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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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:
New Jersey Second Amendment Society, :
a not for profit corporation of the State of New Jersey; :
:
and :
:
Alexander Roubian, :
(1) individually and (2) in his capacity as the President of the :
New Jersey Second Amendment Society and (3) in his capacity :
as a reporter and journalist for www.nj2a.org , :
:
Plaintiffs, :
:
vs. :
:
Civil Action:
(1) Philip Murphy, :
Governor of the State of New Jersey; :
(2) New Jersey "Coronavirus Task Force"; :
:
(3) Gurbir S. Grewal, :
Attorney General of the State of New Jersey; :
:
(4) Colonel Patrick Callahan, :
Superintendent of the New Jersey State Police; :
:
(5) "John Does 1-20", :
(fictitious names for the yet to be identified members of the :
New Jersey State Police Department, civilian security and decision :
makers); :
:
and :
:
(6) New Jersey Press Association, :
:
Defendants. :
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VERIFIED COMPLAINT
AND JURY DEMAND

JURISDICTION AND VENUE:

A. Jurisdiction:

1. Jurisdiction to entertain Plaintiffs' Federal Constitutional legal claims is conferred on the United States District Court pursuant to 28 *U.S.C.* §1331. Jurisdiction to entertain Plaintiffs' New Jersey State Law Claims is conferred pursuant to 28 *U.S.C.* §1367. Authority to grant the Plaintiffs' claims for declaratory and injunctive relief is authorized by 28 *U.S.C.* §2201 and 28 *U.S.C.* §2202 ("Federal Declaratory Judgments Act"), *Rule 57* (Declaratory Relief) and *Rule 65* (Injunctions) of the *Federal Rules of Civil Procedure*, by *L.Cv.R. 65.1* of the *Rules of the United States District Court for the District of New Jersey* and by general legal and equitable powers of this Court. Cumulatively and / or alternatively, Plaintiffs' claims for declaratory and injunctive relief against the New Jersey State Actor Defendants is conferred pursuant to 28 *U.S.C.* §1367 and *N.J.S.A. 2A:16-50 to -62* ("New Jersey Declaratory Judgments Act").

B. Venue:

2. Venue is proper in the District of New Jersey, Trenton Vicinage, pursuant to 28 *U.S.C.* §1391.

THE PARTIES:

3. Plaintiff New Jersey Second Amendment Society (hereinafter "Plaintiff NJ2AS") is a not for profit corporation of the State of New Jersey with principal place of business located at c/o P.O. Box 96 Hightstown, New Jersey in the County of Mercer and State of New Jersey.
4. Plaintiff Alexander Roubian (hereinafter "Plaintiff Roubian") hereby sues individually and in his capacity as the President and reporter of the New Jersey Second Amendment Society. Plaintiff Roubian resides at c/o P.O. Box 96 Hightstown, New Jersey in the County of Mercer and State of New Jersey.

5. Defendant Governor Philip Murphy (hereinafter “Defendant Governor Murphy”) is sued in his official capacity as the Governor of the State of New Jersey. This Defendant is a “... *person* ...” who was at all times relevant acting “... *under color of State Law* ...” and in accordance with and furtherance of an “... *ordinance, regulation, custom, or usage* ...” and who at times acted “... *with deliberate indifference to the Plaintiffs’ Federal Rights* ...”, all within the meaning of 42 U.S.C. §1983. Defendant Governor Murphy’s principal place of business is Office of the Governor, New Jersey State House, 225 West State Street, Trenton, in the County of Mercer and State of New Jersey.
6. Defendant New Jersey “Coronavirus Task Force” (hereinafter “CTF”) is a public body created on February 3, 2020 by Executive Order No. 102 for various purposes to coordinate all State efforts to prepare for and respond to the public health hazard caused by the Coronavirus “COVID-19”. This Defendant is a “... *person* ...” who was at all times relevant acting “... *under color of State Law* ...” and in accordance with and furtherance of an “... *ordinance, regulation, custom, or usage* ...” and who at times acted “... *with deliberate indifference to the Plaintiffs’ Federal Rights* ...”, all within the meaning of 42 U.S.C. §1983. Defendant CTF’s principal place of business is c/o Office of the Governor, New Jersey State House, 225 West State Street, Trenton, in the County of Mercer and State of New Jersey.
7. Defendant Gurbir S. Grewal (hereinafter “Defendant AG”) is the Attorney General of the State of New Jersey. In his capacity as the New Jersey Attorney General, under New Jersey State law Defendant AG is the chief law enforcement officer of the State of New Jersey and is responsible for and charged with primary authority for implantation and administration of all criminal laws and all civil laws generally. Defendant AG is a Member of Defendant CTF. This Defendant is a “... *person* ...” who was at all times relevant acting “... *under*”

color of State Law ...” and in accordance with and furtherance of an “... *ordinance, regulation, custom, or usage ...*” and who at times acted “... *with deliberate indifference to the Plaintiffs’ Federal Rights ...*”, all within the meaning of 42 U.S.C. §1983. Defendant CTF’s principal place of business is located at R. J. Hughes Justice Complex, 25 Market Street in the City of Trenton, County of Mercer and State of New Jersey.

8. Colonel Patrick Callahan (hereinafter “Defendant Colonel Callahan”) is the Superintendent of the New Jersey State Police. In his capacity as the Superintendent of State Police Defendant Colonel Callahan is the chief officer and in charge of the entire New Jersey State Police Force. This Defendant is a “... *person ...*” who was at all times relevant acting “... *under color of State Law ...*” and in accordance with and furtherance of an “... *ordinance, regulation, custom, or usage ...*” and who at times acted “... *with deliberate indifference to the Plaintiffs’ Federal Rights ...*”, all within the meaning of 42 U.S.C. §1983. Defendant Colonel Callahan’s principal place of business is located at Office of the Superintendent of State Police, c/o P.O. Box 7068, West Trenton, in the County of Mercer and State of New Jersey.
9. Defendants “John Does 1- 20” is a fictitious name for the yet to be identified members of the New Jersey State Police Department, civil security, and other persons who administer the “Governor’s Office Press Pass” unwritten policy and / or who administer access to the Governor’s Internet Daily Public Appearance and Press Schedule and/ or who at times relevant guarded and / or provided security for the daily public briefings given by Defendant Governor Murphy and Defendant CTF.
10. Defendant New Jersey Press Association (hereinafter “Defendant NJPA”) is a not for profit member organization of certain news and information outlets, primarily newspapers, created to advance the careers of members. Defendant NJPA has been designated and delegated by

the New Jersey State Police and the New Jersey Association of Police Chiefs with exclusive State Authority of accepting and screening applications for and issuing “Police Press Credentials”. Though a private organization, the actions of the Defendant NJPA exercising State authority of accepting and screening applications for and issuing “Police Press Credentials” makes this Defendant a “... *person* ...” who was at all times relevant acting “... *under color of State Law* ...” and in accordance with and furtherance of an “... *ordinance, regulation, custom, or usage* ...” and who at times acted “... *with deliberate indifference to the Plaintiffs’ Federal Rights* ...”, all within the meaning of 42 U.S.C. §1983. Defendant NJPA’s principal place of business is located at 810 Bear Tavern Road, Ewing Township, in the County of Mercer and State of New Jersey.

