



New Jersey

P.O. Box 32159
Newark, NJ 07102

Tel: 973-642-2086
Fax: 973-642-6523

info@aclu-nj.org
www.aclu-nj.org

JEANNE LOCICERO
Legal Director

jlocicero@aclu-nj.org
973-854-1715

VIA E-COURTS and HAND DELIVERY

December 14, 2020

Hon. Jeffrey R. Jablonski, P.J.Ch.
Justice W.J. Brennan Courthouse
583 Newark Avenue, 2nd Floor
Jersey City, NJ 07306

Re: Thomas DeGise, et al. v. Amy Torres, et al.
Docket No.: C-179-20

Dear Judge Jablonski:

On Friday, December 11, 2020, attorneys with the American Civil Liberties Union of New Jersey filed Notices of Appearance on behalf of Amy Torres, Stacey Gregg, Kason Little, Marisa Budnick, and Anand Sarwate in the above-captioned matter. Contrary to the terms of the Order to Show Cause with Temporary Restraints Pursuant to *Rule* 4:52 issued by the Court on December 8 (hereinafter the "Order") requiring service of process completed by December 10, plaintiffs have not yet served the defendants with the Order or accompanying documents. To protect the constitutional rights of our clients, I respectfully request that the Court hold an evidentiary hearing on an expedited basis to allow for full and fair consideration of the temporary restraints, and set a schedule for subsequent briefing on the plaintiffs' pending motion for a preliminary injunction.

The ACLU-NJ will vigorously oppose the temporary restraints placed on Ms. Torres, Ms. Gregg, Mr. Little, Ms. Budnick, and Mr. Sarwate and on their right of protest, and will preserve every defense available to prevent the issuance of a preliminary injunction. Plaintiffs' pleadings provide no basis in law or fact for the overbroad relief sought, which infringes on the constitutional rights of Hudson County residents to freely assemble and express themselves, as protected by the First Amendment to the United States Constitution and Article I, Paragraph 6 of the New Jersey Constitution. Plaintiffs' pleadings and requested relief further disregard the essential right of the people to assemble together and "to make known their opinions to their representatives," as secured by Article I, Paragraph 18 of the New Jersey Constitution. Contrary to Plaintiffs' pleadings, our clients were safely and reasonably exercising these very rights, collectively directing their discontent to their elected leadership.

The factual circumstances of the events leading up to the filing of this action are critical to resolving the legal issues, and we believe that a fulsome record would be necessary to sufficiently brief the legal issues. For example, the record should reflect: any injuries suffered or

feared by the individual plaintiffs; the steps each plaintiff took before seeking legal intervention; what each plaintiff's objectives were in seeking restraints; and whether they could have accomplished their objectives with more narrowly tailored restraints. Therefore, the ACLU-NJ requests the Court take oral testimony pursuant to *Rule 4:52-1(c)* for the purposes of resolving the pending motion for a temporary restraining order and the preliminary injunction motion. If the Court agrees to take oral testimony, we propose that at the conclusion of such testimony, the Court (1) hear and decide on defendants' anticipated motion to dissolve the Order's temporary restraints; and (2) set a briefing schedule for the Court's consideration of the preliminary injunction. If the Court is not inclined to take oral testimony at this time, we respectfully request that the Court order expedited discovery.

We can be available at the Court's convenience for a status conference on this matter.

Respectfully,



Jeanne LoCicero

Cc: All counsel of record via e-mail