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*Attorneys for Proposed Amicus Curiae,
New Jersey State Lodge of the Fraternal Order of Police*

CHARLES KRATOVIL

Plaintiff,

v.

CITY OF NEW BRUNSWICK, and
ANTHONY CAPUTO, in his capacity as
Director of Police.

SUPERIOR COURT
OF NEW JERSEY
LAW DIVISION

MIDDLESEX COUNTY

Docket No. MID-L-003896-23

**NOTICE OF MOTION FOR LEAVE
TO PARTICIPATE AS AMICUS CURIAE PURSUANT TO R. 1:13-9**

TO: Alexander Shalom, Esquire
Jeanne LoCicero, Esquire
American Civil Liberties Union
of New Jersey Foundation
570 Broad Street, 11th Floor
Newark, New Jersey 07102

Susan K. O'Connor, Esquire
Hoagland, Longo, Moran, Dunst & Doukas
40 Paterson Street
New Brunswick, New Jersey 08903

PLEASE TAKE NOTICE that, pursuant to R. 1:13-9 of the Rules Governing the Courts
of the State of New Jersey, the New Jersey State Lodge of the Fraternal Order of Police

respectfully moves this Court for an Order granting it leave to participate as *Amicus Curiae* in the above-captioned matter.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, the New Jersey State Lodge of the Fraternal Order of Police shall rely on the attached Certification of Matthew D. Areman, Esquire.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that the [Proposed] *Amicus Curiae* Brief in response to the Court's July 18, 2023 Order to Show Cause and in Opposition to Plaintiff's Request for Injunctive Relief is attached to this Motion.

Respectfully Submitted,

/s/ Matthew D. Areman

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*Attorneys for Proposed Amicus Curiae,
The New Jersey State Lodge of the
Fraternal Order of Police*

Dated: August 3, 2023

CHARLES KRATOVIL	:	
	:	SUPERIOR COURT
Plaintiff,	:	: OF NEW JERSEY
	:	LAW DIVISION
v.	:	MIDDLESEX COUNTY
	:	Docket No. MID-L-003896-23
CITY OF NEW BRUNSWICK, and	:	
ANTHONY CAPUTO, in his capacity as	:	
Director of Police.	:	
	:	

ORDER

AND NOW, this _____ day of _____, 2023, it is hereby **ORDERED** that the Motion of the New Jersey State Lodge of the Fraternal Order of Police to participate as *Amicus Curiae* in this matter is GRANTED.

BY THE COURT:

_____ J.

Matthew D. Areman, Esquire
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Plaintiff,

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Director of Police.

SUPERIOR COURT
OF NEW JERSEY
LAW DIVISION

MIDDLESEX COUNTY

Docket No. MID-L-003896-23

CERTIFICATION OF MATTHEW D. AREMAN, ESQUIRE

I, Matthew D. Areman, Esquire, being of full age, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and a partner with the law firm Markowitz and Richman.
2. I represent the New Jersey State Lodge of the Fraternal Order of Police.
3. I make this certification in support of the New Jersey State Lodge of the Fraternal Order of Police's application, pursuant to *R. 1:13-9*, for leave to appear as *Amicus Curiae* in the above-captioned action.

4. The New Jersey State Lodge of the Fraternal Order of Police is comprised of over fourteen thousand (14,000) active and retired police officers and law enforcement officials in over one hundred, forty-five local lodges throughout the State of New Jersey.

5. This litigation concerns the constitutionality of Daniel's Law, *N.J.S.A. 2C:20-31.1* and *N.J.S.A. 56:8-166.1*, a safety and privacy act that prevents the publication of the residential addresses of current and former judicial and law enforcement officers, including all fourteen thousand (14,000) members of the New Jersey State Lodge of the Fraternal Order of Police. Daniel's Law was enacted by the legislature of the State of New Jersey in the wake of the increasing acts of violence against current and former public officials and law enforcement officers, culminating with the brutal murder of twenty year old Daniel Anderl, the late son of United States District Court Judge Ester Salas, and the critical wounding of Mark Anderl, Judge Selas' husband, who were attacked in their home by a deranged and angry attorney seeking revenge against Judge Selas for the pace of the proceedings of his then-pending suit.

6. In context, this suit was brought on behalf of a local journalist who seeks to publish a story regarding Defendant Anthony A. Caputo ("Caputo"), New Brunswick's Director of Police and a member of the City's Parking Authority. Plaintiff states that Caputo maintains a residence in Cape May, and not in or near New Brunswick, and is adamant that he must publish Caputo's actual residence address in his article.