THE FACTS:

11. Plaintiff NJ2AS is a New Jersey based non-profit civil rights organization whose focus and mission is to end the hostile anti-Second Amendment and self-defense sentiment within the New Jersey Legislature specifically and all aspects of New Jersey Government generally. Plaintiff NJ2AS uses innovative and bold direct-action tactics to expose, document, and take results-oriented action to confront any and all anti-Second Amendment government policies. By defending, protecting, and preserving the Second Amendment within New Jersey, the Plaintiff NJ2AS works to ensure that all citizens' civil rights are guarded, when compromised are restored and no longer degraded, and to prevent New Jersey from being used as a laboratory to destroy the Second Amendment nationwide.
12. Plaintiff Roubian is the President of Plaintiff NJ2AS and is one of the reporters for the NJ2AS web site found at www.nj2as.org. Plaintiff Roubian, on his own and on behalf of Plaintiff NJ2AS as a reporter, routinely attends public government meetings and video / digitally tapes such meetings and reports on such meetings and publishes reports and video

and audio on the web site for the Membership and for the general public. Tens of thousands of people (2,817,400 in 2017) nationally routinely access the web site for the most up to date and relevant information regarding New Jersey State and Local Governments and the Second Amendment. The web site is a major source of donations and fund-raising and revenue for the NJ2AS precisely because of the up to date accurate and cutting edge information provided.

13. Defendant NJPA has been designated by the New Jersey State Police and the New Jersey Association of Police Chiefs with the delegated State authority of accepting and screening applications for and issuing "Police Press Credentials". NJPA "Police Press Credentials" are specifically to be presented to police officers and other emergency personnel on the scene of accidents and fires as a way of identifying professional news reporters and photographers who must be granted some access to police and fire scenes in connection with their professional duties for First Amendment purposes as opposed to general onlookers. Eligibility for NJPA "Police Press Credentials" is limited to news organization employees having regular contact with New Jersey State Police, local police, fire and EMS personnel at "breaking on-scene" crime and fire news events. NJPA "New Jersey Police Credentials" are not required or intended for use related to news organizations or reporters covering municipal, county or state government meetings in non emergency situations.
14. Plaintiffs NJ2AS and Roubian have applied to Defendant NJPA for NJPA "Police Press Credentials" but each has had their application arbitrarily denied notwithstanding never being provided with a specification of reasons for denial or afforded a right to appeal the denial.
15. Plaintiffs NJ2AS and Roubian have applied to Defendant "John Does 1 - 20" for a "Governor's Office Press Pass" but each has had their application arbitrarily denied notwithstanding never being provided with a specification of reasons for denial or afforded

a right to appeal the denial.

16. Plaintiffs NJ2AS and Roubian have applied to Defendant “John Does 1 - 20” for admittance and acceptance to and access to the Governor’s Internet Daily Public Appearance and Press Schedule and in fact received information provided on and from that web site portal for quite some time.
17. The novel coronavirus identified as “2019-nCoV” (“the virus”), first discovered in the city of Wuhan, Hubei Province, People’s Republic of China (“China”), is a severe, potentially fatal respiratory illness that can result in pneumonia, acute respiratory distress syndrome, septic shock, and multi-organ failure. The World Health Organization declared on January 30, 2020, that 2019-nCoV is a “Public Health Emergency of International Concern”. To prepare, by N.J. Executive Order No 102 (February 3, 2020) **(a true copy attached hereto at “Exhibit A”)** Defendant Governor Murphy created a “Coronavirus Task Force” (“CTF”) according to law. Defendant CTF is Chaired by the Commissioner of the New Jersey Department of Health, and Members include the Commissioners or other agency heads (or their designees) of the New Jersey Department of Human Services, the New Jersey Department of Law and Public Safety, the New Jersey State Police, the New Jersey Department of Education, and the New Jersey Office of Homeland Security. Among enumerated duties, the Defendant CTF will report directly to the Office of the Governor and is charged with coordinating all State efforts to appropriately prepare for and respond to the public health hazard posed by the virus.
18. On March 9, 2020, Defendant Governor Murphy declared a formal “State of Emergency” in the entirety of New Jersey. (See N.J. Executive Order No. 103 (March 9, 2020)).
19. By Presidential Executive Order of March 13, 2020, Donald J. Trump, President of the United States, declared a national emergency pursuant to his constitutional and statutory

powers, including those granted by Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq., and consistent with Section 1135 of the Social Security Act, as amended, 42 U.S.C. § 1320b-5.

20. On March 16, 2020, Defendant Governor Murphy issued another Executive Order (*See* N.J. Executive Order No. 104 (March 16, 2020)) which established statewide social mitigation strategies for combating COVID-19 which included limiting the scope of service and hours of operation for restaurants and certain retail establishments to balance the need to allow individuals to access food and other essential materials with the need to limit unnecessary person-to-person contact. This Executive Order No. 104 specifically deemed a subset of businesses as “essential,” including but not limited to grocery/food stores, pharmacies, medical supply stores, gas stations, healthcare facilities, and ancillary stores within healthcare facilities, and it authorized the State Director of Emergency Management - who is in fact Superintendent of State Police Defendant Colonel Callahan - to make additions, amendments, clarifications, exceptions, and exclusions to that list. This Executive Order No. 104 and subsequent Administrative Orders issued by the State Director of Emergency Management also placed restrictions on other businesses’ scope of service and hours of operation, and also placed restrictions on the size of gatherings in the State. Gun Stores and Sporting Goods Stores that sold guns and ammunition were NOT included on the list in Executive Order No. 104 as “Essential” and as such were all otherwise ordered to limited hours of operation.

21. In *Heller v. District of Columbia*, 554 U.S. 570 (2008) the United States Supreme Court ruled that the Second Amendment to the *United States Constitution*, made applicable to the States by virtue of the Fourteenth Amendment, protects an individual’s fundamental Federal Constitutional right to possess a firearm unconnected with service in a militia, and

to use that firearm for traditionally lawful purposes such as self defense within the home. This puts Second Amendment rights as fundamental and puts them on the same footing as other “fundamental” Federal Constitutional rights, including fundamental rights protected by the First Amendment. As such, concerned that the March 16, 2020 Executive Order’s limitations infringed on fundamental Second Amendment rights, Plaintiffs NJ2AS and Roubian began to attend, film and report on the “Daily Public Press Briefings” held by Defendants Governor Murphy and Defendant CTF. Plaintiffs NJ2AS and Roubian were permitted to attend, film, ask questions at and report on the “Daily Public Press Briefings” held by Defendants Governor Murphy and Defendant CTF.

22. On Saturday March 21, 2020, at the daily public briefing Defendant Governor Murphy issued N.J. Executive Order No. 104 (March 21, 2020) (**a true copy is attached hereto at “Exhibit B”**) which superceded Executive Order No. 4 and Ordered in relevant part that all “*New Jersey residents shall remain home or at their place of residence unless they are 1) obtaining goods or services from essential retail businesses, as described in Paragraph 6 ...*”. Executive Order No. 107 further Ordered that when in public all individuals must practice social distancing and stay six feet apart whenever practicable, and further Ordered that “brick-and-mortar premises” of all non-essential retail businesses must close to the public as long as this Executive Order No. 107 remains in effect.
23. Executive Order No. 107 included a non-inclusive list of certain retail businesses designated as “Essential”, but Gun and Ammunition Stores were not specifically included on this list. Executive Order No. 107 also specifically listed certain retail businesses that were NOT deemed to be “Essential” (including Casinos, Racetracks, Gyms, Movie Theaters, Shopping Malls, Libraries, etc.) that must close and remain closed to the public as long as the Order remains in effect. However, Gun and Ammunition Stores were not specifically included in

this list either. Executive Order No. 107 specifically empowered the State Director of Emergency Management (who is the Superintendent of the State Police, Defendant Colonel Callahan) to have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list. That same day March 21, 2020 Defendant Governor Murphy issued N.J. Executive Order No. 108 (March 21, 2020) which declared any county or municipal restriction imposed in response to COVID-19 that in any way will or might conflict with any of the provisions of Executive Order No. 107 (2020), or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by my Executive Orders, invalid to ensure statewide uniformity.

