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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**DWELLING PLACE NETWORK**, a New Jersey not-for-profit corporation; **HOUSE OF PRAISE CHURCH**, a New Jersey not-for-profit corporation; **CORNERSTONE COMMUNITY CHURCH**, a New Jersey not-for-profit corporation; **NEW LIFE CHURCH**, a New Jersey not-for-profit corporation; **BOBBY BLEDSOE**; **STEVE BURTON**; **RALPH GRAVES**; and **RICHARD MYERS**,

*Plaintiffs,*

v.

**PHILIP D. MURPHY**, in his official capacity as Governor of the State of New Jersey; **GURBIR S. GREWAL**, in his official capacity as Attorney General of the State of New Jersey; and **PATRICK J. CALLAHAN**, in his official capacity as Superintendent of the New Jersey Division of State Police and as State Director of Emergency Management,

*Defendants.*

Docket No.:

**COMPLAINT  
FOR DECLARATORY  
AND INJUNCTIVE  
RELIEF**

Plaintiffs Dwelling Place Network, House of Praise Church, Cornerstone Community Church, New Life Church, Bobby Bledsoe, Steve Burton, Ralph Graves and Richard Myers allege and complain as follows:

**NATURE OF ACTION**

1. Plaintiffs are the four Protestant evangelical congregational churches in southern New Jersey and their respective pastors.

2. Plaintiffs have carefully prepared plans to comply with the emergency guidelines promulgated by the Centers for Disease Control (“CDC”) and the State of New Jersey for safe conduct during the Coronavirus pandemic which would nonetheless run afoul of decrees issued by defendants which make any gathering for congregational worship unlawful.

3. Plaintiffs’ plans would utilize their ample indoor space to permit communal worship, a fundamental aspect of religious practice among the world’s major religions, that incorporates appropriate social distancing and other required measures has been unlawfully frustrated by defendants, depriving plaintiffs and all other residents of the State of New Jersey of fundamental rights protected by the constitutions of the United States and the State of New Jersey, including the freedoms of religion, speech, and assembly, as well as due process and equal protection under the law.

4. This action presents facial and as-applied challenges to a series of Executive Orders issued by the Governor and the State of New Jersey set out more specifically below, which are referred to collectively as the “Orders” in this Complaint.

5. As set forth more fully herein, the Orders and defendants’ enforcement thereof as alleged herein violate the rights guaranteed by the United States Constitution.

**JURISDICTION AND VENUE**

6. This action arises under 42 U.S.C. § 1983 in relation to defendants' deprivation of plaintiffs' constitutional rights to freedom of religion, speech, and assembly, due process, and equal protection rights under the First and Fourteenth Amendments to the U.S. Constitution. Accordingly, this Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1343. This Court has authority to award the requested declaratory relief under 28 U.S.C. § 2201; the requested injunctive relief and damages under 28 U.S.C. § 1343(a); and attorneys' fees and costs under 42 U.S.C. § 1988.

7. The District of New Jersey is the appropriate venue for this action pursuant to 28 U.S.C. §§ 1391(b)(1) and (2) because it is the District in which defendants maintain offices, exercise their authority in their official capacities, and will enforce the Orders; and it is the District in which substantially all of the events giving rise to the claims occurred.

**PARTIES**

8. Plaintiffs are New Jersey not-for-profit religious corporations described more fully below, and their respective lead pastors.

9. Defendant Philip D. Murphy is the Governor of the State of New Jersey, and he is named as a defendant in his official capacity as such. As the chief executive of the State of New Jersey, the Governor issued the Executive Orders being challenged, and is responsible for their continued efficacy.

10. Defendant Gurbir S. Grewal is the Attorney General of the State of New Jersey, and he is named as a defendant in his official capacity as such. As the chief law enforcement officer of the State of New Jersey, the Attorney General exercises, delegates, and supervises all the powers and duties of the New Jersey Department of Law and Public Safety, including the enforcement of

N.J.S.A. App. A:9-49, which imposes criminal penalties for violations of Executive Orders issued by the Governor.

