13:14, 13:16, 13:20, 22:15, 23:15, 24:16, 24:17, 25:18, 25:24, 26:11, 30:1, 31:24, 32:23, 33:8, 34:19, 34:24, 36:9, 36:16</p> <p>State's [6] - 3:5, 3:9, 3:24, 20:18, 33:6, 34:8</p> <p>states [7] - 7:2, 9:17, 9:18, 9:19, 12:22, 12:23, 16:25</p> <p>STATES [2] - 1:1, 1:10</p> <p>States [3] - 11:7, 19:19, 31:4</p> <p>status [3] - 6:10, 8:17, 8:18</p> <p>stay [2] - 26:2, 32:7</p> <p>stayed [1] - 38:6</p> <p>stenography [1] - 1:24</p> <p>still [12] - 3:20, 7:1, 8:9, 16:22, 17:8, 18:17, 18:20, 27:12, 28:4, 36:15, 37:22</p> <p>stolen [1] - 10:12</p> <p>stop [1] - 2:7</p> <p>store [1] - 5:8</p> <p>stores [3] - 3:15, 5:6, 35:5</p> <p>straits [1] - 35:13</p> <p>Street [1] - 1:20</p> <p>Streets [1] - 1:7</p> <p>strict [2] - 19:2, 34:18</p> <p>studied [1] - 21:23</p> <p>stuff [2] - 3:16, 24:21</p> <p>submit [2] - 33:9</p> <p>submitted [1] - 6:8</p> <p>substance [1] - 15:15</p> <p>substantive [6] - 15:1, 15:7, 15:22, 33:16, 33:17, 33:19</p> <p>succeed [1] - 33:14</p> <p>Success [1] - 1:14</p>	<p>success [1] - 33:15</p> <p>suffer [1] - 35:9</p> <p>suffered [2] - 30:13, 30:15</p> <p>suite [1] - 1:13</p> <p>summonses [5] - 14:13, 14:19, 24:21, 31:16, 35:12</p> <p>Superior [6] - 18:18, 28:12, 31:23, 31:24, 33:2, 37:1</p> <p>support [3] - 13:25, 14:3, 14:17</p> <p>supposed [2] - 33:11, 35:24</p> <p>Supreme [6] - 10:22, 10:24, 11:7, 22:2, 22:5, 22:12</p> <p>survive [1] - 19:15</p> <p>sweating [4] - 7:5, 23:6, 23:10</p> <p>sweatshirts [1] - 4:9</p> <p>sympathetic [1] - 30:11</p> <p>Syosset [1] - 1:16</p>	<p>4:22, 4:25, 5:11, 5:14, 5:17, 5:20, 5:23, 6:3, 6:6, 6:14, 8:13, 8:16, 9:24, 10:13, 10:18, 11:8, 12:8, 12:14, 12:17, 12:25, 13:2, 13:6, 13:20, 14:2, 14:6, 14:20, 15:1, 15:5, 15:10, 15:21, 15:24, 16:20, 17:6, 17:10, 17:13, 17:19, 17:23, 18:1, 18:4, 18:9, 18:16, 18:20, 18:24, 19:2, 19:6, 19:8, 19:16, 19:18, 20:18, 21:2, 21:8, 22:8, 24:16, 24:19, 26:16, 27:21, 28:22, 29:12, 29:18, 30:1, 30:7, 38:10, 38:19</p> <p>themselves [4] - 17:14, 20:21, 23:23, 25:14</p> <p>theory [1] - 19:14</p> <p>thermal [1] - 7:12</p> <p>they've [4] - 8:11, 9:2, 9:10, 13:24</p> <p>Third [5] - 10:23, 10:24, 11:5, 15:5, 33:18</p> <p>third [5] - 16:17, 23:24, 25:1, 36:14, 37:25</p> <p>thousands [2] - 22:10, 22:25</p> <p>threat [2] - 20:20, 35:4</p> <p>three [4] - 8:18, 23:15, 36:23, 36:24</p> <p>throughout [5] - 5:20, 5:21, 7:18, 22:17, 30:21</p> <p>tickets [1] - 14:21</p> <p>timeline [2] - 31:5, 35:14</p> <p>today [2] - 3:12, 38:15</p> <p>took [1] - 15:18</p> <p>top [1] - 6:9</p> <p>total [1] - 2:11</p> <p>touched [1] - 30:4</p> <p>Township [2] - 10:22, 28:18</p> <p>TR [1] - 12:19</p> <p>traditional [1] - 22:17</p> <p>transcript [2] - 1:25, 39:3</p> <p>transcription [1] - 1:25</p> <p>treated [4] - 7:24, 17:5, 19:10, 34:14</p>
			<p>T</p>	
			<p>t-shirts [1] - 4:9</p> <p>takings [3] - 18:20, 18:22, 34:12</p> <p>tan [1] - 24:12</p> <p>tanning [21] - 6:24, 7:4, 7:5, 7:21, 7:25, 8:1, 8:8, 8:23, 9:12, 9:21, 12:2, 19:12, 20:9, 23:6, 23:7, 23:8, 23:10, 23:16, 24:9, 24:13, 29:21</p> <p>Target [1] - 9:8</p> <p>tattoo [16] - 6:24, 7:6, 7:22, 7:25, 8:1, 8:8, 8:23, 9:12, 19:13, 23:10, 23:12, 23:13, 23:16, 24:9, 24:14, 29:21</p> <p>tax [2] - 19:21, 19:24</p> <p>teenage [1] - 23:9</p> <p>teleconference [1] - 1:5</p> <p>temperature [1] - 7:13</p> <p>temporary [4] - 6:10, 6:14, 31:25, 34:8</p> <p>ten [2] - 32:21, 35:14</p> <p>terms [1] - 29:24</p> <p>terrible [1] - 36:11</p> <p>THE [4] - 1:1, 1:9, 1:15, 1:18</p> <p>The court [68] - 2:1, 2:20, 3:1, 3:13, 3:24,</p>	

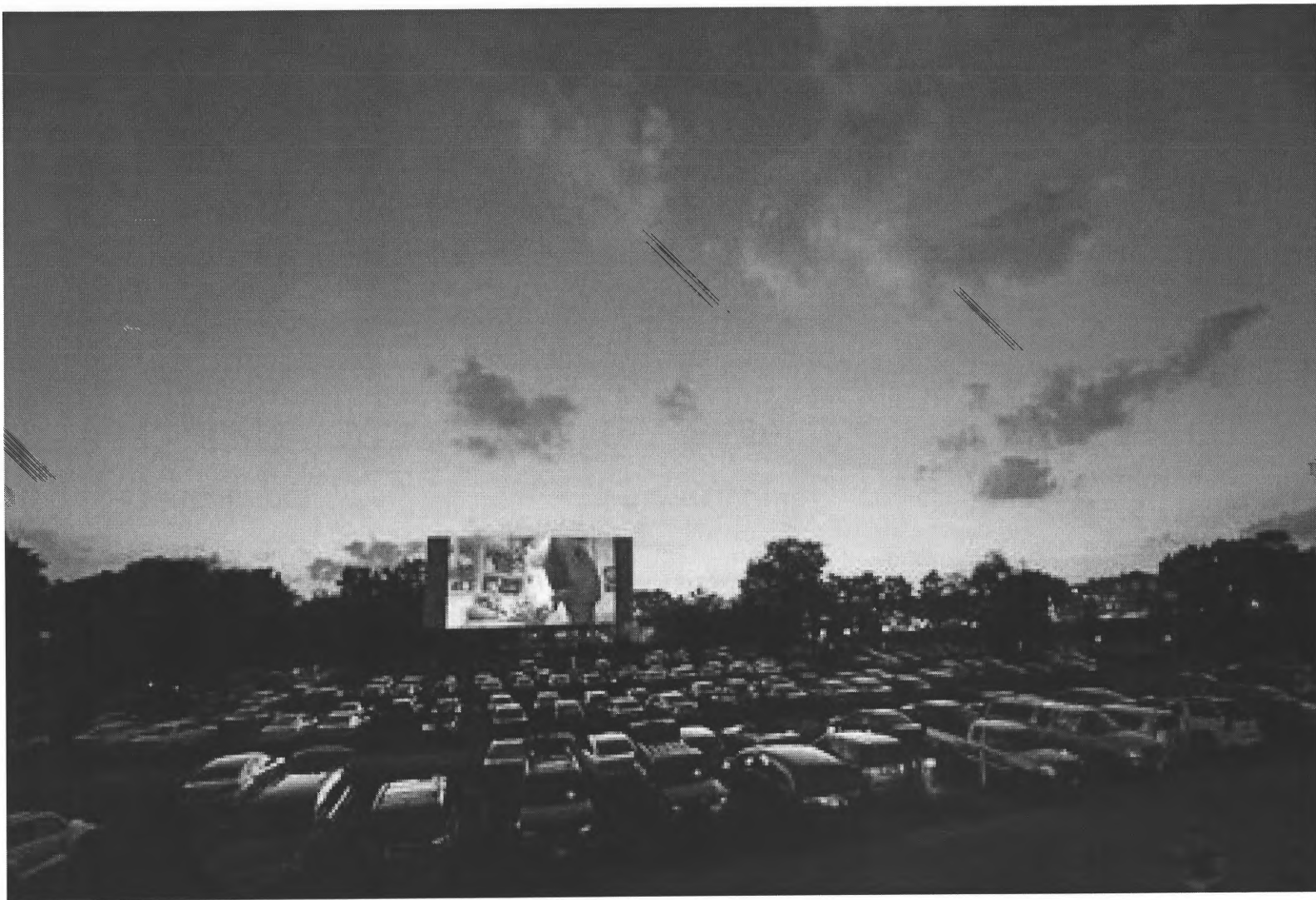
treatment ^[5] - 9:22, 21:17, 21:20, 22:7, 29:20 tremendously ^[1] - 30:14 Trenton ^[1] - 1:21 trial ^[3] - 26:2, 26:6, 38:2 trickier ^[1] - 37:17 TRO ^[5] - 6:17, 8:16, 8:19, 12:5, 32:14 trust ^[1] - 22:8 turn ^[1] - 35:1 two ^[1] - 16:19 type ^[1] - 24:3 tyrannical ^[1] - 20:11	Vannella ^[1] - 2:22 various ^[2] - 14:19, 30:17 vehicles ^[2] - 19:22, 19:24 via ^[1] - 1:4 vice ^[1] - 2:18 videoconferencing ^[1] - 2:12 violated ^[2] - 18:5, 31:3 violation ^[2] - 15:2, 29:6 virus ^[2] - 2:10, 16:10 vitamin ^[1] - 4:17 vitamins ^[2] - 4:7, 4:13	38:11 younger ^[1] - 11:8
U	W	Z
U.S. ^[1] - 1:6 ultimately ^[1] - 35:1 unable ^[1] - 32:2 unconstitutional ^[1] - 37:6 under ^[5] - 11:1, 24:6, 24:10, 25:11, 32:12 underlying ^[4] - 11:3, 11:15, 25:19, 26:10 undue ^[1] - 27:6 unequal ^[1] - 29:19 unequally ^[1] - 34:14 UNITED ^[2] - 1:1, 1:10 United ^[3] - 11:7, 19:19, 31:3 unjustly ^[1] - 37:2 unknown ^[2] - 16:10 unless ^[1] - 30:5 unlimited ^[1] - 11:19 unlock ^[1] - 28:12 unlocked ^[2] - 4:16, 6:22 unprecedented ^[1] - 20:11 unusual ^[1] - 22:13 up ^[13] - 3:14, 9:16, 9:18, 9:19, 9:20, 9:25, 12:8, 12:9, 21:15, 21:24, 22:1, 25:6, 28:9 updates ^[1] - 3:4	wage ^[1] - 30:14 wait ^[2] - 30:9, 35:17 waited ^[1] - 35:14 walk ^[1] - 7:12 Walmart ^[1] - 9:8 wants ^[3] - 20:12, 29:13, 30:10 wearing ^[2] - 23:25, 24:5 week ^[7] - 10:13, 12:6, 13:3, 13:6, 14:14, 14:20, 27:22 weights ^[1] - 24:4 welcome ^[2] - 22:22, 22:24 welfare ^[1] - 37:24 whatever's ^[1] - 14:21 whatnot ^[1] - 21:18 whatsoever ^[2] - 20:13, 24:12 willing ^[2] - 16:18, 23:1 wish ^[1] - 23:4 withdrawn ^[1] - 22:2 worry ^[1] - 12:17 write ^[2] - 6:10, 6:14 written ^[2] - 30:9, 30:18 wrote ^[1] - 11:4	Zoom ^[1] - 1:4
V	Y	
vacate ^[1] - 37:1 validity ^[3] - 25:8, 25:19, 38:2 VANNELLA ^[9] - 1:19, 2:21, 3:7, 3:18, 24:18, 25:5, 26:17, 30:3, 38:17	year ^[2] - 31:8, 31:15 years ^[2] - 23:9, 30:16 yesterday ^[2] - 12:15, 13:2 yoga ^[1] - 4:9 Younger ^[8] - 10:14, 10:15, 24:19, 27:16, 27:19, 36:22, 37:18,	

EXHIBIT NN

News

Drive-in movies are popping up across N.J. Here's where you can find them.

Updated May 20, 2020; Posted May 20, 2020

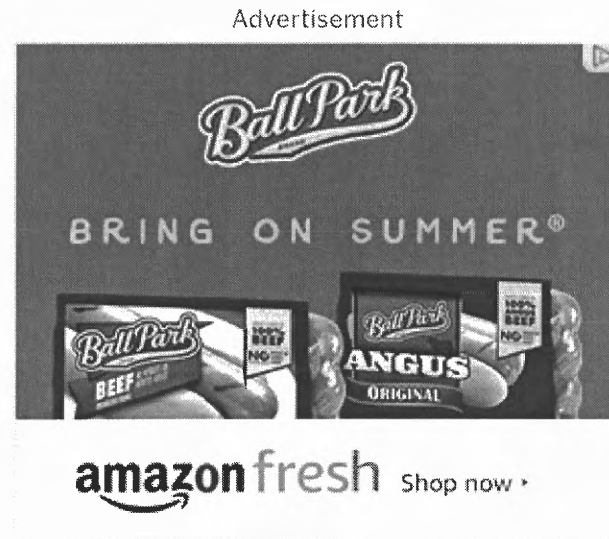


FILE - In this July 26, 2013 file photo, patrons watch a movie as the sun sets over Bengies Drive-In Theatre in Middle River, Md. The drive-in theater, long a dwindling nostalgia act in a multiplex world, is experiencing a momentary return to prominence. With nearly all of the nation's movie theaters shuttered due to the pandemic, some drive-ins are the only show in town. (AP Photo/Patrick Semansky, File) AP

By Allison Pries | NJ Advance Media for NJ.com

If you've never watched a movie while crammed in the back of an SUV, huddled under blankets, your time has come.