24. During this time period Plaintiffs NJ2AS and Roubian routinely attended the “Daily Public Press Briefings” held by Defendants Governor Murphy and Defendant CTF without issue and when permitted publically asked questions regarding that the Second Amendment mandated that Gun and Ammunition Stores be declared as “Essential Businesses”. After Executive Order No. 107 was not clear, Defendants Governor Murphy and Colonel Callahan and AG all confirmed that Gun and Ammunition Stores WERE NOT considered “Essential” and as such were Ordered “closed” until further notice.
25. Two days later, on Monday March 23, 2020, Plaintiff NJA2S, along with other Plaintiffs, filed a separate first lawsuit in Federal District Court of New Jersey entitled *Kashinsky, et al. v. Murphy, et al.*, Civil Action No. 3:20-cv-03127-MAS-ZNQ seeking to have Gun and Ammunition Stores included and added to the list of “Essential Services” that did not have to shut down pursuant to Executive Order No. 107.
26. On March 28, 2020, the Federal Government issued GUIDANCE ON THE ESSENTIAL CRITICAL INFRASTRUCTURE WORKFORCE, March 28, 2020, MEMORANDUM ON

IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE, from Christopher C. Krebs, Director, Cybersecurity and Infrastructure Security Agency (CISA), United States Department of Homeland Security. (A true copy of this MEMO is attached at “Exhibit C”). The Federal List - which was “advisory in nature” to the States, specifically included as “Essential Services”: “*Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.*”

27. As a direct result of the now pending first Federal Lawsuit and the March 28, 2020 non-binding advisory designation of Gun and Ammunition Stores and related businesses as “Essential” Businesses, on March 30, 2020 Defendant Colonel Callahan issued STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SERVICES DIVISION OF NEW JERSEY STATE POLICE OFFICE OF EMERGENCY MANAGEMENT: ADMINISTRATIVE ORDER - ESSENTIAL BUSINESSES, NO. 2020-6 (a true copy attached hereto at “Exhibit D”), which provided in relevant part:

3. Effective Tuesday, March 31, at 8:00am, Federal Firearms Licensees (FFLs) are added to the list of essential retail businesses in accordance with paragraph 6 of the Executive Order No. 107, but must operate under the following provisions:
 - a. FFLs may remain open to the public only for the purpose of completing the portions of a sale or transfer that must be conducted in-person under state and/or federal law and for the purpose of product maintenance and repair services;
 - b. All in-person sales or transfers shall be conducted by appointment and during limited hours so as to minimize congregating of persons; and
 - c. FFLs must operate in accordance with

paragraphs 6 and 7 of Executive Order No. 107 regarding social distancing and all other applicable provisions of that Order.

28. The March 30, 2020 "ADMINISTRATIVE ORDER - ESSENTIAL BUSINESSES, NO. 2020-6" effectively added Gun and Ammunition Stores and related businesses to being now included in New Jersey's definition of "Essential" businesses, and all such stores and businesses re-opened.
29. On April 1, 2020 the Kashinsky v. Murphy case was effectively "stayed" as a result of the recognition of Gun and Ammunition Stores and related businesses being now included in New Jersey's definition of "Essential" businesses.
30. As retaliation for taking on the Governor's Administration and the Defendant CTF on the issue of Gun and Ammunition Stores and related businesses being added to the list of "Essential" businesses, Plaintiffs NJ2AS and Roubian are now being specifically excluded from and barred from entry into the "Daily Public Press Briefings" held by Defendants Governor Murphy and Defendant CTF. The pretext being used by Defendants and specifically Defendants "John Does 1-10" as the reason is that Plaintiffs NJ2AS and Roubian "... do not have valid "Press Credentials" which is not a valid basis upon which to deny admission to this public event.
31. As further retaliation, with no notice or right to appeal, Plaintiffs NJ2AS and Roubian have been "blocked" and had their access denied to the public web site portal that publishes the Governor's Internet Daily Public Appearance and Press Schedule by Defendant "John Does 1 - 20".

CAUSES OF ACTION:

FIRST COUNT:

(Violation of 42 U.S.C. §1983 - First Amendment)

32. Plaintiffs hereby repeat and re-allege all factual allegations as contained in the previous paragraphs as if set forth fully at length herein.

33. The First Amendment to the United States Constitution provides as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[*United States Constitution*, First Amendment].

34. The First Amendment is made applicable to the States and to State Action by virtue of the Fourteenth Amendment to the United States Constitution.

35. The First Amendment specifically guarantees the citizens “...*freedom of speech, or of the press ...*” and “... *the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*” These specifically enumerated rights guarantee all citizens the right to speak freely and disseminate information and equally guarantee all citizens the related right to reasonably and freely receive information from their government officials.

36. 42 U.S.C. §1983 was enacted by Congress to provide citizens with a remedy for State action that deprives or is aimed at depriving a person of their rights as secured and guaranteed by the United States Constitution and laws.

37. 42 U.S.C. §1983 provides as follow:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or

other person in the jurisdiction thereof to be deprived of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purpose of this section any act of Congress applicable exclusively to the District of Columbia shall be considered a statute of the District of Columbia.

[42. *U.S.C.* §1983].

38. 42 *U.S.C.* §1983 provides a remedy for state action aimed at depriving persons of their rights as protected and guaranteed by the Constitution and laws. 42 *U.S.C.* §1983, in addition to other remedies, authorizes declaratory relief, injunctive relief, nominal damages, compensatory damages, punitive damages and attorneys' fees.
39. For a party to prevail in an action under 42 *U.S.C.* §1983, it must be shown that [1] there has been / is / will be a violation of that party's rights as guaranteed and secured by the Federal Constitution or laws, and [2] that such violation was caused either directly or by a pattern, practice, usage or custom, by a "person" acting under the color of state law.
40. In the present case the Defendants, by arbitrarily and unreasonably refusing access to the daily Governor and CTF Press Briefings by suddenly now ostensibly requiring "NJPA Police Press Credentials" or a "Governor's Office Press Pass" when Plaintiffs have nevertheless applied for both and been arbitrarily denied and refused such "Credentials" without a specification of reasons and without being afforded a right to appeal the denial. Moreover, Plaintiffs are now also arbitrarily being blocked and denied access to the Governor's Internet Daily Public Appearance and Press Schedule.
41. The refusal to issue Plaintiffs "Credentials", the refusal to admit Plaintiff into the daily news briefings, and the sudden blocking and denying Plaintiffs access to the Governor's Internet Daily Public Appearance and Press Schedule is illegal and retaliatory and Defendants knowingly and intentionally and with deliberate indifference conspired to

violate and have in fact violated Plaintiffs' rights as clearly established by the First Amendment to the United States Constitution, and Plaintiffs have been proximately damaged thereby.

SECOND COUNT:
(Violation of 42 U.S.C. §1983 - Fourteenth Amendment)

42. Plaintiff hereby repeats and re-alleges all factual allegations as contained in the previous paragraphs as if set forth fully at length herein.
43. The Fourteenth Amendment to the United States Constitution provides in relevant part as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

[United States Constitution, Fourteenth Amendment, Section 1].