11. Defendant Patrick J. Callahan is the Superintendent of the New Jersey Division of State Police as well as the State Director of Emergency Management, and he is named as a defendant in his official capacity as such. As Superintendent of the New Jersey Division of State Police, he is responsible for carrying out the enforcement of N.J.S.A. App. A:9-49, which imposes criminal penalties for violations of Executive Orders issued by the Governor. As State Director of Emergency Management, he is also responsible for implementing the Executive Orders being challenged, including the list of essential businesses.

12. Each and every defendant has acted under color of state law with respect to all acts or omissions herein alleged.

### **FACTUAL ALLEGATIONS**

#### **The Coronavirus Emergency**

13. On or about March 13, 2020, President Donald J. Trump proclaimed a National State of Emergency as a result of the threat of the emergence of a novel coronavirus, COVID-19.

14. On February 3, 2020, New Jersey Governor Phil Murphy launched a Coronavirus Task Force, chaired by state Health Commissioner Judith Persichilli, to coordinate state efforts to prepare for the public health hazard posed by the virus.

15. On March 5, 2020, the State suspended all international business travel for state workers and placed restrictions on domestic travel for state employees.

16. Four days later, on March 9<sup>th</sup>, Gov. Murphy declared a state of emergency and a public-health emergency in New Jersey.

17. On March 12, 2020, Gov. Phil Murphy recommended the cancellation of all public gatherings of more than 250 people in New Jersey, effective immediately.

18. On March 12, 2020, New Jersey schools were ordered closed by the Governor effective March 18<sup>th</sup>. The Governor also “discouraged non-essential travel” and imposed a voluntary “curfew” between 8 p.m. and 5 a.m.

19. On March 16, 2020, the governors of New Jersey, New York and Connecticut jointly announced the closure of all movie theaters, gyms and casinos in their states. The next day, March 17<sup>th</sup>, Governor Murphy ordered the closure of all the state’s indoor shopping malls until further notice.

20. Gov. Murphy ordered the closure of all barber shops, salons, nail salons and tattoo parlors statewide, effective March 19 at 8 p.m.

21. On March 21, 2020, Governor Murphy ordered “non-essential” businesses in the state to close until further notice, as well as the mandatory closure of all libraries, pursuant to Executive Order 107.

22. On March 24<sup>th</sup>, however, Gov. Phil Murphy signed an order allowing five types of retail businesses, including mobile phone retailers, bicycle shops, and nurseries and garden stores, to re-open.

23. Gov. Phil Murphy announced on March 31, 2020, New Jersey firearms retailers will be allowed to operate as essential businesses, by appointment during limited hours.

24. On April 7<sup>th</sup>, Gov. Murphy extended New Jersey’s public-health emergency, originally declared on March 9, for another 30 days.

25. The next day, on April 8<sup>th</sup>, Gov. Murphy ordered all non-essential construction in the state to stop by 8 p.m. on April 10. Exemptions are made for hospitals, schools, affordable housing,

transportation, utility work, and emergency repairs. Governor Murphy also ordered all store employees and shoppers to wear face masks or coverings until further notice and limited customers in stores to 50% of the store's capacity.

26. On April 18, 2020, the governors of New Jersey, New York and Connecticut jointly announced that marinas and boatyards that were ordered closed due to coronavirus would be allowed to re-open.

27. On the 27<sup>th</sup> of April, the governor unveiled a six-point coronavirus "Road Back" recovery plan centered on widespread testing and contact tracing which did not include any timetable for implementation. "Before we reopen non-essential stores and businesses, before we can reopen our parks or before we allow in-person dining in our restaurants," the Governor said in a public statement, "among any host of other activities, people need to know, first and foremost, that their health will be safeguarded from COVID-19."