Now that Gov. Phil Murphy gave us permission to visit drive-thru and drive-in entertainment, companies that create the drive-in movie experience are increasing access to this pastime.



While the state does have one permanent drive-in movie theater -- the Delsea Drive-in in Vineland -- there are also pop-up ones sprouting up in parks, farms and parking lots throughout the state. Some are for one night only and others are reoccurring.

Here's where you can find them:

- **Berkeley Township, Veterans Park.** The first of three events will be Saturday, June 6. It is open to Berkeley Township residents ONLY and you must register in advance because space is limited.
- **Brick Township, Windward Beach Park.** Fridays June 5 through July 3.
- **Jackson Township, Back to the Movies Drive-In** announced last month it had booked Jackson and is in discussions with other towns. A date is still being worked out. Check their Facebook page for updates. Or sign up for Back to the Movies mailing list.
- **Hillsdale, Demarest Farms,** Starts June 8. This agri-tourism farm will start offering drive-in movies on June 8 with reoccurring dates expected to last at least through August and possibly through October. A full concession stand and bathrooms will be available. Tickets are \$25 per car load and can be purchased on Demarest Farms' website.

- **Northvale, Rockleigh Country Club**. June 26 and 27. Two shows each night. The movies will be supplied by 6ft Cinemas, which promises food trucks, concessions and a bar for those age 21 and over. Visit 6ft Cinemas website to sign-up for alerts when they book other dates and venues.
- **Sayreville, Sayerville Sports Complex**, May 30. The "Mayor's Moonlight Movie Night" is open to residents ONLY. And attendees must register their vehicle (not the number of occupants) before the event. Only 100 cars will be admitted.
- **Vineland, Delsea Drive-in Theatre**. Opens May 22. The state's only permanent drive-in theater is open Thursday through Sunday. Tickets must be purchased on their website. The concession stand is open but orders must be placed through your smartphone. Tickets are \$11 per person, plus tax and fees.

Our journalism needs your support. Please subscribe today to [NJ.com](https://www.nj.com).

Allison Pries may be reached at apries@njadvancemedia.com. Tell us your coronavirus story or send a tip [here](#).

Note to readers: if you purchase something through one of our affiliate links we may earn a commission.

Around the web

Advertisement

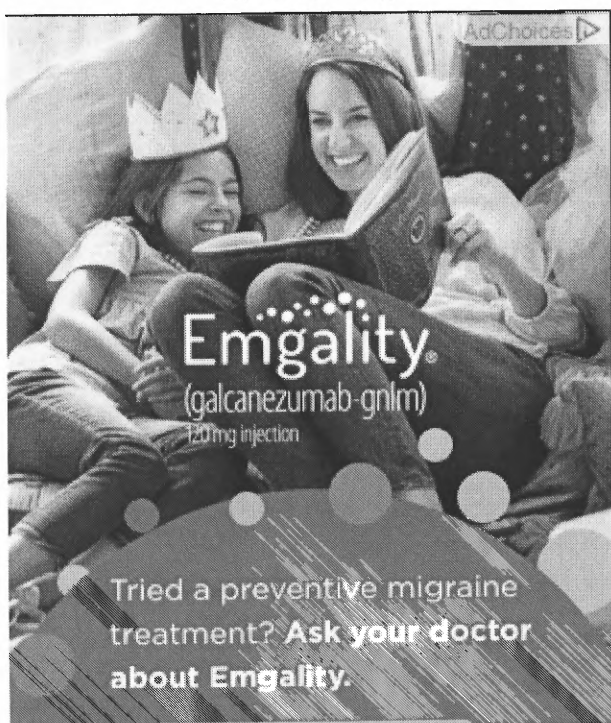


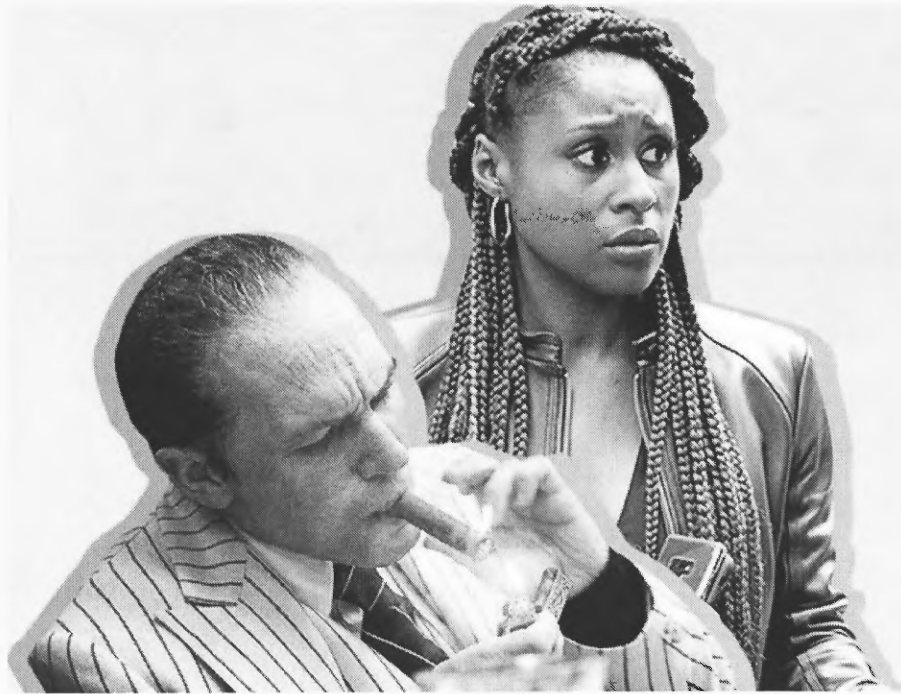
EXHIBIT OO

Every product was carefully curated by an Esquire editor. We may earn a commission from these links.

Here Are the 2020 Movies Streaming Online Early Due to the Coronavirus

With the theaters closed, big films like 'The Lovebirds' and 'Capone' are all available to watch at home now.

BY GABRIELLE BRUNEY [July 23, 2020](#)



This has been a tough year in every sense of the word. And it certainly hasn't helped that the escape of the theater hasn't been an option when the real world is getting too real. Thankfully, movie studios quickly realized that releasing new films directly to consumers for home on demand was a necessary option in an extreme situation like the COVID-19 pandemic.

Trolls: World Tour broke streaming records as one of our first pandemic-forced direct-to-digital hits—and it has since caused a ripple effect that might change how

Hollywood game plans its big releases going forward. Since *Trolls: World Tour* changed the game, we've seen a ton of other studios follow suit, and (praise Queen Poppy), we've had the early release of several other films that were originally planned for a theatrical release. From horror hits like *The Invisible Man*, to true-life looks like *Just Mercy*, here's a list of movies that are streaming early due to the coronavirus pandemic. And for a more curated list, [many of our best movies of 2020 are available to stream already as well.](#)

ADVERTISEMENT - CONTINUE READING BELOW

Miss Juneteenth



Digital Release Date: June 19

Some straight-to-release films in 2020 have gotten the quick upload because they weren't *too* great to start. *Miss Juneteenth* does not fall in that category. With a release date coinciding with the holiday, Channing Godfrey Peoples' stunning film about a mother preparing her own daughter for the Miss Juneteenth pageant she

won years before has gained massive critical acclaim and currently holds a 99 percent approval rating on Rotten Tomatoes.

WATCH NOW

You Should Have Left

Digital Release Date: June 18

Kevin Bacon and Amanda Seyfried star as a couple (don't do the math on that) in this thriller for Universal Pictures. The Blumhouse picture features the two taking a nice retreat to a Welsh vacation home, but things go awry quickly when a mysterious force in the house doesn't allow them to leave. Yikes.

WATCH NOW

Irresistible

Digital Release Date: June 26

Jon Stewart's satire about a small town mayoral election stars Steve Carell as a Democratic strategist set on turning the state of Wisconsin blue, even if that means beginning with turning a humble retired colonel (played by Chris Cooper) into a politician. He quickly has his plans thwarted by a Lululemon-wearing Republican strategist, played by Rose Byrne.

WATCH NOW

Da 5 Bloods

Digital Release Date: June 12

Legendary filmmaker Spike Lee returns with his follow up to the Academy Award-winning *BlackKklansman*. *Da 5 Bloods* follows four black Vietnam veterans who return to the country to recover the body of their former squad leader and recover a buried treasure.

WATCH NOW

Just Mercy

Original Release Date: January 10

Digital Release Date: March 24


Our Winter issue cover star led off the year with *Just Mercy*, which tells the true story of rights lawyer Bryan Stevenson. It includes one of his first, and most important cases—representing Walter McMillian, who was sentenced to die for the murder of an 18-year-old girl.

WATCH NOW

The King of Staten Island

Original Release Date: June 19

Digital Release Date: June 12

Pete Davidson picked a pretty tough year to become a movie star. He starred in *Big Time Adolescence*, which was rushed to digital in March, and now his second big movie of 2020, in which he plays a familiar-sounding tatted up New York burnout, is skipping a theatrical release altogether. 

WATCH NOW

Artemis Fowl

Original Release Date: May 29

Digital Release Date: June 12

This adaptation of Eoin Colfer's bestselling kiddie fantasy series was scheduled to have a theatrical run this spring, but is now headed directly to Disney+ in June.

WATCH NOW

Scoob!

Original Release Date: May 15

Digital Release Date: May 15

After *Trolls World Tour* broke records with its digital debut thanks to the fact that every grade schooler in America is stuck at home and permitted ever-increasing amounts of screen time, it was announced that this kids movie will skip its theatrical release and head directly to on-demand.

WATCH NOW

Capone

Original Release Date: May 12

Digital Release Date: May 12

Tom Hardy plays notorious gangster Al Capone in his later years, which found him suffering from syphilis-induced dementia, in this film headed straight to home streaming.

WATCH NOW

How to Build a Girl

Booksmart's Beanie Feldstein stars in this adaptation of Caitlin Moran's semi-autobiographical coming-of-age novel about a teenage music critic.

WATCH NOW

Endings, Beginnings

Original Release Date: May 1

Digital Release Date: May 1

This Shailene Woodley, Sebastian Stan, and Jamie Dornan-starring romance skipped theaters and headed directly to digital streaming.

WATCH NOW

Fantasy Island

Original Release Date: February 14

Digital Release Date: April 14

Who would have thought at the beginning of the year that one of the least-strange things about 2020 would be this horror reimagining of a campy '70s drama.

WATCH NOW

Trolls World Tour

Original Release Date: April 10

Digital Release Date: April 10

This kiddie jukebox musical is the sequel to 2016's *Trolls*, and features the voices of Anna Kendrick, Justin Timberlake, James Cordon, Mary J. Blige, and more. It will now be available on digital on the same day as its planned theatrical release.

WATCH NOW

Never Rarely Sometimes Always

Original Release Date: March 13

Digital Release Date: April 3

This acclaimed indie picked up awards at the Sundance and Berlin film festivals, and the teen abortion drama will now be available for digital rental just a few weeks after its theatrical debut.

WATCH NOW

Onward

Original Release Date: March 6

Digital Release Date: Available On Demand March 20, and streaming on Disney+ April 3

Pixar's latest, which features the voices of Tom Holland and Chris Pratt and tells the fantasy world-set story of a pair of elf brothers on a journey to bring their father back from the dead, has had its On Demand release date fast-tracked.

WATCH NOW

The Lovebirds

Original Release Date: In theaters April 3

Digital Release Date: On Netflix April 3

Paramount's Issa Rae and Kumail Nanjiani action comedy was slated to premier in theaters early next month, but now will head directly to Netflix. It's the first movie to forego a theatrical release due to the pandemic.

WATCH NOW

Bad Boys For Life

Original Release Date: January 17

Digital Release Date: March 31

The third movie in Will Smith and Martin Lawrence's *Bad Boys* series finds the crime-fighters taking on a Miami cartel, all while showing a cadre of younger cops just how it's done.

WATCH NOW

Sonic the Hedgehog

Original Release Date: February 14

Digital Release Date: March 31

First *Sonic's* release was pushed back, thanks to a hasty redesign after the internet reacted strongly to the idea of a hedgehog with human teeth. Now, its digital release is being moved forward, making the movie available at home just six weeks after its theatrical release.

WATCH NOW

The Call of the Wild

Original Release Date: February 21

Digital Release Date: March 27

This adaptation of Jack London's classic 1903 adventure novel stars Harrison Ford and one eerie CGI dog—and it's now available for home viewing way ahead of schedule.

WATCH NOW

Downhill

Original Release Date: February 14

Digital Release Date: March 27

Downhill is a remake of the acclaimed 2014 Swedish film *Force Majeure*, and stars Julia Louis-Dreyfus and Will Ferrell as a married couple forced to reassess their lives after a close call with a controlled avalanche during a family ski trip.

WATCH NOW

Resistance

Original Release Date: March 27

Digital Release Date: March 27

Before Marcel Marceau was a world-renowned mime, he was a young Jewish member of the French Resistance who lost his father to horrors of Auschwitz. Jesse Eisenberg plays the actor during the war, as he worked to save the lives of children

orphaned by the Nazis. Due to the coronavirus outbreak, *Resistance* skipped theaters and debuted digitally.

WATCH NOW

The Gentlemen

Original Release Date: January 24

Digital Release Date: March 24

Director Guy Ritchie returned to his crime comedy roots with his latest film, which stars Matthew McConaughey as an American kingpin operating in the UK whose efforts to sell his marijuana empire become ensnared in a web of blackmail. Charlie Hunnam, Henry Golding, Colin Farrell, and Hugh Grant also star.

WATCH NOW

Birds of Prey

Original Release Date: February 7

Digital Release Date: March 24

It's hard to imagine that anything was salvageable from the disaster that was *Suicide Squad*, but *Birds of Prey* finds Margot Robbie's Harley Quinn newly single and ready to fly solo—until she teams up with a bunch of other renegade ladies to save an adorable tween from a crime lord's clutches.

WATCH NOW

The Way Back

Original Release Date: March 6

Digital Release Date: Available On Demand March 24

This sports drama stars Ben Affleck as a construction worker who becomes a high school basketball coach while struggling with alcoholism. It earned critical praise, and will be available online just weeks after its theatrical debut.

WATCH NOW

Bloodshot

Original Release Date: March 13

Digital Release Date: Available On Demand March 24

This Vin Diesel action vehicle is based on the titular Valiant Comics superhero, a Marine who dies in combat only to be resurrected (with superpowers, of course).

WATCH NOW

Big Time Adolescence

Original Release Date: January 28

Digital Release Date: March 20

Saturday Night Live star Pete Davidson stars in this coming of age film as a charming mid-twenties slacker (shocking!) who good-naturedly encourages his ex-girlfriend's teenage brother to make a series of truly awful decisions.