44. Specifically, Section 1 of the Fourteenth Amendment to the United States Constitution prohibits States from taking action that deprives a person of "... *life, liberty, or property, without due process of law ...*" and cumulatively and separately prohibits States from taking action that deprives any person of "... *the equal protection of the laws.*"
45. Plaintiffs First Amendment rights undoubtably qualify as a "liberty interest" within the meaning of the Section 1 of the Fourteenth Amendment and as such Plaintiffs may not be deprived of their First Amendment rights without due process of law. Plaintiffs are also entitled to the equal protection of the laws to others similarly situated.
46. Specifically, the law is clearly established that when public officials confer a right *to some*

persons to appear and attend and participate in press conferences and press briefings, the First Amendment protection afforded news gathering under the first amendment guarantee of freedom of the press requires that this access not be denied arbitrarily or for less than compelling reasons *to others*. Moreover, if access is indeed granted to some but denied to others, due process requires that such persons denied access be given a written specification of reasons and there must be a right to appeal the denial based upon the specification of reasons for denial. See *Sherrill v. Knight*, 569 F.2d 124 (D.C. Cir. 1977); see also *Matthews v. Eldridge*, 424 U.S. 319, 333 (1976) (“The fundamental ‘requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.’” (internal citation omitted) . Indeed, the United States Supreme Court has recognized the necessity of providing such procedural protections to members of the media on access to government proceedings is given to some but is being denied to others. See *Gannett Company, Inc. v. DePasquale*, 443 U.S. 368, 401 (1979) (Powell, J., concurring) (“If the constitutional right of the press and public to access [public proceedings] is to have substance, representatives of these groups must be given an opportunity to be heard on the question of their exclusion.”); accord *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 609, fn. 25 (1982) (quoting Justice Powell’s concurrence in *Gannett*).

47. In the present case the Defendants, by arbitrarily and unreasonably refusing access to the daily Governor and CTF Press Briefings by suddenly now ostensibly requiring “NJPA Police Press Credentials” or a “Governor’s Office Press Pass” when Plaintiffs have nevertheless applied for both and been arbitrarily denied and refused such “Credentials” without a specification of reasons and without being afforded a right to appeal the denial. Moreover, Plaintiffs are now also arbitrarily being blocked and denied access to the Governor’s Internet Daily Public Appearance and Press Schedule.

48. The refusal to issue Plaintiffs “Credentials”, the refusal to admit Plaintiff into the daily news briefings, and the sudden blocking and denying Plaintiffs access to the Governor’s Internet Daily Public Appearance and Press Schedule is illegal and retaliatory and Defendants knowingly and intentionally and with deliberate indifference conspired to violate and have in fact violated Plaintiffs’ rights as clearly established by Section 1 of the Fourteenth Amendment to the United States Constitution, and Plaintiffs have been proximately damaged thereby.

THIRD COUNT:
(Violation of *New Jersey State Constitution*)

49. Plaintiff hereby repeats and re-alleges all factual allegations as contained in the previous paragraphs as if set forth fully at length herein.
50. Article I, paragraph 6 of the *New Jersey State Constitution* (1947) provides as follows:

6. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

[Article I, paragraph 6, *New Jersey State Constitution* (1947)].

51. This State Constitutional provision specifically provides and guarantees that “... [e]very person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right ...” and that “... [n]o law shall be passed to restrain or abridge the liberty of speech or of the press.” These specifically enumerated rights guarantee all citizens the right to speak freely and disseminate information and equally guarantee all citizens the related right to reasonably and freely receive information from their government officials.

52. In the present case the Defendants, by arbitrarily and unreasonably refusing access to the daily Governor and CTF Press Briefings and by requiring “NJPA Police Press Credentials” for admission, and then refusing to issue Plaintiffs “NJPA Police Press Credentials”, have individually and in combination conspired to retaliate and have knowingly and intentionally and with deliberate indifference violated Plaintiffs’ rights as clearly established by Article I, paragraph 6, *New Jersey State Constitution* (1947) and Plaintiffs have been proximately damaged thereby.

FOURTH COUNT:
(New Jersey Statutory Violation: “Open Public Meetings Act”)

53. Plaintiff hereby repeats and re-alleges all factual allegations as contained in the previous paragraphs as if set forth fully at length herein.
54. The New Jersey Open Public Meetings Act (“OPMA”) states New Jersey's public policy to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon. *N.J.S.A.* 10:4-7. To advance that stated public policy, the Legislature directed that the statute should be liberally construed in order to accomplish its purpose and the public policy of this State. *N.J.S.A.* 10:4-21.
55. In the present case the Defendants, by arbitrarily and unreasonably refusing access to the daily Governor and CTF Press Briefings and by requiring “NJPA Police Press Credentials” for admission, and then refusing to issue Plaintiffs “NJPA Police Press Credentials”, have individually and in combination conspired to retaliate and have knowingly and intentionally and with deliberate indifference violated Plaintiffs’ rights as clearly established by the New Jersey OPMA, and Plaintiffs have been proximately

damaged thereby.

FIFTH COUNT:

(New Jersey Common Law Violation: *Taurus v. Pine Hill*, 189 N.J. 497 (2007))

56. Plaintiff hereby repeats and re-alleges all factual allegations as contained in the previous paragraphs as if set forth fully at length herein.
57. In *Taurus v. Pine Hill*, 189 N.J. 497 (2007) the New Jersey Supreme Court formally recognized the existence of a non-constitutional based common law legal right of citizens to attend and access public government proceedings and an associated a non-constitutional based common law legal right of citizens to film or videotape such public proceedings. No governmental entity or body has any right to arbitrarily exclude citizens from such public meetings or to prohibit citizens from filming or videotaping such meetings.
58. In the present case the Defendants, by arbitrarily and unreasonably refusing access to the daily Governor and CTF Press Briefings and by requiring “NJPA Police Press Credentials” for admission, and then refusing to issue Plaintiffs “NJPA Police Press Credentials”, have individually and in combination conspired to retaliate and have knowingly and intentionally and with deliberate indifference violated Plaintiffs’ rights as clearly established by the common law of the State of New Jersey, and Plaintiffs have been proximately damaged thereby.

REQUEST FOR RELIEF:

WHEREFORE, Plaintiff hereby demands judgment against Defendants individually, jointly or severally as follows:

- A.) An Order pursuant to 42 U.S.C. §1983, 28 U.S.C. §2201 and 28 U.S.C. §2202 (“Federal Declaratory Judgments Act”) and *Rule 57* and *Rule 65* of the *Federal Rules of Civil Procedure* and cumulatively or alternatively 42 U.S.C. §1367 and N.J.S.A. 2A:16-50 to -

62 (“New Jersey Declaratory Judgments Act”) Declaring that Defendants have violated Plaintiffs’ protected Federal and State Rights;

- B.) An Order Enjoining Defendants from continuing to violate Plaintiffs’ protected Federal and State Rights and directing that Plaintiffs be issued “NJPA Police Press Credentials” and a “Governors Office Press Pass” and admitted to all daily Governor and CTF Press Briefings and access to the web site portal that publishes the Governor’s Internet Daily Public Appearance and Press Schedule;
- C.) An Order pursuant to 42 U.S.C. §1983 awarding Plaintiff “Nominal Damages”;
- D.) An Order pursuant to 42 U.S.C. §1983 awarding Plaintiff “Compensatory Damages”;
- E.) An Order pursuant to 42 U.S.C. §1983 awarding Plaintiff “Punitive Damages”;
- F.) Judgment pursuant to 42 U.S.C. §1988 awarding interest, costs of suit, and reasonable attorneys fees; and
- G.) Judgment awarding such further relief as the Court deems fair, just and equitable.

DATED: April __, 2020


ALBERT J. RESCINIO, ESQ.

JURY DEMAND:

In accordance with the Federal Rules of Civil Procedure Plaintiffs hereby demand a trial by jury on all contested material issues of fact.

DATED: April 28, 2020


ALBERT J. RESCINIO, ESQ.

VERIFICATION AND DECLARATION:

Plaintiff **Alexander Roubian** hereby certifies, verifies and declares as follows:

1. I am one of the named Plaintiffs in this matter.
2. I have read all of the factual allegations of this Verified Complaint and Jury Demand and have reviewed all exhibits attached thereto.
3. All factual allegations are true and all exhibits are true copies of the originals.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS 27 DAY OF APRIL 2020.