28. Essential businesses, as determined by the Governor and defendant Callahan, are excluded from the mandate of Executive Order 107, and are allowed to stay open.

29. In pertinent part, Executive Order 107 provides as follows:

Gatherings of individuals, such as parties, celebrations, or other social events, are cancelled, unless otherwise authorized by this Order. The State Director of Emergency Management, who is the Superintendent of the State Police, shall have the discretion to make clarifications and issue orders related to this provision.

The brick-and-mortar premises of all non-essential retail businesses must close to the public as long as this Order remains in effect. Essential retail businesses, listed below, are excluded from this directive and may remain open during their normal business hours....

- a. Grocery stores, farmer's markets and farms that sell directly to customers, and other food stores, including retailers that offer a varied assortment of foods comparable to what exists at a grocery store;
- b. Pharmacies and alternative treatment centers that dispense medicinal marijuana;
- c. Medical supply stores;
- d. Retail functions of gas stations;
- e. Convenience stores;
- f. Ancillary stores within healthcare facilities;
- g. Hardware and home improvement stores;
- h. Retail functions of banks and other financial institutions;
- i. Retail functions of laundromats and dry-cleaning services;
- j. Stores that principally sell supplies for children under five years old;
- k. Pet stores;
- l. Liquor stores;
- m. Car dealerships, but only to provide auto maintenance and repair services, and auto mechanics;
- n. Retail functions of printing and office supply shops; and
- o. Retail functions of mail and delivery stores.

30. Executive Order 107 also grants defendant Callahan discretion "to make additions, amendments, clarifications, exceptions, and exclusions to this list."

31. Executive Order 107 also provides that violation of its terms "are punishable under provisions of the New Jersey Statutes that allow imprisonment for a term not to exceed 6 months and/or a fine of up to \$1,000.00."

32. Executive Order 107 was subsequently extended by Executive Orders 119 and 138, respectively.

33. Religious worship services were not deemed “essential” under Executive Orders 107, 119 or 138.

34. Governor Murphy also refuses to provide any indication of a date certain for the end of mandatory closures of “non-essential” businesses and gatherings.

35. On April 16, 2020, Governor Murphy appeared on the television program of Fox News host Tucker Carlson to discuss the state’s response to COVID-19.

36. On the program, Carlson asked Governor Murphy the following question:

Fifteen congregants at a synagogue in New Jersey were arrested and charged for being in a synagogue together. The Bill of Rights as you well know protects Americans’ right – enshrines their right to practice their religion as they see fit and to congregate together to assemble peacefully. By what authority did you nullify the Bill of Rights in issuing this order?

37. The Governor responded,

That’s above my pay grade Tucker. I wasn’t thinking of the Bill of Rights when we did this...People have to stay away from each other.

38. On May 13, 2020, the Governor signed Executive Order 142, permitting indoor gatherings of up to only ten people as well as “outdoor” gatherings of up to 25 people.

39. Executive Order 142’s setting of small maximum sizes for gatherings without reference to the amount of space available to accommodate social distancing by attendants was arbitrary and capricious.

### **The Religious Obligation of Communal Worship**

40. Most of the major religions of the world consider congregate worship essential to practice of their faith.

41. Christian worship's roots are in Judaism, a faith in which communal worship is an essential service for which untold thousands have risked and sacrificed their lives. Orthodox Jewish men have a strict religious obligation to engage in three daily prayer services on every weekday – one each in the morning, afternoon and night – and four on the Sabbath and most festival days. These prayers were ordained to correspond to the public sacrificial offerings ordained in the Torah and which in ancient times were brought in the Holy Temple in Jerusalem.

42. The Torah also requires that these regular services, wherever possible and with due respect for countervailing risks of health and safety, be conducted in the presence of a quorum of ten adult men called a *minyan*, and ideally in a location set aside for prayer such as a synagogue. It is a principle of normative traditional Judaism that when one prays with a *minyan*, his or her prayers are more readily accepted by virtue of the merit of collective worship.