WATCH NOW

The Hunt

Original Release Date: March 13

Digital Release Date: March 20

This satirical horror film already had its original September release delayed after its premise—a cabal of champagne-swilling liberal elites kidnap a bunch of working-class red staters and hunt them for sport—sparked controversy.

WATCH NOW

The Invisible Man

Original Release Date: February 28

Digital Release Date: March 20

This critically-acclaimed sci-fi horror film is the latest take on H.G. Wells' classic story, and finds *The Handmaid's Tale's* Elisabeth Moss starring as a woman who suspects she's being stalked by her wealthy abusive ex-boyfriend—even though he's supposed to be dead.

WATCH NOW

Emma

Original Release Date: February 21

Digital Release Date: March 20

This latest adaptation of Jane Austen's classic novel hit theaters only a few weeks before the COVID-19 shutdowns began, and its VOD release date was quickly moved forward.

WATCH NOW

GABRIELLE BRUNEY

Gabrielle Bruney is a writer and editor for Esquire, where she focuses on politics and culture.

MORE FROM

Best of 2020 Guide

EXHIBIT PP

The New York Times

Studio's Movies in Theaters Will Be Offered for In-Home Rental

Universal is breaking longstanding industry practice to offer “The Hunt,” “The Invisible Man” and “Emma” for streaming.

By Brooks Barnes and Nicole Sperling

March 16, 2020

LOS ANGELES — Universal Pictures said on Monday that it would no longer give theaters an exclusive period of roughly 90 days to play new movies, a break with longstanding Hollywood practice that could have wide-ranging reverberations. The decision, prompted by the coronavirus pandemic and likely to anger theater owners, makes Universal the first old-line studio to become more like Netflix in its approach to film distribution.

“We hope and believe that people will still go to the movies in theaters where available, but we understand that for people in different areas of the world that is increasingly becoming less possible,” Jeff Shell, the chief executive of NBCUniversal, said in a statement.

At least some competing studios are likely to follow. Executives across Hollywood saw the move by Universal as an opening to experiment with a pay-per-view model that would allow consumers to gain immediate or near-immediate access to new movies in their homes for a premium price.

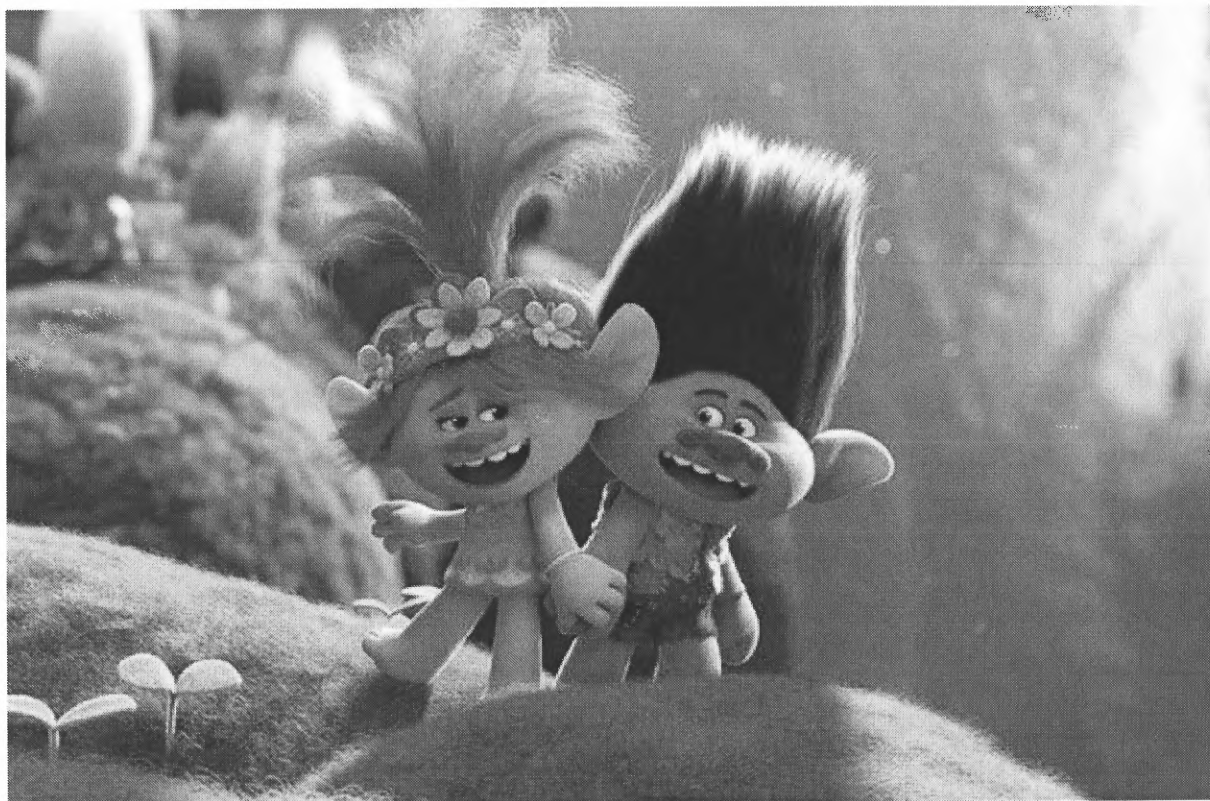
Starting Friday, three Universal movies that have already been released in theaters will become available in homes — for \$20 for a 48-hour rental period — through online stores like iTunes and Amazon Prime Video and on cable systems like Comcast,

Universal's parent company. Those films are "The Hunt," a horror satire that arrived in theaters last weekend; "The Invisible Man," which has been playing in theaters since Feb. 20; and "Emma," a new take on the classic Jane Austen novel that arrived in theaters on March 6.

The studio's animated sequel "Trolls World Tour" will roll out in theaters worldwide — those that are open — on April 10 and will be made available simultaneously for rental in homes for \$20. To compare, the average price of a movie ticket in the United States is \$9.16, according to the National Association of Theater Owners. Standard movie tickets cost \$16 to \$18 in cities like New York and Los Angeles, and IMAX screenings run about \$22.

The association did not respond to a request for comment on Universal's move. Neither did AMC, the largest chain in the United States. But in a sign of the challenging environment, the owner of Regal Theatres, the second-largest chain, said that beginning Tuesday it would be shutting down its 542 theaters with a total of 7,155 screens.

Universal stopped short of saying that every other film on its release calendar would get the same home rental treatment, but an executive at the studio said it was a possibility, depending on market conditions. Beyond "Trolls World Tour," Universal films include Jon Stewart's "Irresistible," scheduled for theatrical release on May 29; Judd Apatow's "The King of Staten Island," slated for June 19; and "Minions: The Rise of Gru," on the calendar for July 3. What had been the company's most likely theatrical blockbuster this year, the ninth iteration of the "Fast and Furious" series, has been postponed until April 2021.



“Trolls World Tour” will be released in theaters on April 10 and be made available for in-home rental that same day. DreamWorks Animation

Comcast has been eager to shorten or eliminate the exclusive period given to theaters for some time, in part because it would allow the company to reduce marketing costs. (Studios currently mount separate campaigns to support the arrival of films in theaters and then later in homes.) Such a move would also lift Comcast’s core cable division and, perhaps, help the company’s upcoming streaming service, Peacock, gain traction in the marketplace.

With as much as 80 percent of premium video-on-demand revenue going to studios, movie executives see a new engine to compensate for sputtering DVD sales. Studios are also aware that consumers have been impatient about being unable to see all movies whenever and wherever they want.

Netflix has already been chipping away at the exclusivity model. The streaming giant is devoted to keeping its subscribers happy, meaning that most of its movies make their debuts on the service itself. Netflix tiptoed into the theaters in 2018, offering Alfonso Cuarón’s “Roma,” which went on to win three Oscars, a 21-day exclusive release at

independent and small-chain theaters before it started streaming. Netflix took a similar approach more recently with Martin Scorsese's "The Irishman" after talks with theater owners collapsed.

In the past, Comcast has also faced fierce opposition from multiplex chains like AMC, Regal and Cinemark. In 2011, Universal abandoned a plan to make "Tower Heist" available on V.O.D. — for \$60 — three weeks after it arrived in theaters after the National Association of Theater Owners refused to play the film at all.

For Autumn de Wilde, the director of "Emma," which has made \$10 million in U.S. theaters, the move to the home is bittersweet. "This is a movie theater movie," she said in an interview from London, where she's trying to get home to Los Angeles. "I spent a lot of time on color and design and music and sound and I wish this movie could stay in theaters and people could go. But I do think it's a good thing, what Universal is doing. We need to keep people sane at home and give them a place to escape to. 'Emma' is a great escape movie."

Most movies still arrive the same way they have for decades. They appear first in theaters, for an exclusive run of about 90 days, and then in homes. Theater chains, including AMC, Regal and Cinemark, have fought off efforts to shorten the exclusivity period. They worry that people will be reluctant to buy tickets if they can see the same film on their living room television set or iPad screen just a few weeks (or days) later.

The theater chains have long contended that once studios are allowed to speed new films into homes there will be no going back. But they may not be able to hold the line any longer.

Betty Gilpin in “The Hunt,” which will become available on Friday for in-home rental. Universal Pictures

Ticket sales in North America fell to an all-time low over the weekend, after adjusting for inflation. Mayor Eric Garcetti of Los Angeles announced Sunday that all movie theaters in the city would be shut down until March 31. New York City will follow suit beginning Tuesday. Mayor Bill de Blasio of New York did not give an end date to the closings. The two mayors’ actions follow closures by local authorities in counties in Pennsylvania and New Jersey.

AMC said on Monday that it would curb admission to 50 people per auditorium nationwide in an effort to remain open where possible.

EXHIBIT QQ

Ronald D. Coleman
MANDELBAUM SALSBERG, P.C.
3 Becker Farm Road
Roseland, NJ 07068
973-736-4600
rcoleman@lawfirm.ms

Harmeet K. Dhillon (*pro hac vice admission pending*)
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, CA 94108
Phone: 415-433-1700
harmeet@dhillonlaw.com

Attorneys for Plaintiffs

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

DWELLING PLACE NETWORK, et al., <i>Plaintiffs,</i> v. PHILIP D. MURPHY, et al., <i>Defendants.</i>	Docket No.: 1:20-cv-06281 RBK-AMD CERTIFICATION OF RICHARD F. MYERS
--	--

1. I am Senior Pastor Richard F. Myers of the New Life Church in Millville, New Jersey ("New Life"). New Life and I are plaintiffs in this action. I am of full age make this Certification in support of plaintiffs' motion for preliminary restraints.

2. New Life is a Pentecostal, Charismatic, Full Gospel church whose congregational services include speaking in tongues, lifting of the hands by the congregation, Divine healing and other forms of charismatic active worship such as instrumental music, banner marches, dance, flags and various other displays of celebration. It is not uncommon to see children and adults dancing during New Life Church's weekly services.

3. As a matter of religious doctrine among Pentecostals, these forms of worship are essential, and can only be conducted in person and in congregate groups.

4. None of these activities can be conducted via the Internet or in “drive-in” form.

5. The New Life sanctuary can seat 1000 people. We have approximately 475 members, though normal Sunday attendance is 225-300 people at one Sunday service, meaning that there is an available ratio of space for three to five people for every person actually in attendance at each Sunday service.

6. It would be impossible to accommodate our members in conducting such services in our sanctuary ten at a time, or even outdoors 25 at a time. We would have to operate 10 consecutive outdoor services or dozens of indoor services, or some combination of them, in comparison to the two services per week we now hold. It takes approximately 38 people to run a normal Sunday service, which includes music, sound, projection, television, greeters, ushers, security, nursery, children’s church, and pastoral staff.

7. Even reducing our services to a bare-bones version, we would still require considerable resources to establish and enforce social distancing practices. Our plan is to reduce our indoor occupancy to between 156 and 180 worshippers, which is less than 25% of our occupancy permit, and to have only have five people on a 40-foot stage.

8. We will enforce a six-foot social distance ration between family units and everyone will be required to wear a mask with the exception of the musicians, singers and pastor, who will of course be on stage and at least 20 feet away from any other person or group. We will also have hand sanitizer stations throughout the church, with a concentration at entrance and exit points. Masked and gloved greeters, security personnel and crowd control agents will control entrance and exiting, social distancing, masks requirements, taking temperatures with a non-contact instrument and observing compliance.

9. These proposed protocols, precautions, and policies to were developed in consultation with medical personnel. They also advised us to adjust our ventilation system to provide “negative pressure” to constantly bring in fresh air as opposed to recirculating the inside air, which we are able to do.

10. We will also use cameras to monitor and record where everyone is seated, to afford us the ability to notify anyone sitting around an individual who is asymptomatic in the event someone in the vicinity is found at a later date to be infected.

11. New Life Church also has a food pantry, is a court-appointed community service center and counseling center, and financially supports local food distribution and food bank programs. Most of these social services are impossible, or extremely difficult, for us to perform under the current Executive Orders concerning the coronavirus lockdown, as are the activities we need to perform to fund such services.

The foregoing statements are true to the best of my knowledge. I am aware that if any of the foregoing statements are found to have been made with knowledge on my part of their falsehood that I am subject to penalties for perjury.



RICHARD F. MYERS

Dated: May 24, 2020

Ronald D. Coleman
 MANDELBAUM SALSBERG, P.C.
 3 Becker Farm Road
 Roseland, NJ 07068
 973-736-4600
rcoleman@lawfirm.ms

Harmeet K. Dhillon (*pro hac vice admission pending*)
 DHILLON LAW GROUP INC.
 177 Post Street, Suite 700
 San Francisco, CA 94108
 Phone: 415-433-1700
hdhillon@dhillonlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY

<p>DWELLING PLACE NETWORK, et al., <i>Plaintiffs,</i> <i>v.</i> PHILIP D. MURPHY, et al., <i>Defendants.</i></p>	<p>Docket No.: 1:20-cv-06281 RBK-AMD CERTIFICATION OF BOBBY BLEDSOE</p>
--	---

1. I am Pastor Bobby Bledsoe, one of the founding pastors of Dwelling Place Network in Vineland, an Assemblies of God Pentecostal congregation serving a depressed area in southern New Jersey ("Dwelling Place").

2. It is an essential precept of the Assemblies of God that Paul of the Gospels used the language of the Tabernacle and Temple sacrifices and services to communicate that worship of God is properly a constant, living reality in every dimension of the believer's life.

3. Conducting worship services without corporate singing and conducting only prayer and preaching would be inconsistent with our spiritual and theological heritage. The Bible instructs us to "make a joyful noise unto the Lord," and our Church considers group singing essential to worship.