ALEXANDER ROUBIAN

“Exhibit A”

EXECUTIVE ORDER NO. 102

WHEREAS, the novel coronavirus identified as "2019-nCoV" ("the virus"), first discovered in the city of Wuhan, Hubei Province, People's Republic of China ("China"), is a severe, potentially fatal respiratory illness that can result in pneumonia, acute respiratory distress syndrome, septic shock, and multi-organ failure; and

WHEREAS, since the discovery of the virus in December 2019, more than 10,000 cases have been confirmed in China, with more than 100 additional cases confirmed across 22 other countries, including the United States; and

WHEREAS, the spread of the virus indicates that is it being transmitted through human-to-human contact; and

WHEREAS, outbreaks of the virus in the United States and in other countries across the world are being addressed through a combination of quarantining, medical monitoring, and community engagement; and

WHEREAS, the World Health Organization declared on January 30, 2020, that 2019-nCoV is a "Public Health Emergency of International Concern;" and

WHEREAS, in response to the outbreak, the Centers for Disease Control and Prevention determined that the virus presents a serious public health threat requiring enhanced entry screening at select airports in the United States, including Newark Liberty International in New Jersey, as well as others including Los Angeles International (California), San Francisco International (California), John F. Kennedy International (New York), Hartsfield-Jackson Atlanta International (Georgia), Honolulu International (Hawai'i), Chicago's O'Hare International (Illinois), Seattle-Tacoma International (Washington), Dulles International Airport (Virginia), Detroit Metropolitan Airport (Michigan), and Dallas-Fort Worth International Airport (Texas), for travelers from China; and

WHEREAS, effective February 2, 2020, the United States Department of Homeland Security is regulating the travel of persons and aircraft to the United States to facilitate the orderly medical screening and, where appropriate, quarantine of individuals entering the United States who may have been exposed to the virus; and

WHEREAS, preparation for public health hazards such as 2019-nCoV must involve a coordinated effort across federal, state, county, and local governments, first responders, private organizations, and the entire healthcare industry in New Jersey; and

WHEREAS, the rapidly evolving outbreak of coronavirus requires State officials to continuously monitor developments in the United States and around the world in order to take necessary and appropriate actions to ensure that residents of New Jersey remain safe and secure; and

WHEREAS, as Governor, it is my duty and responsibility to protect the health and well-being of our residents by taking all necessary preparatory measures in response to the threats posed to the public health by the virus;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a "Coronavirus Task Force" ("CTF") that will report directly to the Office of the Governor.

2. The CTF shall be chaired by the Commissioner of the New Jersey Department of Health ("DOH").

3. In addition to the DOH, the CTF shall consist of the Commissioners or other agency heads of the following Executive Branch departments and agencies, or their designees:

- a. The Department of Human Services;
- b. The Department of Law & Public Safety;

- c. The New Jersey State Police;
- d. The Department of Education; and
- e. The Office of Homeland Security and Preparedness.

4. The Governor may, as determined to be appropriate, appoint additional members to the CTF. All members of the Task Force shall serve without compensation and at the pleasure of the Governor.

5. The CTF shall meet on an as-needed basis as determined by the Chairperson.

6. The CTF is charged with coordinating all State efforts to appropriately prepare for and respond to the public health hazard posed by the virus. The Task Force will coordinate with and, where necessary, call upon other departments and agencies, including representatives from the Port Authority of New York & New Jersey, the Department of Children and Families, the Department of Environmental Protection, the Department of Labor and Workforce Development, the Department of Military and Veterans Affairs, the Department of Transportation, and New Jersey Transit, and any other department, office, division, or agency deemed necessary for consultation and advice.

7. The CTF is empowered to create any special advisory panel necessary to develop and deploy the State's preparation and response to the virus, including medical professionals with knowledge and expertise in the areas of public health, medicine, infectious disease, and related areas.

8. The CTF shall coordinate the State's partnership with the Federal government and ensure effective communications and dissemination of information with all relevant State departments and agencies.

9. The CTF shall work with hospitals and other health care facilities to manage preparations for the possible treatment of patients demonstrating coronavirus symptoms or risks.

10. The CTF shall coordinate with local health departments to assess readiness for the management of patients demonstrating symptoms of the virus and to develop consistent protocols for monitoring and treatment.

11. The DOH shall provide staff to support the CTF. The Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance necessary to discharge its duties under this Order.

12. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the CTF within the limits of its statutory authority and to furnish the CTF with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

13. The CTF may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

14. The CTF shall be purely advisory in nature and shall periodically report to the Governor to provide specific recommendations related to this Order.

15. This Order shall take effect immediately.

GIVEN, under my hand and seal this
3rd day of February,
Two Thousand and Twenty, and of
the Independence of the United
States, the Two Hundred and
Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Robert L. Garrenger III

Acting Chief Counsel to the Governor

“Exhibit B”

EXECUTIVE ORDER NO. 107

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of my Executive Orders, or which will in any way interfere with or impede their achievement; and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 (2020) on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, Executive Order No. 104 (2020) limited the scope of service and hours of operation for restaurants and certain retail establishments to balance the need to allow individuals to access food and other essential materials with the need to limit unnecessary person-to-person contact; and

WHEREAS, Executive Order No. 104 (2020) deemed a subset of businesses as "essential," including grocery/food stores, pharmacies, medical supply stores, gas stations, healthcare facilities, and ancillary stores within healthcare facilities, and it authorized the State Director of Emergency Management, who is the Superintendent of State Police, to make additions, amendments, clarifications, exceptions, and exclusions to that list; and

WHEREAS, Executive Order No. 104 (2020) made clear that such essential businesses may continue operating without limits on their scope of service or hours of operation, absent further amendments by the State Director of Emergency Management; and

WHEREAS, Executive Order No. 104 (2020) and subsequent Administrative Orders issued by the State Director of Emergency Management also placed restrictions on other businesses' scope of service and hours of operation, and also placed restrictions on the size of gatherings in the State; and

WHEREAS, as of March 20, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 234,000 confirmed cases of COVID-19 worldwide, with over 9,800 of those cases having resulted in death; and

WHEREAS, as of March 20, 2020, there were more than 15,000 confirmed cases of COVID-19 in the United States, with at least 201 of those cases having resulted in death; and

WHEREAS, as of March 20, 2020, there were at least 890 positive cases of COVID-19 in New Jersey, with at least 11 of those cases having resulted in death; and

WHEREAS, social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease; and

WHEREAS, the CDC has advised that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another; and

WHEREAS, as a result, the CDC has recommended that individuals practice "social distancing" to prevent community spread of the virus; and

WHEREAS, the CDC has defined social distancing as the practice of "remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible"; and

WHEREAS, to mitigate community spread of COVID-19, it is necessary to limit the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance; and

WHEREAS, the best way for New Jersey residents to keep themselves, their families, and their communities safe during the COVID-19 outbreak is to stay at home as much as possible; and

WHEREAS, as of March 15, 2020, the CDC recommends that for the next eight weeks, gatherings of 50 or more people be canceled or postponed throughout the United States; and

WHEREAS, as of March 16, 2020, the White House went further than the CDC had and recommended that Americans avoid social gatherings in groups of more than 10 people; and

WHEREAS, restricting the physical presence of individuals in office environments and work sites is critical to preventing future spread of COVID-19; and

WHEREAS, accommodating work-from-home arrangements is an effective means to ensure continuity of operations while also limiting person-to-person contact; and

WHEREAS, the CDC has recommended employers to establish policies and practices to increase the physical distance among employees and between employees; and

WHEREAS, permitting the workforce to work from home may reduce stress on the State's child care system; and

WHEREAS, as of March 19, 2020, I have instructed all State departments and agencies to utilize work-from-home arrangements for both essential and non-essential employees wherever feasible; and

WHEREAS, given the rapidly rising incidence of COVID-19, temporarily closing non-essential retail businesses will strengthen New Jersey's efforts to slow the spread of COVID-19; and

WHEREAS, even as we institute social distancing measures, the number of COVID-19 cases in New Jersey is likely to increase for the immediate future, meaning we must take all possible steps to preserve our health care system's capacity to treat those who require emergency or intensive care; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The operative paragraphs of Executive Order No. 104 (2020) are hereby superseded in full. The factual findings of Executive Order No. 104 (2020) remain applicable except to the extent they are in conflict with the factual findings in this or any intervening Executive Order.