7. The question of whether individuals, journalists or otherwise, may needlessly place the lives of current and former judicial and law enforcement officers and the lives of their family members in jeopardy by knowingly publishing their residence addresses is a matter of serious public concerns for all law enforcement personnel who are members

of the New Jersey State Lodge of the Fraternal Order of Police, but who are not parties to this litigation.

8. The issue to be addressed in [Proposed] *Amicus Curiae*'s Brief is whether Daniel's Law is constitutional as applied in this matter, and therefore whether Plaintiff is entitled to the injunctive relief that he seeks.

9. The involvement of the New Jersey State Lodge of the Fraternal Order of Police will not delay the disposition of this case and no party to the litigation will be unduly prejudiced by the grant of this application.

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.

Respectfully Submitted,

/s/ Matthew D. Areman

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*Attorneys for Proposed Amicus Curiae,
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Dated: August 3, 2023

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CHARLES KRATOVIL

Plaintiff,

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CITY OF NEW BRUNSWICK, and
ANTHONY CAPUTO, in his capacity as
Director of Police.

**SUPERIOR COURT
OF NEW JERSEY
LAW DIVISION**

MIDDLESEX COUNTY

Docket No. MID-L-003896-23

**BRIEF OF PROPOSED AMICUS CURIAE NEW JERSEY STATE LODGE
OF THE FRATERNAL ORDER OF POLICE IN RESPONSE TO THE COURT'S
JULY 18, 2023 ORDER TO SHOW CAUSE AND IN OPPOSITION TO PLAINTIFF'S
REQUEST FOR ENTRY OF INJUNCTIVE RELIEF**

Amicus Curiae, the New Jersey State Lodge of the Fraternal Order of Police (“FOP”), by and through its attorneys, Markowitz & Richman, hereby submits its Brief in Response to this Court’s July 18, 2023 Order to Show Cause and in Opposition to the request for the entry of injunctive relief submitted by Plaintiff Charles Kratovil (“Plaintiff”), as against Defendants City of New Brunswick (“City”), and Anthony A. Caputo, in his official capacity as Director of Police (“Caputo” and, together with City, “Defendants”).

PRELIMINARY STATEMENT

Plaintiff, “a journalist, activist, and editor of *New Brunswick Today*[,],” commenced this action seeking, among other things, injunctive relief declaring “Daniel’s Law,” *N.J.S.A. 2C:20-31.1* and *N.J.S.A. 56:8-166.1*, unconstitutional “under the New Jersey Constitution, as applied[.]” and preliminarily and permanently enjoining Defendants “from seeking to impose any criminal or civil penalties upon Plaintiff for publication of” Caputo’s home address. *See* Complaint, at ¶7; WHEREFORE Clause, at p. 16; and *N.J.S.A. 56:8-166.1a.(1)*. Plaintiff’s action is based entirely upon his contention that Caputo’s home address is “a matter of public significance.” Not the county, municipality, general area, and/or distance in miles or in time between Caputo’s residence and the location of his office, but his actual home address. It would appear, however, that Plaintiff protests too much, especially under the circumstances under which Daniel’s Law was enacted, and the very real dangers that the State of New Jersey intended to prevent via the utilization of its Constitutionally recognized Police Powers by that legislation. Clearly, a need of the highest order, a context that Plaintiff utterly ignores.

Plaintiff’s legal bases fare no better, insofar as not one of the cases cited in support of his requests are applicable to the particular situation presented to this Court. For all of the multitude of state and federal opinions supposedly supporting Plaintiff’s case, none of them assert that the

publication of a civil servant's actual home address is protected by the First Amendment of the United States Constitution or Article I of the New Jersey State Constitution.

Likewise, while Plaintiff cites to a few news articles in order to establish the newsworthiness of the location of certain civil servants' homes, not a one of them published the actual home address of the personages involved. Despite this perceived "lack," the stories successfully conveyed all of the relevant, newsworthy information necessary, not unlike Plaintiff's filing, itself.

Yet Plaintiff wants to go one step further, despite the obvious and documented dangers to Caputo and his family, demanding the right to publish his exact home address in the name of a free press. The irony of Plaintiff's own failure to provide his own home address in the caption of his Complaint, in violation of *N.J.R.* 1:4-2 notwithstanding, Plaintiff's "free press" right is not the only protected right at play in this litigation, as Caputo did not waive his right to privacy as a citizen of the State of New Jersey simply by offering his services to the State. To put both Caputo and his family in jeopardy by violating that right to privacy, by publishing his exact residential home address especially while specifically identifying him as a law enforcement officer is not only unconscionable, it is not protected by either the First Amendment of the United States Constitution or Article I of the New Jersey State Constitution.