4. One hundred and eighty worshippers can fit in the Dwelling Place sanctuary, which would allow, at 50% capacity, 90 attendees for a single Sunday morning service. Spread out over three morning services, however, as were formerly held every Sunday before the Orders, the approximately 140 regular Sunday-morning worshippers at Dwelling Place could easily exceed CDC requirements for social distancing, including with a minimum of six feet between those attending. We also have services on Monday and Wednesday evenings under normal circumstances.

5. Dwelling Place's religious services also include Communion, also known as the Lord's Supper, as well as hands-on Divine healing. These practices can only be conducted in person.

6. Similarly, a key component of Dwelling Place's religious services is adult baptism. No baptisms have taken place since the imposition of the Order.

7. Currently, however, because of the Orders, there are no services, despite the availability of space and our plan to monitor social distancing requirements with staff and cameras, to set up hand sanitizing stations and requiring gloves and masks be worn by all in attendance. We plan to manage door opening and closing to reduce attendee contact with doors and to add services so fewer people can attend each one while still accommodating those who wish to worship together.

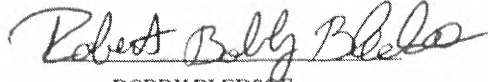
8. Dwelling Place regularly provided 420 meals a week to 30 residents living in its drug-addiction recovery homes, whose residents are provided with clothing, pastoral care, counseling and other rehabilitative activities. Dwelling Place also conducts numerous classes of a broad general nature, including Bible study. These activities have become essentially impossible to continue under the present Orders.

9. Because Dwelling Place serves a low-income demographic including many who are

from marginalized or underprivileged populations. Few of those attending our programs or classes are able to participate in them by streaming over the Internet or through social media. They do not have the hardware or the Internet access to do that, even if they could master the using such technology.

The foregoing statements are true to the best of my knowledge. I am aware that if any of the foregoing statements are found to have been made with knowledge on my part of their falsehood that I am subject to penalties for perjury.

RM



BOBBY BLEDSOE

Dated: May __, 2020

2

Ronald D. Coleman
MANDELBAUM SALSBERG, P.C.
3 Becker Farm Road
Roseland, NJ 07068
973-736-4600
rcoleman@lawfirm.ms

Harmeet K. Dhillon (*pro hac vice admission pending*)
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, CA 94108
Phone: 415-433-1700
harmeet@dhillonlaw.com

Attorneys for Plaintiffs

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

DWELLING PLACE NETWORK, et al., <i>Plaintiffs,</i> v. PHILIP D. MURPHY, et al., <i>Defendants.</i>	Docket No.: 1:20-cv-06281 RBK-AMD CERTIFICATION OF RALPH GRAVES, JR.
--	---

1. I am Ralph Graves, Jr., a plaintiff in this case, pastor of the House of Cornerstone Community Church, which is also a plaintiff. I am of full age and make this certification in support of plaintiffs' motion for preliminary relief.

2. Ralph D. Graves Jr. serves as Founder and Senior Pastor of Cornerstone Community Church in Millville. Ralph Graves is a Motivational Speaker, Business Consultant and Author. He is the Founder and Vice President of City's Hope Community Development Corporation and Founder of Project U. He is also a member of the National Speakers Association, National and

Philadelphia chapters. In 2011, he retired as a Sergeant of Police after 20 years of dedicated service to the State of New Jersey.

3. Cornerstone is a predominantly African American non-denominational evangelical congregation that started out with eight members meeting, worshipping and engaging in Bible Study in a Best Western hotel in Millville.

4. Cornerstone's Sunday services now typically attract approximately 185 worshippers to its own church facility with seating capacity of 300. We have a plan to spread our Sunday services out over three sessions to permit adequate space for social distancing, but pursuant to the Orders it would be unlawful for us to employ this plan.

5. In order to address the risk of infection, a third service would be added to shrink the size of services. We would hold indoor services limited to 50 people, who would be required to sit in family groups separated by at least six feet. The wearing of masks would always be required unless singing or delivering the sermon from the stage and far from others. Hand sanitizer stations will be readily available throughout the Sanctuary and Church building. Ushers will open doors so that congregants enter without touching anything and will keep count ensuring we do not exceed the maximum capacity.

6. Following Sunday services, the Sanctuary would be sanitized by a cleaning company with whom we have already made preliminary arrangements called JTP Cleans, using Bioque Disinfectant Solution, an EPA Registered Broad-Spectrum Disinfectant that kills Norovirus via sprayers and foggers.

7. We would also, if given relief from the current Orders, hold outdoor services in our two-acre parking lot in which speakers will preach on a stage 20 feet away from attendees. Cones and a safety officer would be employed to direct traffic and ensure safe entry and egress. Currently we are set up to run such services in "drive-in" form, pursuant to Executive Order 142, but this

option greatly detracts from our services, which typically include dancing, singing and a level of human interaction we consider essential to our worship.

The foregoing statements are true to the best of my knowledge. I am aware that if any of the foregoing statements are found to have been made with knowledge on my part of their falsehood that I am subject to penalties for perjury.



RALPH GRAVES, JR.

Dated: May 26, 2020

EXHIBIT RR

Brian Tome, Esquire
REILLY, MCDEVITT & HENRICH, P.C.
3 Executive Campus
Suite 310
Cherry Hill, NJ 08002
Phone: 302.777.1700
Email: btome@rmh-law.com

Walter Stephen Zimolong III, Esquire
ZIMOLONG, LLC
P.O. Box 552
Villanova, PA 19085
Telephone: 215.665.0842
Email: wally@zimolonglaw.com

David C. Gibbs, Jr.*
Seth J. Kraus*
Jonathan D. Gibbs*
GIBBS & ASSOCIATES LAW FIRM, LLC
6398 Thornberry Ct.
Mason, Ohio 45040
Telephone: (513) 234-5545
Email: dgibbsjr@gibbs-lawfirm.com
skraus@gibbs-lawfirm.com
jgibbs@gibbs-lawfirm.com

**Motion for admission pro hac vice
forthcoming*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

SOLID ROCK BAPTIST CHURCH, a New
Jersey not-for-profit corporation; **BIBLE BAPTIST
CHURCH OF CLEMENTON**, a New Jersey not-
for-profit corporation; **ANDREW REESE**;
CHARLES CLARK, JR.; and **CHARLES
CLARK III**,

Plaintiffs,

v.

PHILIP D. MURPHY, Governor of the State of
New Jersey, in his official capacity; **GURBIR S.
GREWAL**, Attorney General of the State of New
Jersey, in his official capacity; and **PATRICK J.
CALLAHAN**, Superintendent of State Police and
State Director of Emergency Management, in his
official capacities,

Defendants.

Civil No.: 1:20-cv-6805-RMB-JS

**CERTIFICATION OF
ANDREW REESE**

1. I am Pastor Andrew Reese of the Bible Baptist Church in Clementon, New Jersey

(“Bible Baptist”). Bible Baptist and I are plaintiffs in this action. I am over the age of eighteen and make this Certification in support of Plaintiffs’ Motion for Preliminary Injunction.

2. Bible Baptist has been operating in Clementon since 1886 and officially incorporated as a New Jersey nonprofit corporation in 1976.

3. I have pastored Bible Baptist since 2014.

4. Multiple times almost every week since that date, for 134 years, Bible Baptist has gathered its members and attendees to engage in religious worship as a church in Clementon, New Jersey, without interference by the police.

5. Since May 2020, I have received multiple tickets for gathering with the Bible Baptist congregation for religious worship services indoors with more than 10 people in violation of what I understand to be Governor Murphy’s COVID-19 executive orders.

6. It is my understanding that my conviction for violation of Governor Murphy’s COVID-19 executive orders carries with it the penalties and fines and imprisonment for each count.

7. I and the members of Bible Baptist hold the following religious beliefs concerning the God-commanded duty to gather together at the Church for religious worship and prayer, all of which duties and beliefs are also required of Bible Baptist members by the Bible Baptist Church Bylaws.

a. The Bible is inerrant in the original writings and is the complete, inspired, written revelation of God. We believe it is preserved for us today, as well as for all future people, and is the final authority for man’s faith and practice in life.

b. The church is to meet regularly. (Hebrews 10:25).

c. The church has two ordinances required by the *Holy Bible* (I Corinthians

11:2): (1) to practice believer's baptism [by immersion] (Matthew 28:19-20) and (2) to celebrate the Lord's Supper (I Corinthians 11:23-32). (Bylaws, Section 2.01(H)). Neither of these church ordinances can be completed by livestreaming or through Zoom meetings.

d. Upon joining Bible Baptist, every member, including me, has covenanted with other members as follows:

Having been led, as we believe, by the Spirit of God to receive the Lord Jesus Christ as our Savior, . . . we do now, in the presence of God, angels, and this assembly, most solemnly and joyfully enter into covenant with one another, as one body in Christ.

* . * . *

We engage, therefore, by the aid of the Holy Spirit, to walk together in Christian love; to strive for the advancement of this church in knowledge, holiness and comfort; to promote its prosperity and spirituality; to sustain its worship, ordinances, discipline and doctrines; to give it a sacred preeminence over all institutions of human origin.

(Bylaws, Section 2.03).

e. "[T]he the church shall meet each Sunday for public worship both morning and evening, and at least once during the week for prayer." (Bylaws, Section 6.01).

f. The physical assembly in one place on the Lord's day, for mid-week services, revivals, and other special religious worship and prayer meetings is an essential part of my and our worship.

g. The failure to assemble is a sin in violation of God's commands as I and we believe He commands in the *Holy Bible* in such verses as Hebrews 10:25, Romans 10:17, Acts 2:42, I Corinthians 12:25-26, Luke 14:23 and Ephesians 5:25- 26.

8. Church attendance is of such ecclesiastical importance that under Bible Baptist's bylaws, my or another member's failure to attend at least one regular worship service in six months

subjects me or the other member's church membership to automatic termination.

9. Bible Baptist has terminated the membership of several individuals for nonattendance since I have been the Pastor of Bible Baptist.

10. Bible Baptist is a small congregation, normally having 70 people at its weekly worship assembly.

11. From March 23, 2020, until May 20, 2020, I and Bible Baptist operated in compliance with what I understand to be the Governor's COVID-19 Orders by not having indoor worship services, instead livestreaming sermons to Bible Baptist members and visitors.

12. At first, I and Bible Baptist complied with the Governor's Orders for two reasons: my and our religious beliefs require us to obey the authority set over us until the *Bible* requires us to obey God rather than man and second, because we were assured by the Governor that the prohibition against gathering indoors would be temporary.

13. Then, as the prohibition against assembling indoors for religious worship and prayer appeared to become permanent for one month, and then two, and then three, with no real end assured, I and Bible Baptist members could no longer comply with the Orders without being disobedient to God's commands to believers to gather for worship.

14. Then, on May 20, 2020, I and Bible Baptist held our mid-week worship service in the Bible Baptist building with more than 10 people in the sanctuary. Every individual attending, other than families, sat at least 6 feet apart and wore a mask.

15. Prior to the May 20, 2020 worship service, church members spent most of the day cleaning and sanitizing the church sanctuary in preparation for the mid-week worship service.

16. On May 21, 2020, Chief Charles Grover, Clementon Police Department swore out Complaint # 0410-SC-006154, charging me with violation of APP. A:9-50 for "opening Bible

Baptist Church on May 20, 2020 and facilitating a gathering of more than 10 people on the premises of the Church in violation of Executive Order 107 in violation of APP. A:9-50” and summoning me to appear before the Clementon Borough Municipal Court on June 16, 2020.

17. On Sunday, May 24, 2020, I and Bible Baptist held two Sunday religious worship service indoors with more than 10 people in the sanctuary. The sanctuary was sanitized before each worship service. Every individual attending, other than families, sat at least 6 feet apart and wore a mask.

18. Clementon police officers showed up for less than half an hour for both services and then, on May 24, 2020, Chief Charles Grover of Clementon Police Department swore out Complaint # 0410-SC-00006150 charging Pastor Reese with violating APP. A:9-50 for “opening Bible Baptist Church on May 20, 2020 and facilitating a gathering of more than 10 people on the premises of the Church in violation of Executive Order 107 in violation of APP. A:9-50” and summoning him to appear before the Clementon Borough Municipal Court.

19. Bible Baptist’s sanctuary has a seating capacity of 75, and for the gatherings already held during the pandemic, at no time was the sanctuary filled to capacity, but instead, the church only allowed a maximum of 38 people in the sanctuary so as to comply with social distancing requirements.

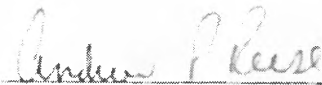
20. Despite the threat of criminal prosecution, my and our faith compel me and Bible Baptist members to continue to assemble as commanded by the Lord in His Word, the *Holy Bible*.

21. I and Bible Baptist congregants are very concerned that I and Bible Baptist members will be charged and sentenced to the payment of fines and to imprisonment when we continue to gather for prayer and religious worship indoors with more than the number of people permitted by Governor Murphy’s latest COVID-19 Executive Order.

22. I and Bible Baptist members have been complying and are willing to continue to comply with Center for Disease Control social distancing and protective hygiene requirements for the protection of the gathering participants and to stop the spread of COVID-19.

I declare under penalty of perjury that the foregoing Certification of Andrew Reese has been examined by me and that the factual allegations therein are true to the best of my information, knowledge, and belief.

Executed on this 15th day of June, 2020.



ANDREW P. REESE
Bible Baptist Church of Clementon
260 Berlin Road
Clementon, NJ 08021

Brian Tome, Esquire
REILLY, MCDEVITT & HENRICH, P.C.
3 Executive Campus
Suite 310
Cherry Hill, NJ 08002
Phone: 302.777.1700
Email: btome@rmh-law.com

Walter Stephen Zimolong III, Esquire
ZIMOLONG, LLC
P.O. Box 552
Villanova, PA 19085
Telephone: 215.665.0842
Email: wally@zimolonglaw.com

David C. Gibbs, Jr.*
Seth J. Kraus*
Jonathan D. Gibbs*
GIBBS & ASSOCIATES LAW FIRM, LLC
6398 Thornberry Ct.
Mason, Ohio 45040
Telephone: (513) 234-5545
Email: dgibbsjr@gibbs-lawfirm.com
skraus@gibbs-lawfirm.com
jgibbs@gibbs-lawfirm.com

**Motion for admission pro hac vice
forthcoming*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

SOLID ROCK BAPTIST CHURCH, a New
Jersey not-for-profit corporation; **BIBLE BAPTIST
CHURCH OF CLEMENTON**, a New Jersey not-
for-profit corporation; **ANDREW REESE**;
CHARLES CLARK, JR.; and **CHARLES
CLARK III**,

Plaintiffs,

v.