2. All New Jersey residents shall remain home or at their place of residence unless they are 1) obtaining goods or services from essential retail businesses, as described in Paragraph 6; 2) obtaining takeout food or beverages from restaurants, other dining establishments, or food courts, pursuant to Paragraph 8; 3) seeking medical attention, essential social services, or assistance from law enforcement or emergency services; 4) visiting family or other individuals with whom the resident has a close personal relationship, such as those for whom the individual is a caretaker or romantic partner; 5) reporting to, or performing, their job; 6) walking, running, operating a wheelchair, or engaging in outdoor activities with immediate family members, caretakers, household members, or romantic partners while following best social distancing practices with other individuals, including staying six feet apart; 7) leaving the home for an educational, religious, or political reason; 8) leaving because of a reasonable fear for his or her health or safety; or 9) leaving at the direction of law enforcement or other government agency.

3. When in public, individuals must practice social distancing and stay six feet apart whenever practicable, excluding immediate family members, caretakers, household members, or romantic partners.

4. Individuals who have to travel pursuant to Paragraph 2 should only use public transportation only if they have no other feasible choice. Individuals who ride public transportation should abide by best social distancing practices, including making

all efforts to stand or sit six feet away from other riders and frequently use sanitizing products.

5. Gatherings of individuals, such as parties, celebrations, or other social events, are cancelled, unless otherwise authorized by any part of 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.

6. 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. Essential retail businesses must, wherever practicable, provide pickup services outside or adjacent to their stores for goods ordered in advance online or by phone. Additionally, online and telephonic delivery services are permitted to the extent the retail business is authorized to operate an online or telephonic delivery service under existing law. The State Director of Emergency Management, who is the Superintendent of the State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list:

- 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.

7. Any essential retail business whose brick-and-mortar premises remain open to the public shall abide by social distancing practices to the extent practicable while providing essential services. These include all reasonable efforts to keep customers six feet apart and frequent use of sanitizing products on common surfaces.

8. All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses. If alcoholic beverages are to be sold from a restaurant, dining establishment or bar with a liquor license, such sales shall be

limited to original containers sold from the principal public barroom. The on-premises consumption of alcohol is prohibited. All retail sales of alcoholic beverages by limited brewery licensees, restricted brewery licensees, plenary and farm winery licensees (and associated salesrooms), craft distillery licensees and cidery and meadery licensees must be in original containers and must be sold through customer pick up and/or delivered by licensees in accordance with their existing licenses.

9. All recreational and entertainment businesses, including but not limited to the following list, must close to the public as long as this Order remains in effect. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list:

- a. Casino gaming floors, including retail sports wagering lounges, and casino concert and entertainment venues. Online and mobile sports and casino gaming services may continue to be offered notwithstanding the closure of the physical facility.
- b. Racetracks, including stabling facilities and retail sports wagering lounges. Mobile sports wagering services may continue to be offered notwithstanding the closure of the physical facility.
- c. Gyms and fitness centers and classes.
- d. Entertainment centers, including but not limited to, movie theaters, performing arts centers, other concert venues, and nightclubs.
- e. All indoor portions of retail shopping malls. Restaurants and other stores located within

shopping malls that have their own external entrances open to the public, separate from the general mall entrance, may remain open pursuant to the terms and directives of this Order for operating hours and takeout or food delivery services. All entrances and exits to the common area portions of retail shopping malls must remain closed.

- f. All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement parks, water parks, aquariums, zoos, arcades, fairs, children's play centers, funplexes, theme parks, bowling alleys, family and children's attractions.
- g. Facilities where personal care services are performed that, by their very nature, result in noncompliance with social distancing guidelines, including but not limited to cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; electrology facilities; spas, including day spas and medical spas, at which solely elective and cosmetic medical procedures are performed; massage parlors, tanning salons, tattoo parlors, and public and private social clubs, whether or not they serve alcohol, including but not limited to facilities owned or operated by the American Legion, Veterans of Foreign Wars, Knights of Columbus, and any other social clubs associated with community service organizations. This excludes any health facilities that provide medically necessary or therapeutic services.

h. All municipal, county, and State public libraries, and all libraries and computer labs at public and private colleges and universities.

10. All businesses or non-profits in the State, whether closed or open to the public, must accommodate their workforce, wherever practicable, for telework or work-from-home arrangements. For purposes of this order, "telework" means the practice of working from home or alternative locations closer to home through the use of technology that equips the individual to access necessary materials.

11. To the extent a business or non-profit has employees that cannot perform their functions via telework or work-from-home arrangements, the business or non-profit should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue. Examples of employees who need to be physically present at their work site in order to perform their duties include, but are not limited to, law enforcement officers, fire fighters, and other first responders, cashiers or store clerks, construction workers, utility workers, repair workers, warehouse workers, lab researchers, information technology maintenance workers, janitorial and custodial staff, and certain administrative staff.

12. All public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, shall remain closed to students as long as this Order remains in effect.

13. All institutions of higher education shall continue to cease such in-person instruction as long as this Order remains in effect. The Secretary of the Office of Higher Education shall have the authority to grant a waiver to allow in-person instruction to students on a case-by-case basis where a compelling rationale to

allow such access exists. The Secretary of the Office of Higher Education shall coordinate with institutions of higher education to determine appropriate student housing conditions for those students who reside in on-campus housing as their primary residence.

14. The Commissioner of the Department of Education ("DOE"), in consultation with the Commissioner of DOH, shall be authorized to permit schools to remain open on a limited basis for the provision of food or other essential, non-educational services, or for educational or child care services if needed in emergency situations after consultation with the Commissioner of DOH. The Commissioner of DOE shall also have the authority to close any other career or training facilities over which he has oversight, after consultation with the Commissioner of DOH.

15. The Commissioner of DOE shall continue working with each public school district, and private and parochial schools as appropriate, to ensure that students are able to continue their educations during this time period through appropriate home instruction. Local school districts, charter schools, and renaissance schools, in consultation with the Commissioner of DOE, shall have the authority and discretion to determine home instruction arrangements as appropriate on a case-by-case basis to ensure all students are provided with appropriate home instruction, taking into account all relevant constitutional and statutory obligations.

16. The Secretary of the Department of Agriculture, in conjunction with the Commissioner of DOE, shall take all necessary actions to ensure that all students eligible for free or reduced meals shall continue to receive the services or supports necessary to meet nutritional needs during closures.

17. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the provision of health care or medical services to members of the public.

18. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way access to essential services for low-income residents, including but not limited to food banks.

19. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of newspapers, television, radio, and other media services.

20. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of law enforcement agencies.

21. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of the federal government, or the movement of federal officials in New Jersey while acting in their official capacity.

22. In accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

23. The Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, shall act through the Superintendent of State Police, to determine and control the direction of the flow of

vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways. I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities.

24. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Executive Order.