The New Jersey State Lodge Fraternal Order of Police, therefore, joins in this matter, respectfully requesting that this Court deny Plaintiff's request for an unprecedented and baseless expansion of the rights actually protected by both the First Amendment of the United States Constitution or Article I of the New Jersey State Constitution, and dismiss this matter entirely, as a matter of law, as New Jersey's Danial's Law is not unconstitutional as applied, and as such there is no basis for the requested injunctive or other relief.

FACTUAL BACKGROUND

I. Daniel's Law.

On Sunday, July 19, 2020, United States District Judge Ester Salas and her son Daniel were in the basement of her residence, cleaning up after having celebrated his 20th birthday that weekend. Esther Salas, Op-Ed., *My Son Was Killed Because I'm a Federal Judge*, N.Y. Times, Dec. 8, 2020, <https://www.nytimes.com/2020/12/08/opinion/esther-salas-murder-federal-judges.html>; Daniel Anderl Judicial Security and Privacy Act of 2021, S. 2340, 117th Cong. §3(5)(2021). At the door was Roy Den Hollander, a New York attorney who “filed a suit against the male-only military draft,” which was then pending before Judge Salas. Mr. Hollander was apparently dissatisfied with “the pace” by which his suit was progressing, and considered Judge Salas “a lazy and incompetent Latina judge appointed by Obama[,]” so “he stalked [Judge Salas’] neighborhood, mapped [her] routes to work and even learned the names of [her] best friend and the church [she] attend[s.]” *Ibid.* Mr. Hollander was able to accomplish this dossier compilation fairly easily, as such personal information was readily available via the internet. *Ibid.* See also, S. 2340, at §3(2); Press Release, Governor Phil Murphy, *Governor Murphy Signs “Daniel’s Law”* (Nov. 20, 2020), <https://www.nj.gov/governor/news/news/562020/20201120b.shtml>.

When the doorbell rang, Daniel left his Mother, Judge Salas, in the basement to get it, finding Mr. Hollander “posing as a Fed-Ex delivery courier.” Salas, *My Son Was Killed Because I'm a Federal Judge*. Mr. Hollander opened fire, killing Daniel and striking Mark Anderl, Judge Salas’ husband, with three bullets from close range, gravely injured by the blasts. *Ibid.* By the time that Judge Salas arrived from the basement, her attacker had fled. *Ibid.* Mr. Hollander later committed suicide, and the subsequent investigation “revealed that he had been gathering

information on other potential judicial targets, including a folder on Supreme Court Justice Sonia Sotomayor and the address and photograph of New York Chief Judge Janet DiFiore.” Mark Brnovich and Gurbir S. Grewal, Op-Ed., *Congress Must Pass Daniel’s Law to Protect Federal Judges*, Roll Call, Jul. 16, 2021, <https://rollcall.com/2021/07/16/congress-must-pass-daniels-law-to-protect-federal-judges/>.

Shortly thereafter, it was determined that “members of the Federal judiciary have been exposed to an increased number of personal threats in connection with their role.” S. 2340, at §3(2). Between 2015 and 2019, “threats and other inappropriate communications against Federal judges and other judiciary personnel increased from 926 in 2015 to approximately 4,449 in 2019[, and] several ... have experienced acts of violence against themselves or a family member in connection to their Federal judiciary role, including the murder of the family of United States District Judge for the Northern District of Illinois Joan Lefkow in 2005.” *Id.*, at §3(3) and (4).

Threats and attacks against other public servants in connection with actions taken or not taken by them in their official capacities have also been on the rise throughout the country, from the death of John Roll, the chief federal judge for Arizona, the attempted murder of then-Congresswoman Gabby Giffords, the gunman’s attack on members of Congress during their softball game, to the attempted kidnapping and murder of the governor of Michigan. *See* Brnovich and Grewal, *Congress Must Pass Daniel’s Law to Protect Federal Judges*; Press Release, Governor Phil Murphy.