PHILIP D. MURPHY, Governor of the State of
New Jersey, in his official capacity; **GURBIR S.
GREWAL**, Attorney General of the State of New
Jersey, in his official capacity; and **PATRICK J.
CALLAHAN**, Superintendent of State Police and
State Director of Emergency Management, in his
official capacities,

Defendants.

Civil No.: 1:20-cv-6805-RMB-JS

**CERTIFICATION OF
CHARLES CLARK, JR.**

1. I am Co-Pastor Charles Clark, Jr., of the Solid Rock Baptist Church in Berlin, New

Jersey (“Solid Rock”). Solid Rock, my Co-Pastor, Charles Clark III, and I are plaintiffs in this action. I am over the age of eighteen and make this Certification in support of Plaintiffs’ Motion for Preliminary Injunction.

2. Solid Rock has been operating in West Berlin, New Jersey, since 1981 and officially incorporated as a New Jersey non-profit corporation in 1983.

3. I have received five tickets for gathering with the Solid Rock congregation for religious worship services indoors with more than 10 people in violation of what I understand to be Governor Murphy’s COVID-19 executive orders.

4. It is my understanding that my conviction for violation of Governor Murphy’s COVID-19 executive orders carries with it the penalties and fines and imprisonment.

5. Multiple times almost every week since that date, for 39 years, Solid Rock has gathered its members and attendees to engage in religious worship as a church in Berlin, New Jersey.

6. I have pastored Solid Rock since 1981.

7. I and the members of Solid Rock hold the following religious beliefs concerning the God-commanded duty to gather together at the Church for religious worship and prayer, all of which duties and beliefs are also required of Solid Rock members by the Solid Rock Baptist Church Bylaws.

a. I and we believe the Bible is inerrant in the original writings and is the complete, inspired, written revelation of God. We believe it is preserved for us today, as well as for all future people, and is the final authority for man’s faith and practice in life.

b. I and we believe the church is to meet regularly. (Hebrews 10:25).

c. The church has two ordinances required by the *Holy Bible* (I Corinthians 11:2): (1) to practice believer's baptism [by immersion] (Matthew 28:19-20) and (2) to celebrate the Lord's Supper (I Corinthians 11:23-32). (Bylaws, Article 2). Neither of these church ordinances can be completed by livestreaming or through Zoom meetings.

d. Upon joining Solid Rock, every member, including me, has covenanted with other members as follows:

Having been led, as we believe, by the Holy Spirit to receive the Lord Jesus Christ as our Saviour, and to join ourselves together with this local assembly; (Isaiah 12:2, John 1:12, John 3:16, Ephesians 2:8-9, Romans 10:9, 10, 13)

And on the profession of our faith, having been baptized by immersion in the name of the Father, and of the Son, and of the Holy Ghost; (Matthew 28:19, Acts 2:41, Acts 8:12, Acts 8:36-38, Acts 10:47-48, Acts 16:31-34)

We do now, in the presence of God and this assembly, most solemnly and joyfully enter into this covenant with one another as one in Christ Jesus. (Romans 12:4-5, I Corinthians 12:12-27, Hebrews 12:1-2, Galatians 3:28)

*. *. *

To sustain its worship by: regular attendance at all its scheduled services, its ordinances and doctrines, and to submit to its discipline; (Matthew 18:15-17, Acts 2:42, I Corinthians 5:1-13, Hebrews 10:25)

To give it sacred preeminence over all institutions of human origin (Acts 2:42-47, Acts 5:42, Acts 20:7)

(Bylaws, Article 4).

e. "[T]he the church shall meet each Sunday for public worship both morning and evening, and at least once during the week for prayer. Special meetings will be held throughout the year at the Co-Pastors' discretion." (Bylaws, Section 7.01).

f. The physical assembly in one place on the Lord's day, for mid-week services, revivals, and other special religious worship and prayer meetings is an essential part of my and our worship.

g. The failure to assemble is a sin in violation of God's commands as I and we believe He commands in the *Holy Bible* in such verses as Hebrews 10:25, Romans 10:17, Acts 2:42, I Corinthians 12:25-26, Luke 14:23 and Ephesians 5:25- 26.

8. Church attendance is of such ecclesiastical importance that under Solid Rock's bylaws, my or another member's failure to attend at least one regular worship service in four months subjects me or the other member's church membership to automatic termination.

9. Solid Rock has terminated the membership of several individuals for nonattendance since I have been the Pastor of Solid Rock.

10. The Solid Rock sanctuary is able to seat up to 1000 people.

11. From March 23, 2020, until May 24, 2020, Solid Rock operated in compliance with the Governor's COVID-19 Orders by not having indoor worship services, instead livestreaming sermons to Solid Rock members and visitors.

12. At first, I and Solid Rock complied with the Governor's Orders for two reasons: my and our religious beliefs require us to obey the authority set over us until the *Bible* requires us to obey God rather than man and second, because we were assured by the Governor that the prohibition against gathering indoors would be temporary.

13. Then, as the prohibition against assembling indoors for religious worship and prayer appeared to become permanent for one month, and then two, and then three, we could no longer comply with the Orders without being disobedient to God's commands to believers to gather for worship.

14. Therefore, by a letter to Governor Murphy dated May 15, 2020, my Co-Pastor and son, Charles Clark III gave notice to the Governor that “We will be safe, sanitized, and using social distancing. Solid Rock will begin having services in our building on May 24, 2020,” and asked that the Governor declare churches to be “essential” with the attendant freedoms allowed those secular businesses, services, and workers.

15. Attorneys for Solid Rock also gave notice to Governor Murphy by letter to Governor Murphy dated May 18, 2020, that Solid Rock would be opening for services May 24, 2020, and asked that his office confirm in writing that churches in New Jersey could begin meeting again.

16. On Sunday, May 24, 2020, after no response to either letter from Governor Murphy, I and Solid Rock held two religious worship services indoors with more than 10 people in the sanctuary. We permitted no more than 250 people in the sanctuary so as to comply with social distancing requirements. Every person had his temperature checked with a touchless thermometer before he could enter and those with a temperature of 100.4° and above were prohibited from attending. Every individual attending, other than families, sat at least 6-feet apart and wore a mask. Members were required to make reservations to attend the Sunday services so as to enable the church to enforce its social distancing protocols. The sanctuary was thoroughly sanitized in preparation for the Sunday gatherings.

17. The day before the services, Camden County public safety officers installed cameras at Solid Rock in order to surveille supporters and protesters that gathered outside the church during the worship services.

18. Berlin police officers did not disrupt the services, but on May 25, 2020, Lt. Michael Scheer of the Berlin Borough Police Department swore out 5 Complaints charging me with

“opening Solid Rock Church [*sic.*] on 5/24/20 @ 10 am [and 5:30 pm] facilitating a gathering over 10 people in violation of EO 107. In violation of APP. A:9-50” and summoning me to appear before the Berlin Borough Municipal Court on July 6, 2020.

19. Despite the threat of criminal prosecution, my and our faith require me and Solid Rock members to continue to assemble as commanded by the Lord in His Word, the *Holy Bible*.

20. I and Solid Rock congregants are very concerned that I, my son, and Solid Rock members will be charged and sentenced to the payment of fines and to imprisonment when we continue to gather for religious worship indoors with more than the number of people permitted by Governor Murphy’s latest COVID-19 Executive Order.

21. I and Solid Rock members have been complying and are willing to continue to comply with Center for Disease Control social distancing and protective hygiene requirements for the protection of the gathering participants and to stop the spread of COVID-19.

I declare under penalty of perjury that the foregoing Certification of Charles Clark, Jr., has been examined by me and that the factual allegations therein are true to the best of my information, knowledge, and belief.

Executed on this 15 day of June, 2020.



CHARLES CLARK, JR.
Solid Rock Baptist Church of West
Berlin
420 South White Horse Pike
Berlin, NJ 8009

Brian Tome, Esquire
REILLY, MCDEVITT & HENRICH, P.C.
3 Executive Campus
Suite 310
Cherry Hill, NJ 08002
Phone: 302.777.1700
Email: btome@rmh-law.com

Walter Stephen Zimolong III, Esquire
ZIMOLONG, LLC
P.O. Box 552
Villanova, PA 19085
Telephone: 215.665.0842
Email: wally@zimolonglaw.com

David C. Gibbs, Jr.*
Seth J. Kraus*
Jonathan D. Gibbs*
GIBBS & ASSOCIATES LAW FIRM, LLC
6398 Thornberry Ct.
Mason, Ohio 45040
Telephone: (513) 234-5545
Email: dgibbsjr@gibbs-lawfirm.com
skraus@gibbs-lawfirm.com
jgibbs@gibbs-lawfirm.com

**Motion for admission pro hac vice
forthcoming*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

SOLID ROCK BAPTIST CHURCH, a New
Jersey not-for-profit corporation; **BIBLE BAPTIST
CHURCH OF CLEMENTON**, a New Jersey not-
for-profit corporation; **ANDREW REESE**;
CHARLES CLARK, JR.; and **CHARLES
CLARK III**,

Plaintiffs,

v.

PHILIP D. MURPHY, Governor of the State of
New Jersey, in his official capacity; **GURBIR S.
GREWAL**, Attorney General of the State of New
Jersey, in his official capacity; and **PATRICK J.
CALLAHAN**, Superintendent of State Police and
State Director of Emergency Management, in his
official capacities,

Defendants.

Civil No.: 1:20-cv-6805-RMB-JS

**CERTIFICATION OF
CHARLES CLARK III**

1. I am Co-Pastor Charles Clark III' of the Solid Rock Baptist Church in Berlin, New

Jersey (“Solid Rock”). Solid Rock, my Co-Pastor, Charles Clark, Jr., and I are plaintiffs in this action. I am over the age of eighteen and make this Certification in support of Plaintiffs’ Motion for Preliminary Injunction.

2. Solid Rock has been operating in West Berlin, New Jersey, since 1981 and officially incorporated as a New Jersey non-profit corporation in 1983.

3. I have received five tickets for gathering with the Solid Rock congregation for religious worship services indoors with more than 10 people in violation of what I understand to be Governor Murphy’s COVID-19 executive orders.

4. It is my understanding that my conviction for violation of Governor Murphy’s COVID-19 executive orders carries with it the penalties and fines and imprisonment.

5. Multiple times almost every week since that date, for 39 years, Solid Rock has gathered its members and attendees to engage in religious worship as a church in Berlin, New Jersey.

6. I have co-pastored Solid Rock with my father, Charles Clark, Jr., for more than 15 years and have worked at Solid Rock for more than 30 years.

7. I and the members of Solid Rock hold the following religious beliefs concerning the God-commanded duty to gather together at the Church for religious worship and prayer, all of which duties and beliefs are also required of Solid Rock members by the Solid Rock Baptist Church Bylaws.

a. I and we believe the Bible is inerrant in the original writings and is the complete, inspired, written revelation of God. We believe it is preserved for us today, as well as for all future people, and is the final authority for man’s faith and practice in life.

- b. I and we believe the church is to meet regularly. (Hebrews 10:25).
- c. The church has two ordinances required by the *Holy Bible* (I Corinthians 11:2): (1) to practice believer's baptism [by immersion] (Matthew 28:19-20) and (2) to celebrate the Lord's Supper (I Corinthians 11:23-32). (Bylaws, Article 2). Neither of these church ordinances can be completed by livestreaming or through Zoom meetings.
- d. Upon joining Solid Rock, every member, including me, has covenanted with other members as follows:

Having been led, as we believe, by the Holy Spirit to receive the Lord Jesus Christ as our Saviour, and to join ourselves together with this local assembly; (Isaiah 12:2, John 1:12, John 3:16, Ephesians 2:8-9, Romans 10:9, 10, 13)

And on the profession of our faith, having been baptized by immersion in the name of the Father, and of the Son, and of the Holy Ghost; (Matthew 28:19, Acts 2:41, Acts 8:12, Acts 8:36-38, Acts 10:47-48, Acts 16:31-34)

We do now, in the presence of God and this assembly, most solemnly and joyfully enter into this covenant with one another as one in Christ Jesus. (Romans 12:4-5, I Corinthians 12:12-27, Hebrews 12:1-2, Galatians 3:28)

*. *. *

To sustain its worship by: regular attendance at all its scheduled services, its ordinances and doctrines, and to submit to its discipline; (Matthew 18:15-17, Acts 2:42, I Corinthians 5:1-13, Hebrews 10:25)

To give it sacred preeminence over all institutions of human origin (Acts 2:42-47, Acts 5:42, Acts 20:7)

(Bylaws, Article 4).

- e. "[T]he the church shall meet each Sunday for public worship both morning and evening, and at least once during the week for prayer. Special meetings will be

held throughout the year at the Co-Pastors' discretion." (Bylaws, Section 7.01).

f. The physical assembly in one place on the Lord's day, for mid-week services, revivals, and other special religious worship and prayer meetings is an essential part of my and our worship.

g. The failure to assemble is a sin in violation of God's commands as I and we believe He commands in the *Holy Bible* in such verses as Hebrews 10:25, Romans 10:17, Acts 2:42, I Corinthians 12:25-26, Luke 14:23 and Ephesians 5:25- 26.

8. Church attendance is of such ecclesiastical importance that under Solid Rock's bylaws, my or another member's failure to attend at least one regular worship service in four months subjects me or the other member's church membership to automatic termination.

9. Solid Rock has terminated the membership of several individuals for nonattendance since I have been the Pastor of Solid Rock.

10. The Solid Rock sanctuary is able to seat up to 1000 people.

11. From March 23, 2020, until May 24, 2020, Solid Rock operated in compliance with the Governor's COVID-19 Orders by not having indoor worship services, instead livestreaming sermons to Solid Rock members and visitors.

12. At first, I and Solid Rock complied with the Governor's Orders for two reasons: my and our religious beliefs require us to obey the authority set over us until the *Bible* requires us to obey God rather than man and second, because we were assured by the Governor that the prohibition against gathering indoors would be temporary.

13. Then, as the prohibition against assembling indoors for religious worship and prayer appeared to become permanent for one month, and then two, and then three, we could no longer comply with the Orders without being disobedient to God's commands to believers to

gather for worship.

14. Therefore, by a letter to Governor Murphy dated May 15, 2020, I gave notice to the Governor that “We will be safe, sanitized, and using social distancing. Solid Rock will begin having services in our building on May 24, 2020,” and asked that the Governor declare churches to be “essential” with the attendant freedoms allowed those secular businesses, services, and workers.

15. Attorneys for Solid Rock also gave notice to Governor Murphy by letter to Governor Murphy dated May 18, 2020, that Solid Rock would be opening for services May 24, 2020, and asked that his office confirm in writing that churches in New Jersey could begin meeting again.