43. As in Judaism, the religion from which it springs, in Christianity attendance at congregational gatherings, even at risk of danger, is considered a biblical mandate essential to the spiritual health of individual Christians.

44. The biblical figure Paul of Tarsus encouraged broad participation on the part of the congregation of the first Christians in a communal setting. He is quoted in 1 Corinthians as advising the troubled congregation in Corinth, “When you come together, everyone has a hymn, or a word of instruction, a revelation, a tongue or an interpretation.” These communal forms of spiritual sharing were, and in Christianity remain, intended as essential vehicles for building up and maintaining the Church.

45. Similarly, the Epistle of Hebrews, part of the New Testament, is attributed to an anonymous author communicating to a group of early Christians who were wavering in their faith. He implores his correspondents to hold fast to their religious commitment with three commands that begin with words “Let us,” starting with verse 24, “Let us consider” – meaning, to take personal and intense interest in – “one another to provoke to love and to good works.” Christian fellowship is explained in this passage as an internal and perpetual spiritual state essential to faith and worship.

46. These words reinforced a collective commitment through a spur to collective reinforcement by means of association with a local assembly of believers, enabling the faithful to submit to accountability and responsibility. The epistle’s message was that Church membership, corporate worship and Christian fellowship were not optional, but, rather, essential means through which God’s preserving grace would, as understood by Christians, sustain believers.

47. After commanding its congregational readers to “consider” one another, verse 24 explains that doing this makes Christians “stir up one another to love and good works,” a calling that cannot be answered in isolation. Through congregate worship, Christians enhance each other’s spiritual states by saying and doing those things that stir up love and good works.

48. The next verse in 10 Hebrews, verse 25 teaches that presence and participation in communal worship are mandatory, stating, “Not forsaking the assembling of ourselves together, as the manner of some is; but exhorting one another: and so much the more, as you see the Day approaching.”

49. Habitual absence from communal worship among the early Christians had become common because of religious persecution, and believers felt, often realistically, as if their lives were on the lines every time they met together. Still and all, the author of the epistle to the Hebrews insisted that believers not neglect to meet together, even at the risk of martyrdom.

50. These early Christians, who were Jews, gathered first in the Second Temple restored by Herod the Great and in local synagogues. They also increasingly moved their worship alternate locations in various private houses; the Upper Room described in Acts 1:13, thought by some to perhaps be the venue of the biblical Last Supper, was one such place. Home churches were a consistent feature of the early Christian Church, which focused not on edifices per se so much as regular and focused congregational gathering, worship and mutual reinforcement of their faith.

51. Thus the psalms, hymns, and spiritual songs that make up Christian liturgy are structured and celebrated in the context of believers' addressing of one another and serving as sources of edification, instruction, and exhortation in the congregational assembly.

52. Another distinctly in-person and essential aspect of plaintiffs' faith is believer's baptism, an evangelical Christian rite by which an adult is baptized on the basis of his or her profession of faith as an adult as part of admission into a local community of faith.

53. Conducted by immersing in or pouring water onto an adherent, Believer's baptism is an integral and essential part of communal worship and evangelical Christian outreach.

54. In addition to group worship, fellowship, baptism, and charismatic practices described more fully below, hands-on communal works or "human services" are a central part of Christian ministry. As set out in more detail below, these are of particular importance to the plaintiff ministers and congregations, and the Orders have prevented this activity from taking place – in many cases, completely, and at considerable human cost – while similar activities not conducted by faith-based organizations have been permitted.

**Defendants' Discriminatory Policies and Conduct**

55. Plaintiffs have been at considerable pains, as set forth in more detail below, to comply with the emergency restrictions established by the State, including by shuttering hundreds of churches and eliminating in-person communal worship and social services.

56. The Orders have, however, by at once deeming religious worship “non-essential” and by prohibiting literally all “non-essential” gatherings of any size by New Jersey State residents, made all but the smallest communal religious worship illegal in the State of New Jersey, subject to enforcement by law enforcement and criminal penalty.

