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August 9, 2023

Hon Alberto Rivas, J.S.C.
Middlesex County Superior Court
56 Paterson Street
New Brunswick, New Jersey 08903-0964

**Re: *Charles Kratovil v. City of New Brunswick and
Anthony A. Caputo*, Docket No. MID-L-3896-23**

Judge Rivas:

I am writing to object to the adjournment of the hearing scheduled in the above-captioned matter. By order dated July 18, 2023, Hon. Michael V. Cresitello, Jr., P.J.Cv. scheduled an Order to Show Cause hearing before your honor on Friday, August 11. Although that date was more than four weeks after we originally filed our Order to Show Cause, we planned a schedule around that date.

Then, on Monday, August 7, we received a notice adjourning the hearing until Tuesday, August 15 at 10:30 a.m. I communicated to your law clerk that I had a conflict that day and asked either for a different day that week, or earlier in the day on the August 15. Your law clerk explained some conflicts on your calendar, and I communicated some conflicts on mine – including that I would be out of town from August 24-28 – and we ultimately agreed to leave hearing on the rescheduled date of August 15 at 10:30, despite my conflict. I cleared the date with my client.

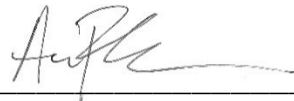
Today, I received a notice again rescheduling the hearing for August 24, a date on which I am unavailable. I therefore request that the Court provide an alternate date for the hearing. I implore the Court to consider a date before

August 24. I can make myself available on August 10, August 11, August 14, August 15, August 16, August 17, August 22 or August 23.

This matter was originally filed on July 12, 2023. On July 14, 2023, Hon. Laurence J. Bravman, J.S.C., denied the Order to Show Cause without prejudice because the verification was improper. Although I believe this decision was erroneous – *Rule 1:4-7* only requires verified pleadings where *ex parte* relief is sought, and it was not here – Plaintiff promptly refiled an Amended Complaint on July 17. Plaintiff has alleged a prior restraint and has sought temporary restraints. He has timely met every deadline set forth in the Order to Show Cause signed by Judge Cresitello.

Respectfully, six weeks is too long for a litigant to have to wait – facing the threat of civil and criminal punishment should he publish a newsworthy story – for a hearing on temporary restraints. If the Court is unable to provide a hearing before August 24, Plaintiff respectfully requests that the Court rule on the temporary restraints relying on the briefs that have been submitted.

Respectfully submitted,



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DATED: August 9, 2023