25. Penalties for violations of this Executive Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and - 50.

26. This Order shall take effect on Saturday, March 21, 2020, at 9:00 p.m., and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this
21st day of March,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

“Exhibit C”



March 28, 2020

**ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL
INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE**

FROM: Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency (CISA)

A handwritten signature in black ink, appearing to read "Chris Krebs", written over the printed name and title.

As the Nation comes together to slow the spread of COVID-19, on March 16th the President issued updated Coronavirus Guidance for America that highlighted the importance of the critical infrastructure workforce.

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security's authorities to secure critical infrastructure. Consistent with these authorities, CISA has developed, in collaboration with other federal agencies, State and local governments, and the private sector, an "Essential Critical Infrastructure Workforce" advisory list. This list is intended to help State, local, tribal and territorial officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. Decisions informed by this list should also take into consideration additional public health considerations based on the specific COVID-19-related concerns of particular jurisdictions.

This list is advisory in nature. It is not, nor should it be considered, a federal directive or standard. Additionally, this advisory list is not intended to be the exclusive list of critical infrastructure sectors, workers, and functions that should continue during the COVID-19 response across all jurisdictions. Individual jurisdictions should add or subtract essential workforce categories based on their own requirements and discretion.

The advisory list identifies workers who conduct a range of operations and services that are typically essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing operational functions, among others. It also includes workers who support crucial supply chains and enable functions for critical infrastructure. The industries they support represent, but are not limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement,

and public works.

State, local, tribal, and territorial governments are responsible for implementing and executing response activities, including decisions about access and reentry, in their communities, while the Federal Government is in a supporting role. Officials should use their own judgment in issuing implementation directives and guidance. Similarly, while adhering to relevant public health guidance, critical infrastructure owners and operators are expected to use their own judgement on issues of the prioritization of business processes and workforce allocation to best ensure continuity of the essential goods and services they support. All decisions should appropriately balance public safety, the health and safety of the workforce, and the continued delivery of essential critical infrastructure services and functions. While this advisory list is meant to help public officials and employers identify essential work functions, it allows for the reality that some workers engaged in activity determined to be essential may be unable to perform those functions because of health-related concerns.

CISA will continue to work with our partners in the critical infrastructure community to update this advisory list if necessary as the Nation's response to COVID-19 evolves.

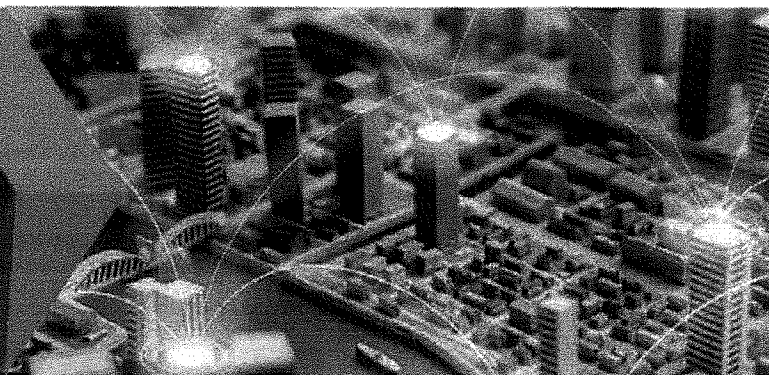
Should you have questions about this list, please contact CISA at CISA.CAT@cisa.dhs.gov.

Attachment: "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 2.0"



CISA
CYBER+INFRASTRUCTURE

DEFEND TODAY. SECURE TOMORROW



Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience In COVID-19 Response

Version 2.0 (March 28, 2020)

THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This advisory guidance and accompanying list are intended to support state, local, tribal, territorial and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives advisory guidance on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

CISA will continually solicit and accept feedback on the list and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. Feedback can be sent to CISA.CAT@CISA.DHS.GOV.

CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, state managed, and federally supported.
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.
5. All organizations should implement their business continuity and pandemic plans or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the

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www.cisa.gov

For more information,
email CISA.CAT@cisa.dhs.gov



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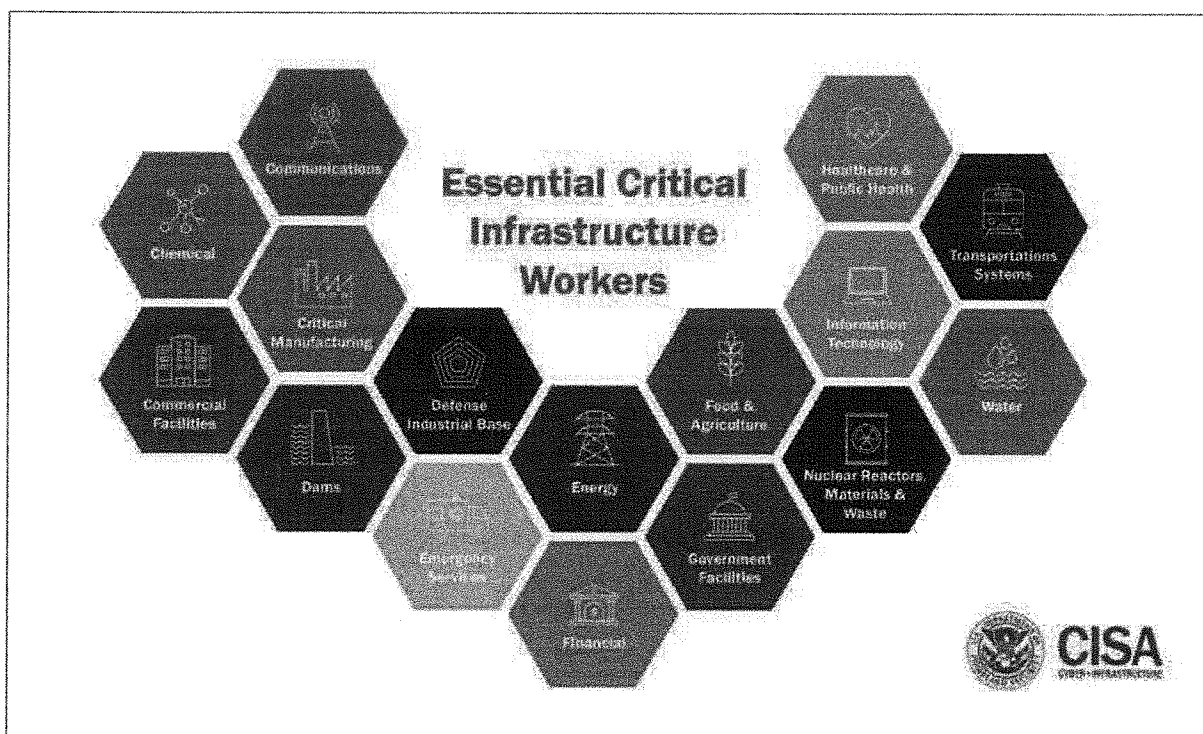
[Facebook.com/CISA](https://www.facebook.com/CISA)

health and safety of the employees.

6. Reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.
7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.
8. When government and businesses engage in discussions about essential critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.
9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of identified essential critical infrastructure workers is intended to be overly inclusive reflecting the diversity of industries across the United States.



CONNECT WITH US
www.cisa.gov

For more information,
email CISA.CAT@cisa.dhs.gov

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HEALTHCARE / PUBLIC HEALTH

- Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
- Healthcare providers and Caregivers including physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, optometrists, speech pathologists, chiropractors, and diagnostic and therapeutic technicians and technologists.
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
- Workers in other medical and biomedical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Nursing Care Facilities, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers, and retail facilities specializing in medical good and supplies).
- Manufacturer workers for health manufacturing (including biotechnology companies), materials and parts suppliers, logistics and warehouse operators, distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.
- Public health / community health workers, including those who compile, model, analyze and communicate public health information.
- Blood and plasma donors and the employees of the organizations that operate and manage related activities.
- Workers who manage health plans, billing, and health information, who cannot practically work remotely.
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely.
- Workers performing information technology and cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Pharmacy employees necessary to maintain uninterrupted prescription filling.
- Workers performing mortuary funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers.
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident.