Further, the New Jersey legislature determined that not only judges, but “prosecutors[] and law enforcement offices all play vital roles in keeping the public safe, but in doing so, they often jeopardize their own safety, becoming targets of vengeful criminals or litigants[.]” Press Release, Governor Phil Murphy. As such, Daniel’s Law, which “amends the Open Public

Records Act (“OPRA”), was drafted to prohibit the publication of “the home address or unpublished home telephone number of any ... active, formerly active, or retired judicial officer or law enforcement officer, ... or prosecutor and any immediately family member residing in the same household as such judicial officer, law enforcement officer, or prosecutor[,]” in an effort to “ensure the privacy and security of these public servants and their families.” *See N.J.S.A. 56:8-166.1 a.(1) and d.*; Press Release, Governor Phil Murphy.

II. **Plaintiff’s Proposed Publication of Caputo’s Home Address.**

Plaintiff, a “journalist, activist, and editor of *Ne:v Brunswick Today*[,]” allegedly learned “in the course of his professional activities that New Brunswick’s Director of Police and member of the city’s Parking Authority[,| Anthony A. Caputo[,] resides, and registered to vote, in a municipality that is more than a two-hour drive from his employer.” *See Complaint*, at ¶¶ 1 and 7. Plaintiff then divulged this information, identifying the street, “but not the house number[,]” on which Defendant Caputo’s residence is located, during a May 3, 2023, New Brunswick City Council meeting. *See Complaint*, at ¶22. In response, Caputo sent Plaintiff a “NOTICE pursuant to *N.J.S.A. 2C:20-31.1 & N.J.S.A. 56:8-166.1*[.]” requesting that he “cease the disclosure of” Caputo’s home address “and remove the protected information from the internet or where otherwise made available.” *Id.*, at ¶25 and Exhibit B.

Presumably intending to actually publish Caputo’s home address in an upcoming article, Plaintiff initiated this suit seeking a declaration that Daniel’s Law is unconstitutional as applied, as well as additional injunctive and other relief. *See Complaint*, at ¶7; WHEREFORE Clause, at p. 16. On July 18, 2023, this Court issued its Order to Show Cause with Temporary Restraints, to which this Brief is a response.

ARGUMENT

As Plaintiff notes in his Brief in Support of Plaintiff's Order to Show Cause with Temporary Restraints ("Plaintiff's Brief"), a party must show:

(a) that the requested restraint is necessary to prevent irreparable harm, *i.e.*, that the injury suffered cannot be adequately addressed by money damages, which may be inadequate because of the nature of the right affected; (b) that the party seeking the injunction has a likelihood of success on the merits; (c) that the equities favor the party seeking the restraint; and (d) that the restraint does not alter the *status quo ante*.

See Plaintiff's Brief, at 15 (citing *Crowe v. De Gioia*, 90 *N.J.* 126, 132-36 (1982)).

While Plaintiff claims that he "easily satisfies these requirements[.]" the obverse is true. The only irreparable harm that could be done in this matter is if Caputo's home address is disseminated via the internet or otherwise. Such an action could very well place both Caputo and his family in very real danger of immediate threats and/or violence, or both. In contrast, Plaintiff is quite able to disseminate what he finds to be a newsworthy story regarding the proximity between Caputo's residence and his employer without divulging the exact location of his residence and without any damage to him, irreparable or otherwise, as both the news articles relied upon in Plaintiff's Brief – and Plaintiff's Brief itself - amply demonstrate.

The equities favor a denial of the restraint sought by the Plaintiff for the very same reasons, and it goes without saying that the current *status quo ante* remains an environment within which Caputo's home address has not been published on the internet, especially under circumstances wherein his role as a law enforcement officer is directly associated with it.

Finally, and respectfully, there is little likelihood of the success of Plaintiff's requests on the merits: Daniel's Law, which is meant to protect judicial and law enforcement officers and their families from very real threats and attacks of violence related to their duties in those

capacities, is very clearly constitutional, under both the federal and New Jersey State Constitutions. The multitude of cases cited and relied upon by Plaintiff do not address the particular statutory language before this Court and are completely distinguishable as a result.

Amicus Curiae the New Jersey State Lodge of the Fraternal Order of Police, therefore, respectfully requests that this Court deny Plaintiff's requests for injunctive and other relief and dismiss the Complaint in its entirety.

I. Plaintiff is Unlikely to Succeed on the Merits of His Free Speech/Free Press Claim as Daniel's Law is Constitutional as Applied in This Matter.