16. On Sunday, May 24, 2020, after no response to either letter from Governor Murphy, I and Solid Rock held two religious worship services indoors with more than 10 people in the sanctuary. We permitted no more than 250 people in the sanctuary so as to comply with social distancing requirements. Every person had his temperature checked with a touchless thermometer before he could enter and those with a temperature of 100.4° and above were prohibited from attending. Every individual attending, other than families, sat at least 6-feet apart and wore a mask. Members were required to make reservations to attend the Sunday services so as to enable the church to enforce its social distancing protocols. The sanctuary was thoroughly sanitized in preparation for the Sunday gatherings.

17. The day before the services, Camden County public safety officers installed cameras at Solid Rock in order to surveille supporters and protesters that gathered outside the church during the worship services.

18. Berlin police officers did not disrupt the services, but on May 25, 2020, Lt.

Michael Scheer of the Berlin Borough Police Department swore out 5 Complaints charging me with “opening Solid Rock Church [*sic.*] on 5/24/20 @ 10 am [and 5:30 pm] facilitating a gathering over 10 people in violation of EO 107. In violation of APP. A:9-50” and summoning me to appear before the Berlin Borough Municipal Court on July 6, 2020.

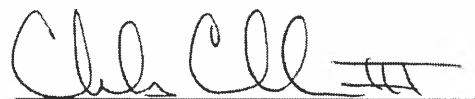
19. Despite the threat of criminal prosecution, my and our faith require me and Solid Rock members to continue to assemble as commanded by the Lord in His Word, the *Holy Bible*.

20. I and Solid Rock congregants are very concerned that I, my father, and Solid Rock members will be charged and sentenced to the payment of fines and to imprisonment when we continue to gather for prayer and religious worship indoors with more than the number of people permitted by Governor Murphy’s latest COVID-19 Executive Order.

21. I and Solid Rock members have been complying and are willing to continue to comply with Center for Disease Control social distancing and protective hygiene requirements for the protection of the gathering participants and to stop the spread of COVID-19.

I declare under penalty of perjury that the foregoing Certification of Charles Clark, III., has been examined by me and that the factual allegations therein are true to the best of my information, knowledge, and belief.

Executed on this 15th day of June, 2020.

A handwritten signature in black ink, appearing to read "Charles Clark III", written over a horizontal line.

CHARLES CLARK III
Solid Rock Baptist Church of West
Berlin
420 South White Horse Pike
Berlin, NJ 8009

EXHIBIT SS

Most theatres will reopen soon with your health & safety in mind. Learn more about our new AMC Safe & Clean™ policies and procedures.



SIGN IN
Join AMC Stubs®

See A Movie

Our Theatres

Food & Drinks

On Demand

Extras

Gift Cards



Showtimes

SUMMERDEALS

\$2.99
AND UP

Summer Deals: Whodunit?

Solve the case with our mystery movie sale. Choose from titles like KNIVES OUT, CLUE, SHERLOCK HOLMES, and more, starting at \$2.99!

Browse Sale

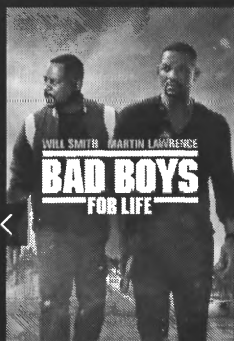


Sort Options

Filter

Top Rentals

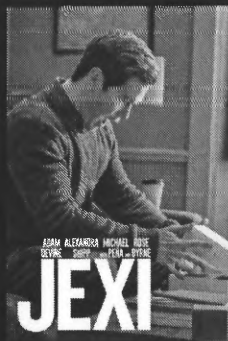
See All >



Bad Boys For Life
2020 | 2 HR 4 MIN | R

THE
INVISIBLE
MAN

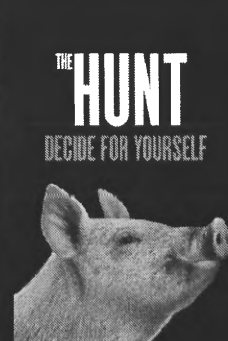
The Invisible Man
2020 | 2 HR 4 MIN | R



Jexi
2019 | 1 HR 24 MIN | R



Sonic The Hedgehog
2020 | 1 HR 38 MIN | PG



The Hunt
2020 | 1 HR 30 MIN | R



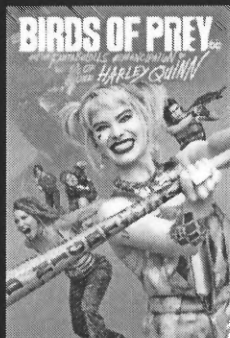
The Way Back (2020)
2020 | 1 HR 48 MIN | R

Heroes & Villains Sale

See All >



Captain Marvel
2019 | 2 HR 4 MIN | PG-13



Harley Quinn: Birds Of
Prey
2020 | 1 HR 49 MIN | R



Spider-Man: Far From Home
2019 | 2 HR 10 MIN | PG-13



Venom
2018 | 1 HR 52 MIN | PG-13



Constantine
2005 | 2 HR 1 MIN | R



Black Panther
2018 | 2 HR 14 MIN | PG-13

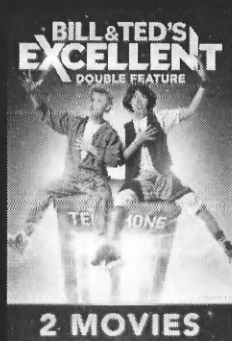


Bundles Extravaganza Sale

See All >



Yesterday/Pitch Perfect
2-Movie Collection
PG-13



Bill & Ted's Excellent
Double Feature
PG



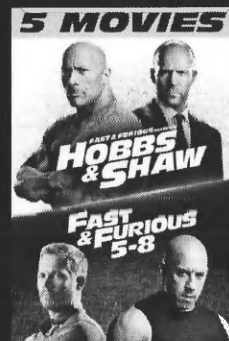
Us/Get Out 2-Movie
Collection
R



Glass/Split 2-Movie
Collection
R



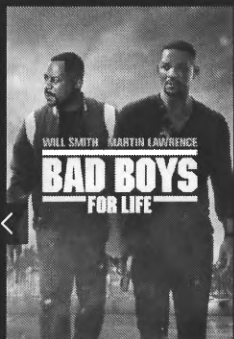
Fifty Shades 3-Movie
Bundle (Unrated)
NR



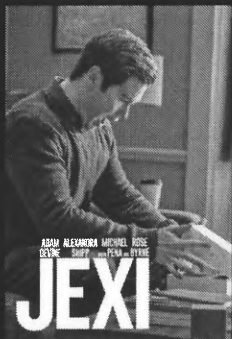
Hobbs & Shaw 5-Movie
Bundle
PG-13

Rentals - Up to 50% Off

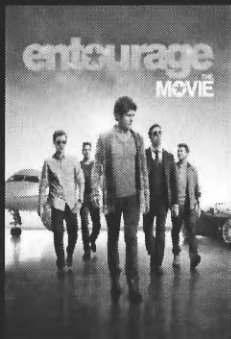
See All >



Bad Boys For Life
2020 | 2 HR 4 MIN | R



Jexi
2019 | 1 HR 24 MIN | R



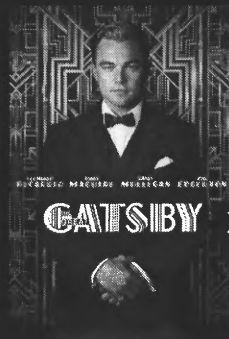
Entourage
2015 | 1 HR 44 MIN | R



Tangerine
2015 | 1 HR 27 MIN | R



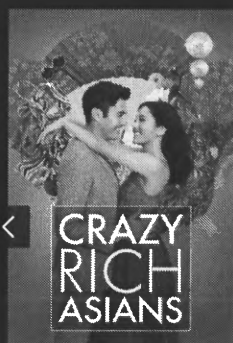
Max Payne
2008 | 1 HR 40 MIN | PG-13



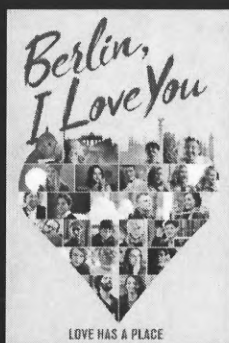
The Great Gatsby
2013 | 2 HR 22 MIN | PG-13

Summer Lovin' - \$4.99 & Up

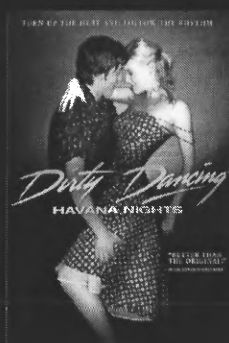
See All >



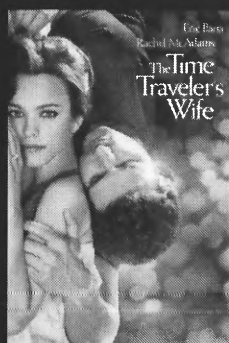
Crazy Rich Asians
2018 | 2 HR 1 MIN | PG-13



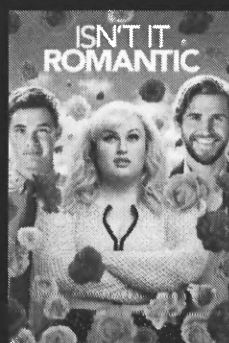
Berlin, I Love You
2019 | 1 HR 59 MIN | R



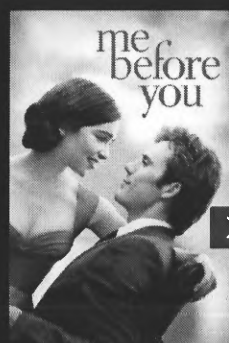
Dirty Dancing: Havana Nights
2004 | 1 HR 26 MIN | PG-13



The Time Traveler's Wife
2009 | 1 HR 48 MIN | PG-13



Isn't It Romantic
2019 | 1 HR 28 MIN | PG-13



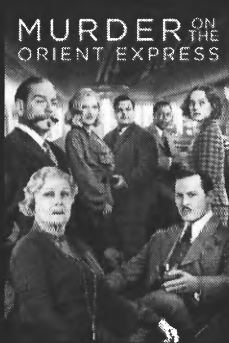
Me Before You
2016 | 1 HR 50 MIN | PG-13

Whodunit? Sale

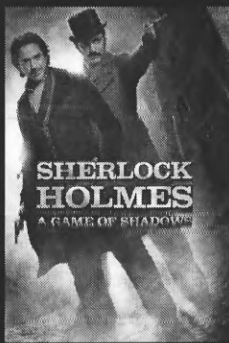
See All >



Knives Out
2019 | 2 HR 10 MIN | PG-13



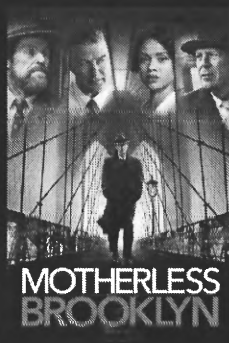
Murder On The Orient Express
2017 | 1 HR 55 MIN | PG-13



Sherlock Holmes: A Game Of Shadows
2011 | 2 HR 9 MIN | PG-13



A Simple Favor
2018 | 1 HR 57 MIN | R



Motherless Brooklyn
2019 | 2 HR 24 MIN | R



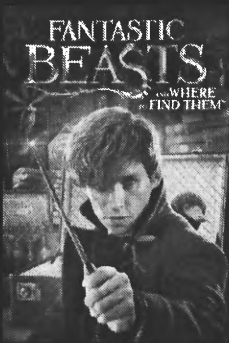
Tomorrowland
2015 | 2 HR 10 MIN | PG

Wizards World Sale

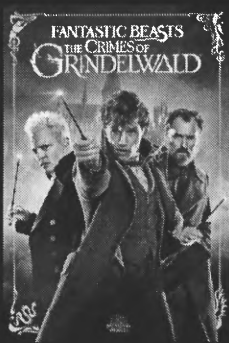
See All >



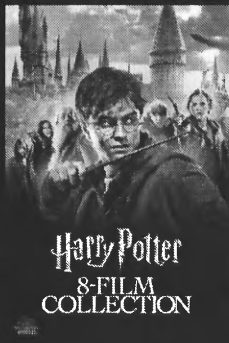
Fantastic Beasts The Crimes Of Grindelwald / Fantastic Beasts And Where To Find Them
PG-13



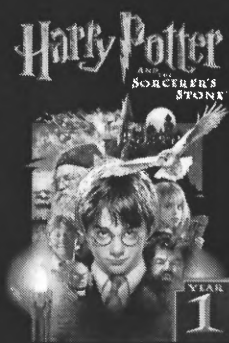
Fantastic Beasts And Where To Find Them
2016 | 2 HR 12 MIN | PG-13



Fantastic Beasts: The Crimes Of Grindelwald
2018 | 2 HR 14 MIN | PG-13



Harry Potter 8-Film Collection
PG-13



Harry Potter And The Sorcerer's Stone
2001 | 2 HR 32 MIN | PG



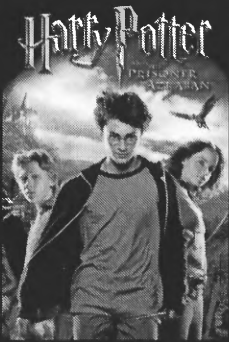
Harry Potter And The Chamber Of Secrets
2002 | 2 HR 41 MIN | PG

\$3.99 & Under Rentals

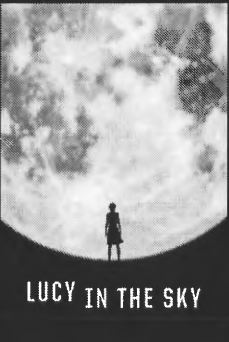
See All >



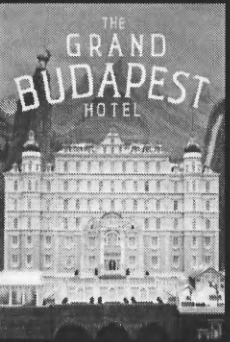
Get Out
2017 | 1 HR 41 MIN | R



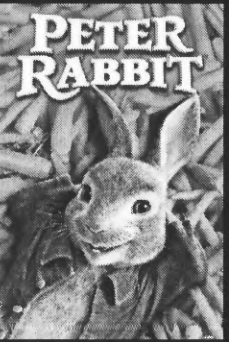
Harry Potter And The Prisoner Of Azkaban
2004 | 2 HR 21 MIN | PG