57. Defendants' issuance and enforcement of the Orders has made all but the tiniest communal religious worship in the State of New Jersey unlawful regardless of whether or not such gatherings take place while utilizing even the strictest social distancing guidelines, whether meeting or even exceeding CDC guidelines in terms of person-to-person special distance, the use of masks or any other factor or even State guidelines as applied to supposedly “essential” services.

58. Defendants' issuance and enforcement of the Orders has made all but the smallest in-person communal religious worship in the State of New Jersey unlawful for an indefinite period.

59. Defendants' issuance and enforcement of the Orders has made all but the most minute instances of communal religious worship in the State of New Jersey unlawful without reference to epidemiological, statistical or other objective criteria in terms of their enforcement, duration or review.

60. The Orders provide neither a mechanism nor a standard for review, appeal, reconsideration or other due process regarding their designation of what is an essential activity or other aspects of the restrictions they impose.

61. Ultimately, in addition to relegating plaintiffs' faith activities to at best second-class status, defendants have threatened plaintiffs with criminal penalties for holding in person services, and have thus substantially burdened their religious exercise by forcing them to choose between their sincerely held religious beliefs and their desire to follow secular rules, in many cases imposed by unelected officials.

62. Moreover, the Orders' grants of exemptions to bans on gatherings and conduct, including for purportedly "essential" businesses and activities, contrasts with an effective blanket prohibition on religious activities and services by more than a miniscule number of attendants, even if worshippers have the space and resources that would allow them to adhere to social distancing guidelines consistent with the most current epidemiological standards.

63. As set forth below, the burden on religious practice resulting from defendants' conduct in promulgating and enforcing the Orders is either not neutral or not generally applicable; does not satisfy a compelling governmental interest; is not narrowly tailored to achieve any such interest that may be found; and constitutes unlawful discrimination under law.

**Cornerstone Community Church, Pastor Ralph Graves, Jr.**

64. Ralph D. Graves Jr. serves as Founder and Senior Pastor of Cornerstone Community Church in Millville. Ralph Graves is a Motivational Speaker, Business Consultant and Author. He is the Founder and Vice President of City's Hope Community Development Corporation and Founder of Project U. He is also a member of the National Speakers Association, National and Philadelphia chapters. In 2011, he retired as a Sergeant of Police after 20 years of dedicated service to the State of New Jersey.

65. Cornerstone is a predominantly African American non-denominational evangelical congregation that started out with eight members meeting, worshipping and engaging in Bible Study in a Best Western hotel in Millville.

66. Cornerstone's Sunday services now typically attract approximately 185 worshippers to its own church facility with seating capacity of 300. Cornerstone has a plan to spread its Sunday services out over three sessions to permit adequate space for social distancing, but pursuant to the Orders it would be unlawful for them to do so.

**Dwelling Place Network; Pastor Bobby Bledsoe**

67. Pastor Bobby Bledsoe is one of the founding pastors of Dwelling Place Network in Vineland, an Assemblies of God Pentecostal congregation serving a depressed area in southern New Jersey.

68. It is an essential precept of the Assemblies of God that Paul of the Gospels used the language of the Tabernacle and Temple sacrifices and services to communicate that worship of God is properly a constant, living reality in every dimension of the believer's life.

69. One hundred and eighty worshippers can fit in the Dwelling Place sanctuary, which would allow, at 50% capacity, 90 attendees for a single Sunday morning service. Spread out over three morning services, however, as were formerly held every Sunday before the Orders, the approximately 140 regular Sunday-morning worshippers at Dwelling Place could easily exceed CDC requirements for social distancing.

70. Currently, however, because of the Orders, there are no services, despite the availability of space.

71. Dwelling Place's religious services also include Communion, also known as the Lord's Supper, as well as hands-on Divine healing. These practices can only be conducted in person.

