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August 29, 2023

Via Email and e-Courts

The Honorable Joseph Rea, J.S.C.
Middlesex County Superior Court
56 Paterson Street
New Brunswick, NJ 08903-0964

Re: Kratovil v. City of New Brunswick, et al.
Docket No.: MID-L-3896-23

Dear Judge Rea:

This office represents *amicus curiae* New Jersey State PBA in this matter. Please accept this letter in response to Plaintiff's August 28, 2023 letter and Defendants' August 29, 2023 letter.

The State PBA joins in the position set forth by Defendants in their August 29th letter. Whether Plaintiff's complaint is an "as applied" or an "on its face" challenge to the constitutionality of Daniel's Law, this Court must still decide whether the law is constitutional or, at least, whether Plaintiff can meet the very heavy burden to show that he has a likelihood of success on that issue (and the State PBA believes Plaintiff cannot).

Accordingly, we join in Defendants' request that the Court permit the Attorney General the required 60 days to determine whether he will participate. Thank you for the Court's consideration.

Respectfully submitted,

Paul L. Kleinbaum

Paul L. Kleinbaum

PLK/sl

cc: All Counsel (via email & e-Courts)
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