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August 28, 2023

Hon. Joseph L. Rea, 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

Dear Judge Rea:

I am writing to respectfully request that the hearing scheduled for Wednesday, August 30, 2023, in the above-captioned matter be converted into a merits oral argument, considering the Attorney General's concession that *R. 4:28-4(d)* does not require the Court to wait to issue interlocutory relief and the substantial time that has passed since the matter was initiated.

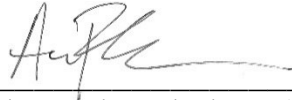
For the court's reference, by order dated July 18, 2023, Hon. Michael V. Cresitello, Jr., P.J.Cv. scheduled an Order to Show Cause hearing before Hon. Alberto Rivas on August 11, 2023. Although that date was more than four weeks after we originally filed our Order to Show Cause, we planned a schedule around that date.

Then, on Monday, August 7, 2023, we received a notice adjourning the hearing until Tuesday, August 15 at 10:30 a.m. Judge Rivas then again rescheduled the matter to Wednesday, August 23. It was during the August 23 hearing that Judge Rivas first informed counsel of a conflict he had based on his personal relationship with Judge Esther Salas and suggested that his scheduling of this matter indicated a substantive determination on the immediacy of Plaintiff's harm.

Thus, although Your Honor was only assigned the matter on August 23, it has now been more than six weeks since Plaintiff alleged a prior restraint and filed an application for temporary injunctive relief. He has timely met

every deadline set forth in the Order to Show Cause signed by Judge Cresitello and suffers irreparable injury with every passing day. The matter has been fully briefed for nearly four weeks. We urge the Court to reach the merits of this dispute without further delay.

Respectfully submitted,



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