As usual in such cases, context is key. The context for this case is that a local journalist wants to inform that public that Caputo, a law enforcement officer, allegedly lives far away from his place of employment. The local journalist, however, insists on including Caputo's exact home address in the article, without which he appears unwilling to actually publish it. Daniel's Law, which is designed to protect the safety and privacy of judicial and law enforcement officers and their families from the all too real and all too common harms suffered upon them of late via threats of violence and violent attacks at their homes, prohibits the publication of Caputo's home address, however, particularly under such circumstances. *See N.J.S.A.56:8-166.1*; Press Release, Governor Phil Murphy.

Nevertheless, Plaintiff relies upon eight (8) inapposite United States Supreme Court cases to establish that New Jersey is constitutionally prohibited from enacting Daniel's Law, claiming a Constitutional right to unnecessarily publish Caputo's home address regardless of the rights that Daniel's Law seeks to protect.

In the first place, Plaintiff's entire claim is predicated upon the fact that he received Caputo's home address via an OPRA request submitted to the Cape May County Board of Elections Records Custodian ("Records Custodian"), seeking Caputo's voter profile. *See*

Complaint, at ¶15. Plaintiff received a “heavily redacted version” of Caputo’s voter profile, and was told that “full disclosure would ‘interfere with [Director Caputo’s] reasonable expectation of privacy,’ under *Burnett v. County of Bergen*, 198 N.J. 408 (2009).” *Ibid*.

Upon receiving the heavily redacted copy of Caputo’s voter profile, Plaintiff “pointed out that the New Jersey Supreme Court’s decision in *Brennan v. Bergen County Prosecutor’s Office*, 233 N.J. 330 (2018) overruled *Burnett*, and the Court determined that there was no expectation of privacy for home addresses[.]” in an email exchange with the Records Custodian. *Id.*, at 16. Plaintiff then received a less redacted copy of Caputo’s voter profile that inappropriately included his home address – likely because Plaintiff neglected to inform the records Custodian that Caputo was protected by Daniel’s Law.¹

The New Jersey Supreme Court’s *Brennan* opinion makes no such broad claim, however. Rather, the *Brennan* Court acknowledged that “the Legislature has chosen to prevent disclosure of home addresses in select situations[, but that] OPRA does not contain a broad-based exception for the disclosure of names and home addresses that appear in government records.” *Brennan, supra*, 233 N.J. at 338. Further, Plaintiff neglected to inform the Records Custodian that Daniel’s Law amended OPRA to expressly include the prohibition against disclosure of a law enforcement officer’s home address. As a result, Plaintiff did not legally obtain Caputo’s home address in the first place.

Insofar as all of the cases relied upon by the Plaintiff are predicated on the publication of lawfully obtained information, then, Plaintiff’s claim fails as a matter of law in this instance, as the material he seeks to reveal was not top have been disseminated pursuant to OPRA, as amended by Daniel’s Law.

¹ The exact exchange between Plaintiff and the Records Custodian is unknown, as copies of the e-mails were not included with either of his filings.

Secondly, while none of the cases relied on by Plaintiff stand for the proposition that the publication of someone's home address for whatever reason is constitutionally protected, and therefore, none of them can be properly relied upon as a basis to invalidate Daniel's Law in this instance, the fact remains that New Jersey's significant and real concerns over the safety of the judicial and law enforcement officers resident of the State, in addition to Caputo's right to privacy regarding that information, require the denial of Plaintiff's requests and the dismissal of his Complaint. *See Cox Broad. Corp. v. Cohn*, 420 U.S. 469 (1975)(holding Georgia law meant to protect the name of rape victims cannot prevent media revelation of same); *Neb. Press Ass'n v. Stuart*, 427 U.S. 539 (1976)(holding that state court was not justified in imposing restraints on reporting information revealed during a hearing open to the public); *Okla. Publ'g Co. v. Dist. Ct.*, 430 U.S. 308 (1977)(invalidating court injunction prohibiting publication of information revealed during hearing open to the public); *Landmark Commc'ns, Inc. v. Virginia*, 435 U.S. 829 (1978)(holding state criminal statute protecting the confidentiality of complaints about a judge's fitness for office invalid); *Smith v. Daily Mail Publ'g Co.*, 443 U.S. 97 (1979)(holding juvenile offender's name could be published in the newspaper); *The Fla. Star v. B.J.F.*, 491 U.S. 524 (1989)(holding Florida law meant to protect the name of sexual assault victims cannot prevent publication of same); *Bartnicki v. Vopper*, 532 U.S. 514 (2001)(holding that wiretapping statutes could not be used as basis to restrict publication of intercepted phone communication where the publisher played no part in the illegal interception, the tapes were obtained lawfully, and "the subject matter of the conversation was a matter of public concern.").

