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Via Electronic Filing

Via Federal Express

Hon. Joseph A. Turula, P.J.S.C.
Superior Court of New Jersey
Law Division, Hudson County
Justice W.J. Brennan Courthouse
583 Newark Avenue, Floor 2
Jersey City, NJ 07306

Re: *Mathews vs. City of Bayonne, et al.*
Docket No.: HUD-L-1316-21

Dear Judge Turula:

This office represents Defendants Mayor James A. Davis and the City of Bayonne in the above-referenced matter. As Your Honor is aware, the above-referenced matter is currently scheduled to be tried before the Hon. Peter J. Baker, commencing on October 6, 2025. The trial is expected to last at least six (6) weeks given the number of witnesses and experts who are expected to testify, as well as the issues involved.

On Friday, September 16, the parties attended a pre-trial Zoom conference with Hon. Peter J. Baker, at which time a number of topics were discussed relative to the efficient and orderly trial of this matter, including the feasibility of this trial running concurrently with the upcoming election in which a defendant is running. As a follow-up to this conference, we write to respectfully request an adjournment of the trial until January for the reasons to be discussed below.

As Your Honor may be aware, individual defendant Mayor James A. Davis is running to be the Hudson County Sheriff in the upcoming November 4 election. As the jury pool for the upcoming trial and the voter pool for the simultaneously upcoming election are the same individuals, Hudson County residents, the voting jurors sitting on the case would also likely be casting votes for or against Mayor Davis on election day, which will be in the middle of the trial. Moreover, in the days and weeks leading up to the trial, they would presumably be educating themselves about the candidates, including Mayor Davis, in anticipation of their votes, and receiving associated campaign literature from Mayor Davis and/or his opponents as well as being exposed to newspaper, social media, and other media relative to the election. Seemingly, without interfering with the jurors' ability to meaningfully participate in the electoral process, they could not be restricted from considering such information during the course of the trial. As a result, the

fairness of the trial and election process could both be compromised. Accordingly, it does not seem that this trial can proceed prior to the election without potentially negatively impacting both.

Moreover, as the Mayor of Bayonne and a named individual defendant, it is Mayor Davis' right to be at the defense table during trial and his intention to do so to the maximum extent possible. It would be impossible, however, for him to do so while simultaneously meaningfully participating in the most critical weeks of the campaign season leading up to the election. Unfortunately, Mayor Davis cannot be at two places at the same time, and so, the trial running concurrently with the culmination of the campaign season and the election itself, has the potential to negatively impact the fairness of the trial and/or the election in this additional manner.

Further, it is our understanding that due to Judge Baker's unavailability from November 10 through November 20, as well as the judicial college and Thanksgiving holiday during the week of November 24, there would necessarily be a three (3) week hiatus in the trial as currently scheduled, with the trial then resuming in December. This three-week break in the middle of the trial would significantly disrupt the continuity and efficiency of the trial and both parties could be prejudiced to the extent the long break might result in jurors forgetting and/or misremembering testimony and other evidence presented and otherwise complicating their already onerous task in serving on a jury in a case anticipated to last at least six (6) weeks, extended by a three (3) week break and spanning the Thanksgiving holiday and subsequent holiday season. Juror availability as we press closer to the holidays in December is also a concern.

In light of the foregoing concerns, we respectfully request that this trial be rescheduled to a date in January, following the November election and the holiday season to ensure an efficient and fair trial of this matter. Plaintiff's counsel advises that he cannot consent to this adjournment request. If a formal motion is required, please let us know.

Your Honor's anticipated thoughtful consideration of the within request is appreciated.

Respectfully submitted,

Boris Shapiro

Boris Shapiro, Esq.

cc: Hon. Peter J. Baker (via electronic filing & Federal Express)
Juan Cervantes, Esq. (via electronic filing only)