72. Similarly, a key component of Dwelling Place's religious services is adult baptism. No baptisms have taken place since the imposition of the Order.

73. When its operations have not been outlawed, as they have been by the State of New Jersey, Dwelling Place regularly provided 420 meals a week to 30 residents living in its drug-addiction recovery homes, whose residents are provided with clothing, pastoral care, counseling and other rehabilitative activities.

74. Dwelling Place also conducts numerous classes of a broad general nature, including Bible study.

75. Because Dwelling Place serves a low-income demographic, few of those attending its programs or classes are able to participate in them via streaming or other modern technology.

**New Life Church; Pastor Richard F. Myers**

76. Senior Pastor Richard F. Myers heads the New Life Church in Millville.

77. New Life Church is a Pentecostal, Charismatic, Full Gospel church whose congregational services when they were not illegal, included, speaking in tongues, exuberant lifting of the hands by the congregation, Divine healing and other forms of charismatic "active worship" such as instrumental music, banner marches, dance, flags and various other displays of celebration. Before such worship was outlawed by defendants, it was not uncommon to see children and adults dancing during New Life Church's weekly services.

78. None of these activities, which are considered essential in the doctrine of New Life Church, can be conducted via the Internet or in "drive-in" form.

79. The New Life Church sanctuary can seat 1000 people. It has approximately 475 members, though normal Sunday attendance is 225-300 people at each of two services, meaning

that there is a ratio of space for three to five people for every person in attendance at each Sunday service.

80. New Life Church has a food pantry, is a court-appointed community service center and counseling center, and financially supports local food distribution and food bank programs when its activities are not illegal, as most of them now are under the Orders.

**House of Praise Church; Pastor Steve Burton**

81. Steve Burton co-founded an evangelistic ministry in 1985 called Good Samaritan Ministries in the Greater Philadelphia area, addressing the needs of the poor, hurting and homeless. Concurrently, he also ministered as assistant pastor, musician, worship leader, teacher and evangelist at several local churches in South Jersey.

82. House of Praise was started in the Burton home in Woolwich Township with ten people gathering regularly to praise and worship God. Its founding philosophy was to honor its Judaic roots while teaching and preaching the New Testament “church of the Bible,” referring to the community of Christians, “with no exceptions.”

83. The House of Praise "house church" grew through the years into a regular Saturday night fellowship of 50. In 2006, House of Praise moved the fellowship to the banquet facilities in the Holiday Inn Select in Logan Township, where it was meeting before such meetings were outlawed indefinitely and unconditionally by defendants.

84. House of Praise has 65 members, of whom 45 typically attend Sunday morning services.

85. The capacity of the House of Praise sanctuary, now located in nearby Swedesboro, New Jersey, is approximately 250.

86. As a result, House of Praise could comfortably conduct its single Sunday morning service with congregants spread out in an area large enough to comply with CDC social distancing guidelines if the Orders did not make doing so an offense punishable by law.

87. The community services provided by House of Praise include ministry in five local nursing homes and to inmates in a local prison; fundraising to support missionaries in Guatemala, Haiti to home missions work in Savannah, Georgia ("Lifebridge Ministries"); fundraising on behalf of "For Dignity," a New Jersey-based organization fighting sex slavery and support of the Christian Motorcyclists Association, which supports motorcycle-riding missionaries.

88. These community services have been severely curtailed or have stopped because of the Orders.

**FIRST CLAIM FOR RELIEF**  
**Deprivation of Civil Rights Under Color of State Law**  
*Establishment Clause of First Amendment to U.S. Constitution*  
**(42 U.S.C. § 1983)**

89. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

90. The Orders and defendants' enforcement thereof as alleged herein violate the First Amendment, both facially and as applied to plaintiffs, as applied to the states and their subdivisions through the Due Process Clause of the Fourteenth Amendment, because they are not neutral with respect to conduct involving religion as compared to not involving religion, but otherwise materially indistinguishable.

