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Attorneys for *Amicus Curiae*,

State Troopers Fraternal

Association of New Jersey

<p>CHARLES KRATOVIL,</p> <p>Plaintiff,</p> <p>v.</p> <p>CITY OF NEW BRUNSWICK, and ANTHONY A. CAPUTO, in his capacity as Director of Police,</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY</p> <p>DOCKET NO. MID-L-003896-23</p> <p>NOTICE OF MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE PURSUANT TO R. 1:13-9</p>
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TO: All Counsel of Record via E-Filing

PLEASE TAKE NOTICE that the undersigned, counsel for the State Troopers Association of New Jersey (“STFA”), hereby moves before the Superior Court of New Jersey, Law Division, for leave to fully participate and argue orally as *amicus curiae* pursuant to R. 1:13-9 in the above-captioned matter.

PLEASE TAKE FURTHER NOTICE that in support of its motion the STFA will rely upon the attached letter memorandum.

Respectfully submitted,

MARKMAN & CANNAN, LLC

Attorneys for *amicus curiae*,

State Troopers Fraternal

Association of New Jersey

By: /s/ Robert R. Cannan
Robert R. Cannan, Esq.

Dated: August 3, 2023

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<p>CHARLES KRATOVIL,</p> <p>Plaintiff,</p> <p>v.</p> <p>CITY OF NEW BRUNSWICK, and ANTHONY A. CAPUTO, in his capacity as Director of Police,</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY</p> <p>DOCKET NO. MID-L-003896-23</p> <p>CERTIFICATION OF SERVICE</p>
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I, TELMA M. XAVIER, of full age, hereby certify that on the August 3, 2023, I electronically filed State Troopers Fraternal Association of New Jersey Notice of Motion for Leave to Appear as *Amicus Curiae*, Memorandum in Support of Motion, proposed Order and this Certification of Service.

I further certify that I also sent via electronic mail copies of the above documents to:

Alexander Shalom, Esq. ashalom@aclu-nj.org

American Civil Liberties Union

Of New Jersey Foundation

570 Broad Street, 11th Floor

Newark, NJ 07102

T. K. Shamy, Esq. TKShamy@shamyandshamy.com

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178 Livingston Avenue

New Brunswick, NJ 08901 |

Jeremy Feigenbaum, Esq. jeremy.feigenbaum@njoag.gov
Office of the Attorney General
25 West Market Street – 8th Floor
Trenton, New Jersey 08625

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/ Telma Xavier
Telma M. Xavier

Dated: August 3, 2023

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August 3, 2023

VIA E-FILING

Motions Clerk, Law Division
Middlesex County Superior Court
56 Paterson Street
New Brunswick, N.J. 08901

**Re: Charles Kratovil v. City of New Brunswick and
Anthony A. Caputo
Docket No. MID-L-003896-23**

Dear Sir/Madam:

The State Trooper Fraternal Association of New Jersey (“STFA”) respectfully moves this Court pursuant to R. 1:13-9 for an Order granting the STFA status as *amicus curiae* in the above-captioned matter, permitting it to file briefs and argue orally. Please accept this letter memorandum, in lieu of formal brief, in support of its application. If permitted, the STFA will urge the Court to deny Plaintiff’s application for preliminary restraints and to Dismiss the instant Complaint because the plaintiff is not entitled to the relief sought which is to undermine and invalidate the very reasonable and necessary protections of “Daniel’s Law.”

STATEMENT OF FACTS & PROCEDURAL HISTORY

The State Trooper Fraternal Association of New Jersey (“STFA”) is the union for and sole and exclusive representative for all Trooper, Trooper I, Trooper II, Detective, Detective I, and Detective II in the Division of State Police. The STFA therefore, is a state-wide organization representing approximately 1,800 actively serving Troopers in the New Jersey State Police. Its members protect the entire State of New Jersey, including those 90 municipalities throughout the state that do not have their own police department, the NJSP and the STFA’s members are the local “cop”. The STFA is responsible for protecting the contractual, economic and professional safety and security of its members. Among those responsibilities are advocating for its members in legal proceeding, the legislative process and representation of its members interests in situations such as providing friend of the court participation when the issue is compelling and the Court permits. In this regard, the STFA is confident that should the instant application be granted that they will offer reasoned analysis to assist the Court.

The instant matter, before this Court, brought by the plaintiff is a frontal attack on the constitutionality of Daniel’s Law. The STFA is particularly well situated to provide the court with the arguments and concerns of currently serving law enforcement throughout the state to assist the Court. The brazen and shocking murder of Daniel Anderl, son of United States District Court Judge Esther Salas and the wounding of her husband brought into focus the need to protect from public dissemination certain personal information of a relatively small percentage of the state’s population, to include the members of the STFA. For the STFA’s members the statutorily created protections provided by Daniel’s Law are increasingly and unfortunately necessary for the individual Trooper and their families.

It is the STFA’s strongly held belief that the protections of Daniels Law are a reasonable approach to a very serious problem and is constitutional under the New Jersey Constitution.

LEGAL ARGUMENT

**THIS COURT SHOULD GRANT THE APPLICATION OF
THE STATE TROOPERS' FRATERNAL ASSOCIATION TO
PARTICIPATE AS *AMICUS CURIAE* IN THIS MATTER.**

The STFA, on behalf of its members the actively serving Troopers throughout the State of New Jersey has an interest in participating as *amicus curiae* in this matter.

R.1:13-9, the rule governing this application, provides, in relevant part, as follows:

An application for leave to appear as *amicus curiae* in any court shall be made by motion in the cause stating with specificity the identity of the applicant, the issue intended to be addressed, the nature of the public interest therein and the nature of the applicant's special interest, involvement, or expertise in respect thereof. The court shall grant the motion if it is satisfied under all the circumstances that the motion is timely, the applicant's participation will assist in the resolution of an issue of public importance, and no party to the litigation will be unduly prejudiced thereby. The order granting the motion shall define with specificity the permitted extent of participation by the amicus and shall, where appropriate, fix a briefing schedule.

In is respectfully submitted that the STFA has satisfied each of the requirements of R.1:13-9, and the Court should grant the STFA's motion. The timing of the application is appropriate given the recent filing of the action and the Briefing schedule already in place, with the Defendant City of New Brunswick's Brief just due this week.

Similarly, the STFA is qualified to assist in the consideration of the important issues of this case, based in part upon the impact on its members when they are the victim of "doxing" and their personal information, now intended to be rendered protected, is accessed, and utilized by those that would cause harm to have the information necessary to indeed harm. The STFA is very familiar with the law in this area and was a partner with other stake holders in the effort to see Daniel's Law passed by the Legislature and signed into Law by Governor Murphy.

Finally, this litigation will not be delayed, or the parties prejudiced by this application, or by the participation of the STFA.

CONCLUSION

For the foregoing reasons, the State Troopers Fraternal Association of New Jersey respectfully requests that this Court grant its motion to participate as *amicus curiae* to brief and argue orally in this matter.

Respectfully submitted,

MARKMAN & CANNAN, LLC

Attorneys for *amicus curiae*

State Troopers Fraternal Association of New Jersey

By: /s/ Robert R. Cannan
Robert R. Cannan, Esq.