Likewise, Caputo's exact home address is not a matter of public concern, as the very articles that Plaintiff relies upon for this predicate expressly show. *See Abbie VanSickle, Justice Thomas Failed to Report Real Estate Deal with Texas Billionaire*, N.Y. Times (Apr. 13, 2023).

<https://www.nytimes.com/2023/04/13/us/politics/el;arence-thomas-harlan-crow-real-estate.html> (discussing *sale* of property by Thomas, identified only as “a single family home and two vacant lots on a quiet Savannah street[.]”); Mikenzie Frost, *Residency Questions Continue for BPD’s Acting Commission Worley*, Fox45News (June 13, 2023), <https://foxbaltimore.com/news/local/residency-questions-continue-for-bpds-acting-commissioner-worley> (stating merely that Commissioner Worley “currently lives in Anne Arundel County with his wife.”); Stephen Koranda, *Kansas Rep. Steve Watkins Charged with Felonies Over Voter registration at UPS Store*, NPR (Jul. 14, 2020), <https://www.npr.org/2020/07/14/891242761/kansas-rep-steve-watkins-charged-with-felonies-over-voter-registration-at-ups-st> (stating that representative Watkins “changed that address to an apartment complex in Topeka[.]” and not even revealing the address of the “UPS Store in Topeka” as which he listed his address as his official residence on a change-of-address form for voter registration).

Plaintiff, therefore, is unlikely to succeed on the merits of his free speech/free press claim, as Daniel’s Law remains Constitutional as applied in this matter.

II. Plaintiff Fails to Meet the Remaining Standards Necessary to Establish an Entitlement to the Requested Interim Relief.

In order to establish an entitlement to the requested interim relief, Plaintiff must also show that the restraint is necessary to prevent irreparable harm; that the equities favor the party seeking the restraint; and that the restraint does not alter the *status quo ante*. See *Crowe*, 90 *N.J. supra*, at 132-136. This Plaintiff has failed to do.

In the first place, the removal of the significant safety protections underlying New Jersey’s passage of Daniel’s Law puts Caputo at incredible risk. With his home address

published along with information identifying him as a law enforcement officer, Caputo must needs be in fear of all types of threats and physical violence not only to himself, but to the family that lives with him. This is not mere identification of a public servant or potential reputational harm, all matters covered by the cases above, this is the placement of a law enforcement officer directly in harm's way.

More importantly, as regards the irreparable harm element, once published, it will be nearly impossible for Plaintiff to eliminate all traces of Caputo's home address from the public domain no matter what lengths he employs to do so. In short, there will be no going back should Plaintiff be unsuccessful in this suit. Clearly, then, the true irreparable harm will be suffered by Caputo should this Court allow Plaintiff to disseminate the information.

In the same way, the equities are all in favor of Caputo in this instance, particularly where, as here, Plaintiff can publish the newsworthy matter without need for identifying Caputo's home address. The additional and unnecessary safety concerns underlying Daniel's Law only serve the public interest.

Finally, the *status quo* remains an environment within which Caputo's home address remains private information: the publication of that information represents an unwarranted change to that condition.

CONCLUSION

For all of the foregoing reasons, *Amicus Curiae* the New Jersey State Lodge of the Fraternal Order of Police respectfully requests that this Court deny Plaintiff's requests for injunctive and other relief and dismiss the Complaint in its entirety.

Respectfully Submitted,

/s/ Matthew D. Areman

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New Jersey State Lodge of the Fraternal Order of Police*

_____	:	
CHARLES KRATOVIL	:	SUPERIOR COURT
	:	OF NEW JERSEY
Plaintiff,	:	LAW DIVISION
	:	
v.	:	MIDDLESEX COUNTY
	:	
CITY OF NEW BRUNSWICK, and	:	Docket No. MID-L-003896-23
ANTHONY CAPUTO, in his capacity as	:	
Director of Police.	:	
	:	<u>CERTIFICATE OF SERVICE</u>
_____	:	

The undersigned hereby certifies that a true and correct copy of the Notice of Motion for Leave to Participate as *Amicus Curiae* Pursuant to R.1:13-9, and accompanying papers, were served via electronic filing and by email, upon the following:

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/s/ Matthew D. Areman

MATTHEW D. AREMAN, ESQUIRE

Dated: August 4, 2023