

NEW CIVIL LIBERTIES ALLIANCE
KARA ROLLINS (Attorney ID 107002014)
Litigation Counsel
HARRIET HAGEMAN (*Pro Hac Vice* Pending)
Senior Litigation Counsel
JARED MCCLAIN (*Pro Hac Vice* Pending)
Staff Counsel
1225 19th Street NW, Suite 450
Washington, DC 20036
(202) 869-5210

THE LAW OFFICES OF TERENCE J. SWEENEY, ESQ.
TERENCE J. SWEENEY
44 Fairmount Avenue, Suite 1
Chatham, New Jersey 07928
sweeneylawfirm@optonline.net
(973) 665-0400

Counsel to Plaintiff Matthew Johnson and Proposed Plaintiffs

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

MATTHEW JOHNSON,

Plaintiff,

v.

PHILIP D. MURPHY, in his official
capacity as Governor of New Jersey;
GURBIR S. GREWAL, in
his official capacity as New Jersey Attorney
General; and JUDITH M. PERSICHILLI, in
her official capacity as Commissioner of the
New Jersey Department of Health,

Defendants.

HON. NOEL L. HILLMAN, U.S.D.J.
HON. JOEL SCHNEIDER, U.S.M.J.

Civil Action No.
1:20-cv-06750-NLH-JS

**PLAINTIFF'S UNOPPOSED
MOTION FOR LEAVE TO FILE
AN AMENDED VERIFIED
COMPLAINT FOR DECLARATORY
JUDGMENT AND
INJUNCTIVE RELIEF**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure and Local Civil Rule 15.1, Plaintiff Matthew Johnson respectfully moves the Court for leave to file the attached Proposed Amended Verified Complaint for Declaratory and Judgment and Injunctive Relief (“Proposed Amended Verified Complaint”).

Plaintiff filed his Verified Complaint, ECF No. 1, on June 2, 2020, alleging that Executive Order 128 unilaterally and unconstitutionally alters private contractual relationships by interfering with contractual obligations and waiving duly enacted laws. *See* ECF No. 1, ¶¶ 53-186. On June 24, 2020, pursuant to L. Civ. R. 6.1(b), all Defendants sought a clerk’s extension to answer, move, or otherwise reply to July 9, 2020. *Id.* The Defendants’ application for extension was granted.

The parties met and conferred on June 25, 2020. The Defendants consented to Plaintiff’s present motion and his filing a Proposed Amended Verified Complaint. Plaintiff consented to extending the Defendants’ time to answer, move, or otherwise reply to July 28, 2020.

Through the Proposed Amended Verified Complaint, Plaintiff seeks to add eight new Plaintiffs who own and rent out three residential properties in the State of New Jersey and have been harmed by Defendant Philip D. Murphy’s Executive Order 128. *See* ECF No. 1, ¶¶ 53-71; *cf.* ECF No. 1, ¶¶ 72-109. Executive Order 128 “purported to ‘waive[] provisions of statutory law that prohibit the use of security deposits for rental payments, enabling tenants to instruct landlords to use their security deposits to offset rent or back rent.’” ECF No. 1, ¶ 53 (citation omitted). Plaintiff also seeks to add additional factual allegations regarding statements made by Defendant Philip D. Murphy.

Proposed Plaintiffs Charles Kravitz and Dawn Johanson-Kravitz are residents of Mullica Hill, New Jersey. They own and operate Little Harry’s LLC, which leases a residential property that the Kravitzes own in Glassboro, New Jersey. The Kravitzes rented the property pursuant to the terms of a written lease agreement entered into on August 3, 2019.

Proposed Plaintiffs Margarita Johnson and John Johnson are residents of Vineland, New Jersey. They own and operate Two Bears Property Management and are co-trustees of the Johnson Trust, which owns a residential property in Vineland, New Jersey. The Johnsons rent the property pursuant to the terms of a written lease agreement entered into on July 31, 2017.

Finally, Proposed Plaintiff Andrew Van Hook is a resident of Millville, New Jersey. He is the managing member of Union Lake Enterprises, LLC, which owns a residential property in Millville, New Jersey. Union Lake Enterprises, LLC rents such residential property pursuant to the terms of a written lease agreement entered into on June 22, 2020, which replaced the terms of the prior leases the parties had agreed to on June 26, 2018.

Rule 15 provides that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave” and “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Permitting the Plaintiff to file the Proposed Amended Verified Complaint would not cause any substantial or undue prejudice or delay. Defendants consented to the Plaintiff filing the present motion and to filing the Proposed Amended Verified Complaint.

For all the reasons stated above, Plaintiff respectfully requests that the Court grant Plaintiff leave to file the attached Amended Complaint and to extend the Defendants’ time to answer, move, or otherwise reply to July 28, 2020. A proposed consent order is attached.

Dated: June 30, 2020

Respectfully Submitted,



KARA ROLLINS (Attorney ID 107002014)
Litigation Counsel
HARRIET HAGEMAN (*Pro Hac Vice* Pending)
Senior Litigation Counsel
JARED MCCLAIN (*Pro Hac Vice* Pending)
Staff Counsel
NEW CIVIL LIBERTIES ALLIANCE

1225 19th Street NW, Suite 450
Washington, DC 20036
Telephone: (202) 869-5210
Facsimile: (202) 869-5238
Kara.Rollins@ncla.legal

THE LAW OFFICES OF TERENCE J. SWEENEY, ESQ.
TERENCE J. SWEENEY
44 Fairmount Avenue, Suite 1
Chatham, New Jersey 07928
sweeneylawfirm@optonline.net
(973) 665-0400

Counsel to Plaintiff Matthew Johnson and Proposed Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2020, I electronically filed the foregoing Motion, Proposed Order, Proposed Amended Verified Complaint, red-lined Proposed Amended Verified Complaint with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

Kara Rollins

KARA ROLLINS (ATTORNEY ID 107002014)

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FOR THE DISTRICT OF NEW JERSEY
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MATTHEW JOHNSON;

Plaintiff,

v.

PHILIP D. MURPHY, in his official capacity as Governor of New Jersey; GURBIR S. GREWAL, in his official capacity as New Jersey Attorney General; and JUDITH M. PERSICHILLI, in her official capacity as Commissioner of the New Jersey Department of Health,

Defendants.

HON. NOEL L. HILLMAN, U.S.D.J.
HON. JOEL SCHNEIDER, U.S.M.J.

Civil Action No.
1:20-cv-06750-NLH-JS

**[PROPOSED] ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR
LEAVE TO FILE AN AMENDED VERIFIED COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTIVE RELIEF**

Upon consideration of the Plaintiff's Motion for Leave to File an Amended Verified Complaint for Declaratory Judgment and Injunctive Relief, it is hereby

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that the time for all Defendants to answer, move, or otherwise reply is extended to July 28, 2020.

Dated:

Noel L. Hillman
United States District Judge