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August 4, 2020

**Via electronic filing**

Hon. Brian R. Martinotti, U.S.D.J.  
United States District Court  
402 East State Street  
Trenton, NJ 08608

Re: *National Association of Theatre Owners, et al., v. Murphy & Persichilli*  
Civil Action No. 3:20-cv-08298-BRM-TJB

Dear Judge Martinotti:

To the extent it may pertain to the issues presented in this matter, attached is a copy of Executive Order 173 (“EO 173”), signed by Governor Murphy yesterday, August 3. For reasons presented therein, EO 173 reduces “the number of individuals at indoor gatherings that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services ... to 25% of the capacity of the room in which it takes place, but regardless of the capacity of the room, such limit shall never be larger than 25 persons or smaller than 10 persons.” EO 173 ¶ 1. This change went into effect at 6:00 a.m. today. *Id.* ¶ 8.

The prior rule of 25% of a room’s capacity, but with a limit of 100 persons, remains the same for religious services or celebrations, political activities, wedding ceremonies, funerals, and memorial services. *Id.* ¶ 1; *see* N.J. Exec. Order 156 ¶ 1.

Thank you for the Court’s attention to this matter.



August 4, 2020

Page 2

Respectfully submitted,

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Encl.

cc: Counsel of record (via ECF)