Lucy In The Sky
2019 | 2 HR 6 MIN | R



The Grand Budapest Hotel
2014 | 1 HR 39 MIN | R



Peter Rabbit
2018 | 1 HR 34 MIN | PG



The Proposal
2009 | 1 HR 48 MIN | PG-13

Movies Not Available on Netflix - From \$2.99

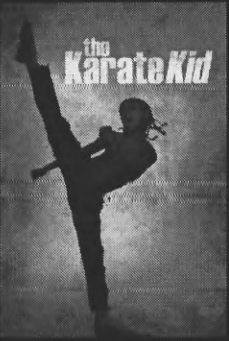
See All >



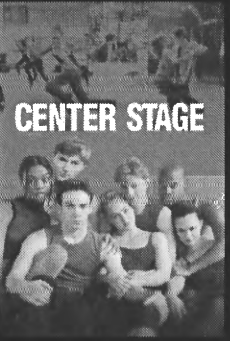
21
2008 | 2 HR 3 MIN | PG-13



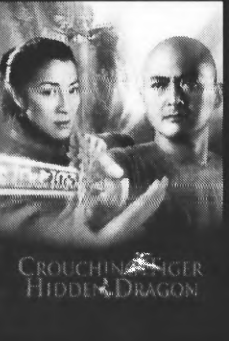
Ghost Rider
2007 | 1 HR 50 MIN | NR



Karate Kid (2010)
2010 | 2 HR 20 MIN | PG



Center Stage (2000)
2000 | 1 HR 55 MIN | PG-13



Crouching Tiger, Hidden Dragon (Wo hu ca)
2000 | 2 HR | PG-13



Death At A Funeral
2010 | 1 HR 33 MIN | R

On Sale Now

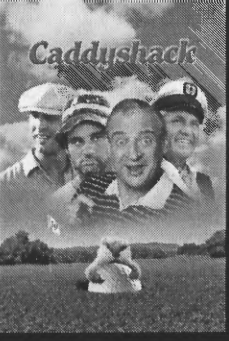
See All >



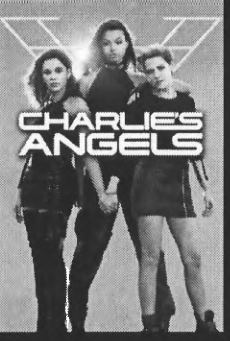
The Invisible Man
2020 | 2 HR 4 MIN | R



The Turning
2020 | 1 HR 35 MIN | PG-13



Caddyshack
1980 | 1 HR 39 MIN | R



Charlie's Angels
2019 | 1 HR 59 MIN | PG-13



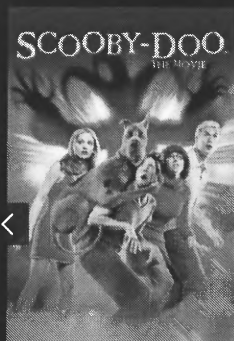
Bill and Ted's Excellent Adventure
1989 | 1 HR 30 MIN | PG



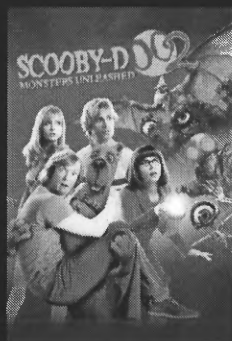
Bill & Ted's Bogus Journey
1991 | 1 HR 33 MIN | PG

Popular Kids & Family

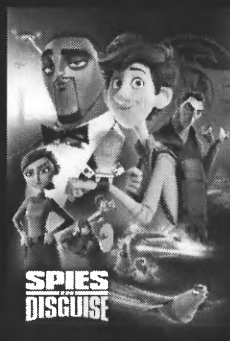
See All >



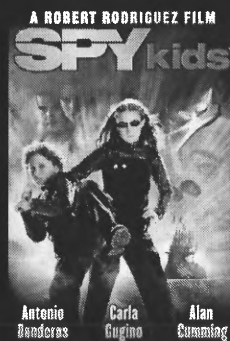
Scooby-Doo
2002 | 1 HR 26 MIN | PG



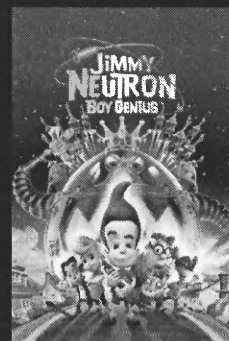
Scooby-Doo 2: Monsters Unleashed
2004 | 1 HR 33 MIN | PG



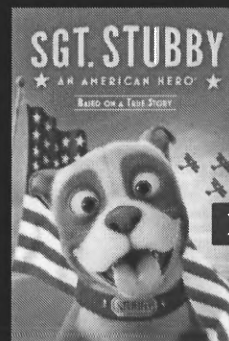
Spies In Disguise
2019 | 1 HR 42 MIN | PG



Spy Kids
2001 | 1 HR 28 MIN | PG



Jimmy Neutron, Boy Genius
2001 | 1 HR 22 MIN | G



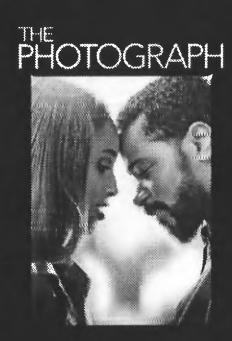
Sgt. Stubby: An American Hero
2018 | 1 HR 25 MIN | PG

Our Stories

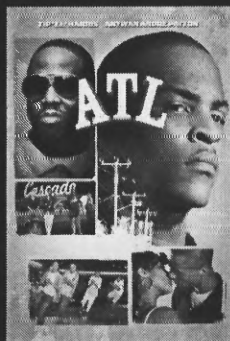
See All >



Clemency
2019 | 1 HR 52 MIN | R



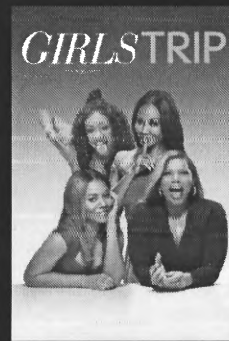
The Photograph
2020 | 1 HR 46 MIN | PG-13



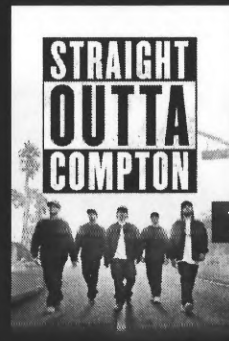
ATL
2006 | 1 HR 45 MIN | PG-13



Better Luck Tomorrow
2003 | 1 HR 38 MIN | R



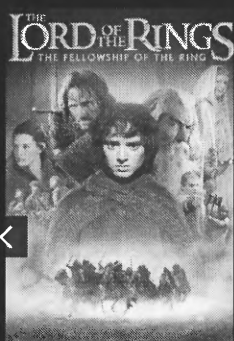
Girls Trip
2017 | 2 HR 2 MIN | R



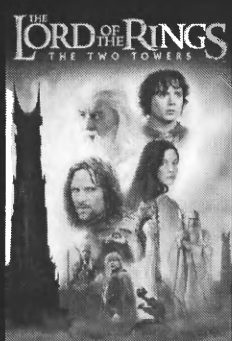
Straight Outta Compton
2015 | 2 HR 27 MIN | R

Middle Earth Sale

See All >



Lord of the Rings: Fellowship Of The Ring
2001 | 3 HR 29 MIN | PG-13



Lord of the Rings: The Two Towers
2002 | 3 HR 45 MIN | PG-13



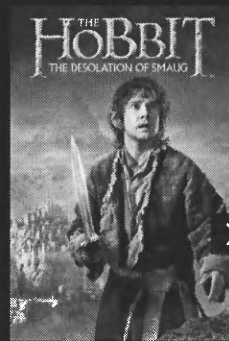
Lord of the Rings: The Return of the King
2003 | 3 HR 21 MIN | PG-13



The Lord of the Rings: The Motion Picture Trilogy
PG-13



The Hobbit: An Unexpected Journey
2012 | 2 HR 50 MIN | PG-13



The Hobbit: The Desolation Of Smaug
2013 | 2 HR 41 MIN | PG-13

Dramedies

See All >



Whiskey Tango Foxtrot
2016 | 1 HR 51 MIN | R



Birdman
2014 | 1 HR 59 MIN | R



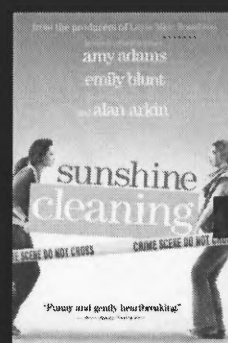
Spanglish
2004 | 2 HR 8 MIN | PG-13



The Best Man Holiday
2013 | 2 HR 4 MIN | R



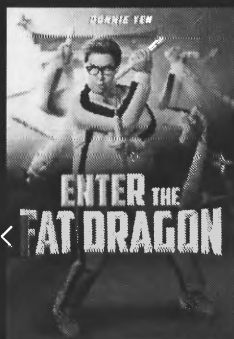
Captain Fantastic
2016 | 1 HR 59 MIN | R



Sunshine Cleaning
2009 | 1 HR 39 MIN | R

Recent Releases

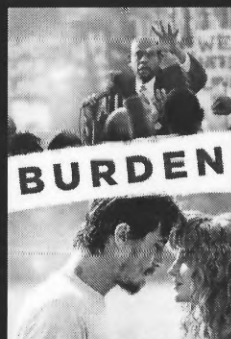
[See All >](#)



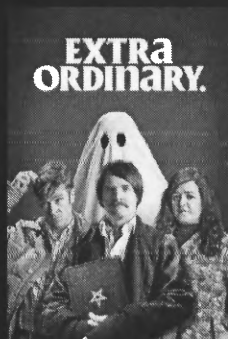
Enter The Fat Dragon
2020 | 1 HR 37 MIN | NR



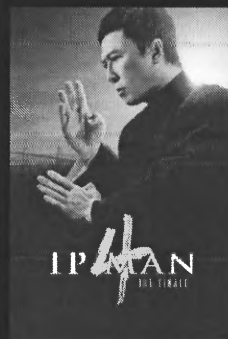
Yesterday/Pitch Perfect 2-Movie Collection
PG-13



Burden
2020 | 1 HR 57 MIN | R



Extra Ordinary
2020 | 1 HR 34 MIN | R



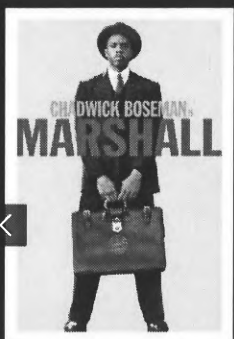
Ip Man 4
2019 | 1 HR 45 MIN | NR



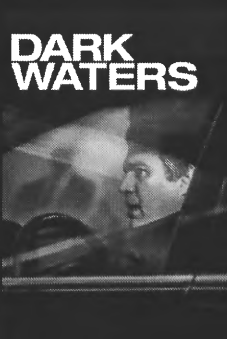
The Warrior Queen Of Jhansi
2019 | 1 HR 44 MIN | R

Legal Thrillers

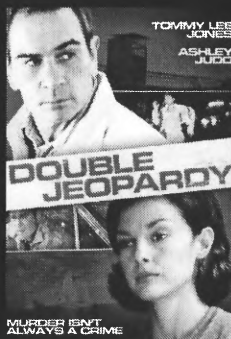
[See All >](#)



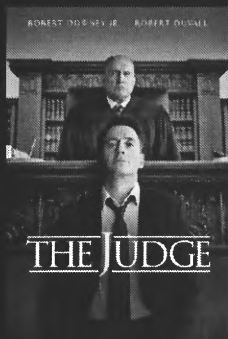
Marshall
2017 | 1 HR 58 MIN | PG-13



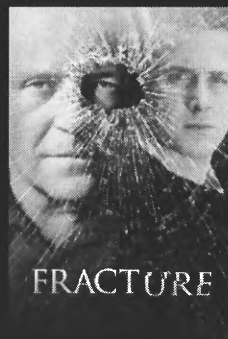
Dark Waters
2019 | 2 HR 6 MIN | PG-13



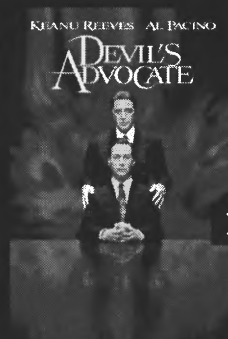
Double Jeopardy (1999)
1999 | 1 HR 45 MIN | R



The Judge
2014 | 2 HR 22 MIN | R



Fracture
2007 | 1 HR 53 MIN | R



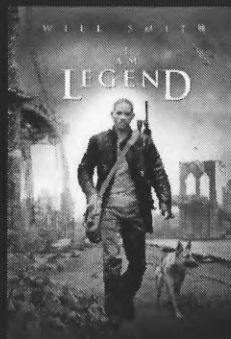
The Devil's Advocate
1997 | 2 HR 23 MIN | R

Science Gone Wrong

[See All >](#)



A.I. Artificial Intelligence
2001 | 2 HR 26 MIN | PG-13



I Am Legend
2007 | 1 HR 41 MIN | PG-13



Looper
2012 | 1 HR 59 MIN | R



Life (2017)
2017 | 1 HR 43 MIN | R



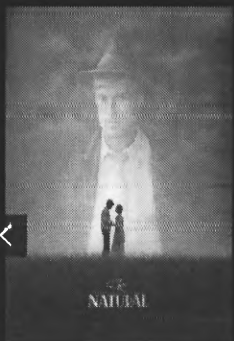
Tron: Legacy
2010 | 2 HR 5 MIN | PG



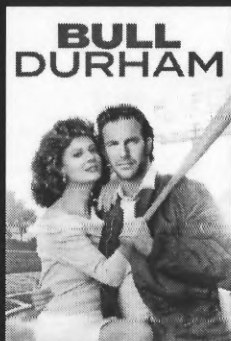
The Fly
1986 | 1 HR 35 MIN | R

Baseball Is Back

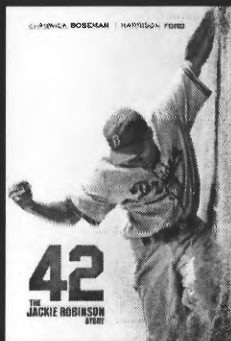
[See All >](#)



The Natural
1984 | 2 HR 14 MIN | PG



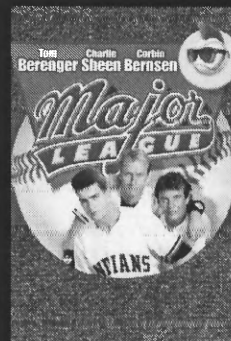
Bull Durham
1988 | 1 HR 48 MIN | R



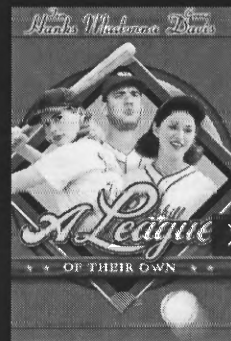
42
2013 | 2 HR 8 MIN | PG-13



The Sandlot
1993 | 1 HR 41 MIN | PG



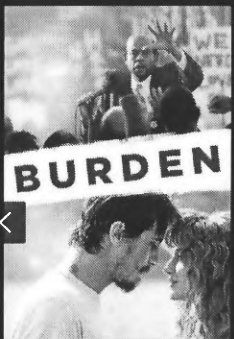
Major League
1989 | 1 HR 47 MIN | R



A League of Their Own
1992 | 2 HR 8 MIN | PG

AMC Artisan Films

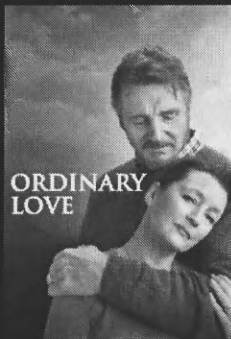
[See All >](#)