91. Thus defendants have not acted and are not acting with a clearly secular purpose in adopting and enforcing the Orders.

92. Moreover, the Orders and defendants' *ad hoc* enforcement thereof as alleged herein have the primary effect of inhibiting religious activity.

93. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless defendants are enjoined from implementing and enforcing the Orders.

94. Pursuant to 42 U.S.C. §§ 1983 and 1988, plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Orders.

95. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

**SECOND CLAIM FOR RELIEF**  
**Deprivation of Civil Rights Under Color of State Law**  
*Establishment Clause of First Amendment to U.S. Constitution*  
**(42 U.S.C. § 1983)**

96. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

97. The Orders and defendants' enforcement thereof as alleged herein violate the First Amendment, both facially and as applied to Plaintiffs.

98. Plaintiffs engage in protected speech through worship, religious discussions, singing hymnals, and praying with their congregation.

99. Under defendants' Orders, all but the smallest religious services and gatherings associated with religious organizations are prohibited.

100. Defendants' imposition of the Orders is unreasonable and has a chilling effect on protected speech by outright banning in-person religious services at the pain of criminal penalty.

101. Furthermore, several of the defendants have granted *ad hoc* exemptions to the Orders for various gatherings which do not differ from those prohibited by the Orders as religious services except regarding their religious nature.

102. Moreover, while the New Jersey State Police are not expected to enforce every violation of the Orders, defendants have failed to provide any guidance as to what violations would be prioritized, leaving it up to the unfettered discretion of the police to decide which violations to enforce.

103. Such a lack of standards along with a grant of such arbitrary and capricious discretion renders the Orders unconstitutional both facially and as they are applied.

104. The Orders are unconstitutionally overbroad, and therefore void as a matter of law, both on their faces, and as it is applied.

105. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the Orders.

106. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Orders.

107. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

**THIRD CLAIM FOR RELIEF**  
**Deprivation of Civil Rights Under Color of State Law**  
***Violation of First Amendment Freedom of Assembly Clause***  
**(42 U.S.C. § 1983)**

108. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

109. By denying plaintiffs the ability to conduct services that comply with both CDC and New Jersey State guidelines for social distancing, defendants are impinging on defendants' First Amendment right to assemble peaceably.

110. Requiring Plaintiffs to abstain from all but the smallest religious gatherings, despite plaintiffs' commitment to making substantial modifications in how those gatherings are conducted in order to satisfy the public health interests at stake, violates plaintiffs' Constitutional right to peaceably assemble.

111. While the CDC's social distancing guidelines and those of the State of New Jersey appear to be reasonably calculated to limit the spread of COVID-19, defendant's imposition of more restrictive requirements that target houses of worship, regardless of compliance with neutral social-distancing compliance, while at the same time allowing public gatherings that flaunt social distancing rules, is not the least restrictive means of achieving defendants' public safety goals.

112. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless defendants are enjoined from implementing and enforcing the Orders.

113. Pursuant to 42 U.S.C. §§ 1983 and 1988, plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Orders.

114. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

**FOURTH CLAIM FOR RELIEF**  
**Deprivation of Civil Rights Under Color of State Law**  
*Due Process Clause of Fourteenth Amendment to U.S. Constitution*  
**(42 U.S.C. § 1983)**

115. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

116. The Orders and defendants' enforcement thereof as alleged herein violate the Due Process Clause of the Fourteenth Amendment, both facially and as applied to Plaintiffs because they are so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application and impermissibly delegate basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and subjective basis.

117. Defendants' Orders are void for vagueness because the New Jersey State Police is charged with the vague directive to "enforce" them despite the underlying reality that in a state populated by millions of people, literal enforcement of the Orders against all who violate them is impossible.

118. As a result of these ambiguities, no reasonable person could understand what conduct violates the Order and might subject that person to criminal penalties, and the New Jersey State Police has largely been charged with focusing enforcement on groupings and communities targeted based on what appear to be entirely political or arbitrary initiatives.

119. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless defendants are enjoined from implementing and enforcing the Orders.

120. Pursuant to 42 U.S.C. §§ 1983 and 1988, plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Orders.

121. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

**FIFTH CLAIM FOR RELIEF**  
**Deprivation of Civil Rights Under Color of State Law**  
***Due Process Clause of Fourteenth Amendment to U.S. Constitution***  
**(42 U.S.C. § 1983)**

122. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

123. The Orders and defendants' enforcement thereof as alleged herein violate plaintiffs' substantive due process rights secured by the Due Process Clause of the Fourteenth Amendment, which provides no State shall deprive any person of life, liberty, or property, without due process of law.

124. Defendants' conduct constitutes breaches of plaintiff's Due Process rights to freedom of religion, assembly, speech, and travel, as well as personal choices central to individual dignity and autonomy, including intimate choices that define personal identity and beliefs.

125. Defendants' conduct as alleged above does not further a compelling government purpose in a manner regarding which no less restrictive alternative is available.

126. Specifically, the Orders mandate that rather than altering their usual conduct in a manner consistent with CDC and “essential business” New Jersey State standards, plaintiffs simply stay at home, or congregate in trivially small groups, thus impinging on plaintiffs’ fundamental rights to freedom of religion, assembly, speech, and travel even though plaintiffs can and have prepared to exercise these rights in conformance CDC guidelines for social distancing.

127. Defendants’ granting of numerous special exemptions to their bans on public gatherings, and inclusion of purportedly “essential” businesses and activities provided that social distancing practices are observed, demonstrates that defendants will consider less restrictive means to further their purported government interest than those employed with respect to religious activities.

128. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless defendants are enjoined from implementing and enforcing the Orders.

129. Pursuant to 42 U.S.C. §§ 1983 and 1988, plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Orders.

130. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys’ fees pursuant to 42 U.S.C. § 1988.

**SIXTH CLAIM FOR RELIEF**  
**Deprivation of Civil Rights Under Color of State Law**  
***Equal Protection Clause of Fourteenth Amendment to U.S. Constitution***  
**(42 U.S.C. § 1983)**

131. Plaintiffs incorporate by reference the allegations in the preceding paragraphs, as if fully set forth herein.

132. The Orders and defendants' enforcement thereof as alleged herein violate the Fourteenth Amendment, both facially and as applied to plaintiffs, because they deny to equal protection of the laws to persons engaged in faith-based conduct as opposed to conduct otherwise indistinguishable from that performed by religious congregations, houses of worship and other faith-based groupings.

133. Those persons classified as "essential," or as participating in essential services, by defendants are permitted to go about their business and activities provided certain social distancing practices are employed. Those classified as "non-essential," or as engaging in non-essential activities, are required to stay in their residence, unless it becomes necessary for them to leave for one of the enumerated "essential" activities.

134. Defendants' categorization of individuals and conduct as either "essential" or "non-essential," however, is arbitrary and capricious.

135. These classifications impinge on the rights to practice religion freely, to free speech and assembly, and to travel, among others, while failing by virtue of their arbitrariness to be narrowly tailored measures that further compelling government interests, for the reasons stated above.

136. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless defendants are enjoined from implementing and enforcing the Orders.

137. Pursuant to 42 U.S.C. §§ 1983 and 1988, plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Orders.

138. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

**WHEREFORE**, Plaintiffs respectfully request that this Court enter judgment against defendants as follows:

- A. An order and judgment declaring that the Orders, facially and as applied to plaintiffs, violate the First and Fourteenth Amendments to the U.S. Constitution;
- B. An order temporarily, preliminarily, and permanently enjoining and prohibiting defendants from enforcing the Orders;
- C. For attorneys' fees and costs;
- D. Such other and further relief as the Court deems appropriate and just.

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Date: May 22, 2020