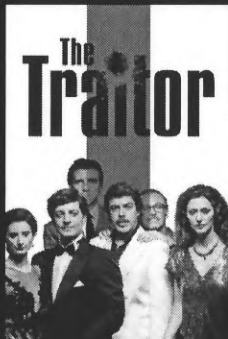
Burden
2020 | 1 HR 57 MIN | R



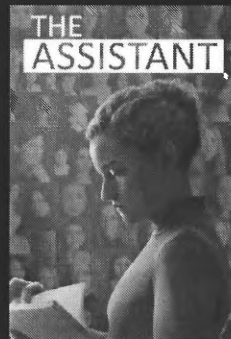
Emma
2020 | 2 HR 4 MIN | PG



Ordinary Love
2020 | 1 HR 32 MIN | R



The Traitor
2020 | 2 HR 25 MIN | R



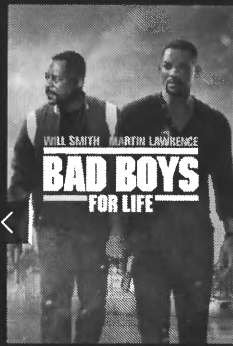
The Assistant
2020 | 1 HR 27 MIN | R



The Lodge
2020 | 1 HR 48 MIN | R

Now Trending

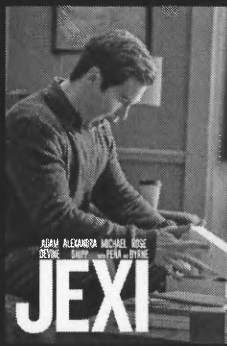
[See All >](#)



Bad Boys For Life
2020 | 2 HR 4 MIN | R

THE
INVISIBLE
MAN

The Invisible Man
2020 | 2 HR 4 MIN | R



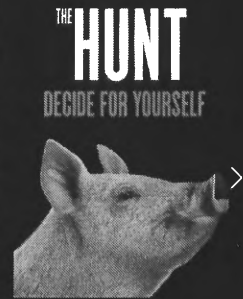
Jexi
2019 | 1 HR 24 MIN | R



Sonic The Hedgehog
2020 | 1 HR 38 MIN | PG



Harley Quinn: Birds Of Prey
2020 | 1 HR 49 MIN | R



The Hunt
2020 | 1 HR 30 MIN | R

AMC THEATRES ON DEMAND IS PROVIDED BY AMC THEATRES, AND HAS NO CONNECTION TO THE AMC TELEVISION NETWORK.



Our Company

Our Brands
Contact Us
Corporate Information
Investor Relations
Media Center
Careers
Associate Portal
AMC Privacy Policy
Terms & Conditions

Movies

Movies
Theatres
Ratings Information
Dolby Cinema at AMC
IMAX at AMC
PRIME at AMC
RealD 3D
BigD at AMC

Programming

AMC Artisan Films
Indian Cinema
Asian-Pacific Cinema
Pantallas AMC
Film Festivals
Fathom Events
The Metropolitan Opera
Sensory Friendly Films
Groups & Events

More

AMC Stubs
Offers & Promotions
Gift Cards
Mobile App
AMC Scene
American Film Institute
Assistive Moviegoing
Request Refund
Business Clients

© Copyright 2020 AMC Theatres



A Wanda Group Company

This site is protected by reCAPTCHA and the Google Privacy Policy and Terms of Service apply.

EXHIBIT TT

[Skip to main content](#)

BUSINESS

Summer movie season is officially dead as Warner delays 'Tenet' again

By Alexandra Steigrad

July 20, 2020 | 12:36pm | Updated



John David Washington and Elizabeth Debicki in "Tenet"

The summer movie-going season is officially dead.

Warner Bros. on Monday said its planned summer blockbuster — the Christopher Nolan spy flick "Tenet" — would be postponed indefinitely due to the spread of the coronavirus, killing any chance of a summer rollout. Disney's "Mulan" — the only other summer release marked for blockbuster status — is expected to follow suit, industry experts said.

The Hollywood studio, which most recently earmarked "Tenet" for August 12, said it will share a new 2020 release "imminently. It also postponed the next installment of its horror franchise, "The Conjuring 3," to June 4, 2021, from Sept. 11, 2020.

"Unfortunately, the pandemic continues to proliferate, causing us to reevaluate our release dates," said Toby Emmerich, Chairman, Warner Bros. Pictures Group. "Amidst all this continued uncertainty, we have decided to vacate the current dates for our next two releases."

Warner Bros. originally scheduled "Tenet," a sci-fi thriller starring John David Washington and Robert Pattinson, for July 17, but pushed the date back to July 31 and then August 12 as the coronavirus pandemic closed movie theaters across the nation.

"The delay is unfortunate and it means more time without revenue for the industry," said MKM partners analyst Eric Handler.

Handler said he is now "skeptical" that "Mulan," Disney's live-action remake of its animated fantasy film, will premiere as planned on August 21, although he thinks the Mouse House could still go forward with its premieres in Europe and Asia, where movie theaters are starting to reopen.

Disney, which didn't immediately return a request for comment, could also release "Mulan" direct to its new streaming service Disney+, analysts said.

The Hollywood postponements comes as movie theater chains like AMC Entertainment and Regal Cinemas parent CineWorld struggle to survive the pandemic, which has eviscerated ticket sales.

Handler said he now thinks US movie theaters will open in September at the earliest while Rich Greenfield, an analyst at Lightshed Partners, questioned whether movie theaters will reopen until the pandemic subsides.

"The more you listen to medical experts, there seems to be growing evidence that there's an aerosol nature to this virus," he said, adding "it's not safe to be indoors," be it movie theaters or offices."

"The major movie theater chains will probably go into bankruptcy and get smaller," he said. "It feels inevitable."

FILED UNDER MOVIE THEATERS, WARNER BROS., 7/20/20





   

EXHIBIT UU

Sections

Los Angeles Times

ADVERTISEMENT



Squarespace Website Builder

Squarespace

Open

Open

CALIFORNIA

California to allow movie theaters to reopen in most counties



The Vista Theatre on Sunset Drive in Los Angeles posted the message, "To be Continued..." on its marquee in April during the coronavirus crisis. (Jay L. Clendenin / Los Angeles Times)

By RONG-GONG LIN II, PHIL WILLON

JUNE 8, 2020 | 6:38 PM

SAN FRANCISCO — California counties that have been allowed to accelerate their reopening of their economy, including Los Angeles County, could decide to reopen movie theaters as early as Friday, according to new state guidelines released Monday.

Each local health officer has the authority to decide whether to move forward with relaxing restrictions on reopening theaters. While the state provides guidance on how businesses can reopen, counties decide when they occur.

The new rules would limit the number of guests in a movie theater to 25% of theater capacity or a maximum of 100 attendees, whichever is lower.

Also, theaters would need to implement a reservation system to limit the number of attendees entering the theater at a time when possible. "Designate arrival times as part of reservations, if possible so that customers arrive at and enter the theater in staggered groups," the state's rules say.

CORONAVIRUS >

Parents rush to hire tutors and create learning pods. But not everyone has options

At SoCal's drive-in concerts, fans, artists and promoters make the best of a live-music apocalypse

How to dress to save your life: L.A. Times photojournalists take on a whole new danger

Getting high with strangers on Zoom didn't sound like fun. Then I did it

Need a trim? Newsom allows haircuts, salon services to resume outdoors amid coronavirus

Also statewide »
431,700 confirmed
As of July 14, 1:37 p.m. Pacific
8,788 deaths

ADVERTISEMENT

LATEST CALIFORNIA >

WORLD & NATION

Researcher accused of hiding ties to Chinese military detained, officials say

55 minutes ago

CALIFORNIA

As coronavirus ravaged nursing homes, inspectors were not being tested

July 24, 2020

CALIFORNIA

Column One: The apartment was ready in February. Four months later, the homeless man moved in

July 24, 2020

ADVERTISING

Sections



CALIFORNIA

With coronavirus surging, California workplaces come under greater scrutiny

July 24, 2020

CALIFORNIA

Raccoon escapes unscathed from Riverside County jail

July 23, 2020

ADVERTISEMENT



Get our free Coronavirus Today newsletter

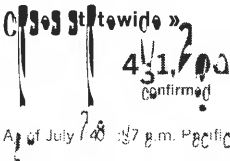
Sign up for the latest news, best stories and what they mean for you, plus answers to your questions.

Enter Email Address

SIGN ME UP

You may occasionally receive promotional content from the Los Angeles Times.

To keep guests six feet away from others, theaters are to close or otherwise remove seats from use, which may require seating every other row or blocking off seats in a checkerboard style, in which no one is sitting directly behind other patrons.



The rules would ask patrons to wear face coverings when not eating or drinking. Staff would need to be available to help usher people before the show begins and at its conclusion to reduce crowding when entering or exiting.

The guidelines also suggest using disposable or washable seat covers in theaters, "particularly on porous surfaces that are difficult to properly clean. Discard and replace seat covers between each use," the guidelines say.

Los Angeles, San Diego, Orange, Riverside, San Bernardino and Ventura are among 51 California counties that will be given the option by the state to allow movie theaters to reopen.

All but seven of California's 58 counties have filed attestation paperwork to reopen their economies at an accelerated pace. Six of the counties that have not done so are in the San Francisco Bay Area — Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara — and the seventh is Imperial County east of San Diego, which is facing a bad outbreak.

The rules would also allow other family entertainment center operators, such as bowling alleys, miniature golf, batting cages and arcades to reopen.

Last week, state officials released suggested industry guidance for fitness facilities that could allow gyms to open up in much of California as early as this Friday.

ADVERTISEMENT

ADVERTISEMENT

ADVERTISEMENT

ADVERTISEMENT

Sections

Los Angeles Times

LOGIN

Suggested rules include spacing equipment at least six feet apart, with greater distance for treadmills and other high-impact exercise equipment, considering suspending childcare service and food service, and limiting capacity by enacting a reservation system.

Under the guidelines, personal trainers must use face coverings and avoid close contact, and patrons are strongly encouraged to wear a face covering too. Group exercise classes would need to be limited to keep six feet of distance between people, and the guidelines suggest moving the classes outdoors or larger spaces such as a full-sized basketball court.

Saunas, steam rooms and hot tubs should remain closed, the guidance says.

Lin reported from San Francisco, Willon from Sacramento.

CALIFORNIA COVID-19 PANDEMIC

The stories shaping California

Get up to speed with our Essential California newsletter, sent six days a week.

Enter Email Address

SIGN ME UP

You may occasionally receive promotional content from the Los Angeles Times.



Rong-Gong Lin II

Twitter Instagram Email Facebook

Rong-Gong Lin II is a metro reporter, specializing in covering statewide earthquake safety issues. The Bay Area native is a graduate of UC Berkeley and started at the Los Angeles Times in 2004.



Phil Willon

Twitter Instagram Email Facebook

Phil Willon covers Gov. Gavin Newsom and California politics for the Los Angeles Times. Willon grew up in Southern California and previously worked for the Tampa Tribune and the Capital in Annapolis, Md.

SUBSCRIBERS ARE READING

CALIFORNIA

'I don't believe it': Huntington Beach a symbol of mask resistance as doubters abound

CALIFORNIA

Sierra Club calls out the racism of John Muir

WORLD & NATION

Out of Portland tear gas, an apparition emerges

DODGERS

Plaschke: Dodgers fans, welcome to the Mookie Betts era

EXHIBIT VV

BREAKING Disney delays 'Mulan' indefinitely, Star Wars and Avatar movies pushed back a year



ENTERTAINMENT

Disney delays 'Mulan' indefinitely, Star Wars and Avatar movies pushed back a year

PUBLISHED THU, JUL 23 2020 5:00 PM EDT UPDATED 4 MIN AGO

Sarah Whitten
@SARAHWHIT10

SHARE



KEY POINTS

"Mulan" is no longer being released on Aug. 21 and is now "unset" on Disney's calendar.

All dated Star Wars films and Avatar sequels have been pushed back one year on the calendar.

The company said that theater closures and production shutdowns during the

The insights
you need to

INVEST LIKE A PRO

START FREE TRIAL

PRO



MARKETS



WATCHLIST



CNBC TV



MENU

BREAKING Disney delays 'Mulan' indefinitely, Star Wars and Avatar movies pushed back a year



Liu Yifei stars as Fa Mulan in Disney's live-action adaptation of "Mulan."

Disney

Disney is making some major changes to its release calendar that include displacing "Mulan" from its Aug. 21 release and pushing back the debuts of future Star Wars and Avatar by a year.

Stream live CNBC TV
from around the world.

START FREE TRIAL

PRO

Invest Like A Pro

On Thursday, the company said that theater closures and production shutdowns during the global coronavirus pandemic caused to make a number of adjustments to its slate.

"Over the last few months, it's become clear that nothing can be set in stone when it comes to how we release films during this global health crisis, and today that means

The insights
you need to

INVEST LIKE A PRO

START FREE TRIAL

PRO



BREAKING Disney delays 'Mulan' indefinitely, Star Wars and Avatar movies pushed back a year

With “Mulan” vacating its August release date, there are now no Hollywood blockbuster releases set for the month. “Tenet” moved out from its August debut on Monday and has yet to announce a new release date. AT&T CEO John Stankey has promised movie theater owners that Christopher Nolan’s spy-thriller will have a theatrical release.

A number of smaller, independent features are set for release in theaters. However, major theater chains like AMC may not be open to show them. Earlier Thursday, AMC announced that it has pushed back its reopening plans to mid-August after “Tenet” left the calendar. It is unclear how it will react to “Mulan” leaving as well.

Additional slate changes include:

- “The Personal History of David Copperfield” moving to Aug. 28
- “Death on the Nile” is now debuting on Oct. 23
- “The Empty Man” will arrive on Dec. 4
- “The French Dispatch” is unset
- “Antlers” is now dated Feb. 19, 2021
- “The Last Duel” will arrive Oct. 15, 2021
- An untitled Disney Live Action film will take the place of “Avatar 2” on Dec. 16, 2021.

This is a breaking news story. Please check back for updates.

The insights
you need to

INVEST LIKE A PRO

START FREE TRIAL

PRO



MARKETS



WATCHLIST



CNBC TV



MENU