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LAW ENFORCEMENT, PUBLIC SAFETY, AND OTHER FIRST RESPONDERS

- Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, and private security, to include public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel.
- 911 call center employees and Public Safety Answering Points who can't perform their duties remotely.
- Fusion Center employees.
- Workers – including contracted vendors – who maintain, manufacture, or supply equipment and services supporting law enforcement emergency service and response operations (to include electronic security and life safety security personnel).
- Workers supporting the manufacturing of safety equipment and uniforms for law enforcement, public safety personnel, and first responder.
- Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- Public agency workers responding to abuse and neglect of children, elders, and dependent adults.
- Workers who support weather disaster / natural hazard mitigation and prevention activities.
- Security staff to maintain building access control and physical security measures.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sells human food, animal/pet food and pet supply, and beverage products, including retail customer support service and information technology support staff necessary for online orders, pickup and delivery.
- Restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, and carry-out and delivery food employees.
- Food manufacturer employees and their supplier employees—to include those employed in food ingredient production and processing facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
- Farmers, farm workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, processing and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically and for export.
- Farmers, farm workers, support service workers, and their supplier employees to include those engaged in producing and harvesting field crops; commodity inspection; fuel ethanol facilities; biodiesel and renewable diesel facilities; storage facilities; and other agricultural inputs.
- Employees and firms supporting the distribution of food, feed, and beverage and ingredients used in these products, including warehouse workers, vendor- managed inventory controllers and blockchain managers.
- Workers supporting the sanitation and pest control of all food manufacturing processes and operations from wholesale to retail.
- Employees in cafeterias used to feed employees, particularly employee populations sheltered against COVID-19.
- Workers in animal diagnostic and food testing laboratories in private industries and in institutions of higher education.

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- Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.
- Employees of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
- Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal by-products, and deceased animals for disposal.
- Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products.
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary for agricultural production and distribution.

ENERGY

- Workers supporting the energy sector, regardless of the energy source (including but not limited to nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, and physical and cyber security of the energy system.
- Energy/commodity trading/scheduling/marketing functions, who can't perform their duties remotely.
- IT and OT technology for essential energy sector operations including support workers, customer service operations; energy management systems, control systems, and Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
- Workers supporting the energy sector through renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, ocean, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers and security staff involved in nuclear re-fueling operations.
- Providing services related to energy sector fuels (including, but not limited, petroleum (crude oil), natural gas, propane, natural gas liquids, other liquid fuels, nuclear, and coal), supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation/maintenance, security, waste disposal and storage, and monitoring of support for resources.
- Environmental remediation/monitoring, limited to immediate critical needs technicians.
- Manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities (across all energy sector segments).

Electricity industry:

- Workers who maintain, ensure, or restore, or are involved in the development, transportation, fuel procurement, expansion, or operation of the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, constraint maintenance, and fleet maintenance technicians who cannot perform their duties remotely.
- Workers at coal mines, production facilities, and those involved in manufacturing, transportation, permitting, operation/maintenance and monitoring at coal sites which is critical to ensuring the reliability of the electrical system.

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Essential Critical Infrastructure Workforce

- Workers who produce, process, ship and handle coal used for power generation and manufacturing.
- Workers needed for safe and secure operations at nuclear generation to include but not limited to, the broader nuclear supply chain, parts to maintain nuclear equipment, fuel manufacturers and fuel components used in the manufacturing of fuel.
- Workers at renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers at generation, transmission, and electric black start facilities.
- Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and local distribution control centers.
- Mutual assistance personnel which may include workers from outside of the state or local jurisdiction.
- Vegetation management and traffic control for supporting those crews.
- Environmental remediation/monitoring workers limited to immediate critical need technicians.
- Instrumentation, protection, and control technicians.
- Essential support personnel for electricity operations.
- Generator set support workers such as diesel engineers used in power generation including those providing fuel.

Petroleum industry:

- Workers for onshore and offshore petroleum drilling operations; platform and drilling construction and maintenance; transportation (including helicopter operations), maritime transportation, supply, and dredging operations; maritime navigation; well stimulation, intervention, monitoring, automation and control, extraction, production; processing; waste disposal, and maintenance, construction, and operations.
- Workers for crude oil, petroleum and petroleum product storage and transportation, including pipeline, marine transport, terminals, rail transport, storage facilities and racks and road transport for use as end-use fuels such as gasoline, diesel fuel, jet fuel, and heating fuels or feedstocks for chemical manufacturing.
- Petroleum and petroleum product security operations center employees and workers who support maintenance and emergency response services.
- Petroleum and petroleum product operations control rooms/centers and refinery facilities.
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.

Natural Gas, Natural Gas Liquids (NGL), Propane, and other liquid fuels

- Workers who support onshore and offshore drilling operations, platform and drilling construction and maintenance; transportation (including helicopter operations); maritime transportation, supply, and dredging operations; maritime navigation; natural gas and natural gas liquid production, processing, extraction, storage and transportation; well intervention, monitoring, automation and control; waste disposal, and maintenance, construction, and operations.
- Transmission and distribution pipeline workers, including compressor stations and any other required, operations maintenance, construction, and support for natural gas, natural gas liquid, propane, and other liquid fuels.
- Natural gas, propane, natural gas liquids, and other liquid fuel processing plants, including construction, maintenance, and support operations.
- Natural gas processing plants workers, and those that deal with natural gas liquids.
- Workers who staff natural gas, propane, natural gas liquids, and other liquid fuel security operations centers, operations dispatch and control rooms/centers, and emergency response and customer emergencies (including leak calls) operations.
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for

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chemical manufacturing, or use in electricity generation.

- Dispatch and control rooms and emergency response and customer emergencies, including propane leak calls.
- Propane gas service maintenance and restoration, including call centers.
- Propane, natural gas liquids, and other liquid fuel distribution centers.
- Propane gas storage, transmission, and distribution centers.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Ethanol and biofuel production, refining, and distribution.
- Workers in fuel sectors (including, but not limited to nuclear, coal, and gas types and liquid fuels) supporting the mining, manufacturing, logistics, transportation, permitting, operation/maintenance, and monitoring of support for resources.

WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities.
- Operational staff at community water systems.
- Operational staff at wastewater treatment facilities.
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.
- Operational staff for water distribution and testing.
- Operational staff at wastewater collection facilities.
- Operational staff and technical support for SCADA Control systems.
- Chemical and equipment suppliers to water and wastewater systems and personnel protection.
- Workers who maintain digital systems infrastructure supporting water and wastewater operations.

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, Department of Motor Vehicle (DMV) employees, towing/recovery services, roadside assistance workers, intermodal transportation personnel, and workers who maintain and inspect infrastructure (including those that require cross-jurisdiction travel).
- Workers supporting the distribution of food, pharmaceuticals (including materials used in radioactive drugs) and other medical materials, fuels, chemicals needed for water or water treatment and energy Maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
- Employees of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use. Includes cold- and frozen-chain logistics for food and critical biologic products.
- Mass transit workers and providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
- Employees supporting personal and commercial transportation services – including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers.
- Workers responsible for operating and dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment.
- Maritime transportation workers, including dredgers, port workers, mariners, ship crewmembers, ship pilots and tug boat operators, equipment operators (to include maintenance and repair, and maritime-specific medical

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Essential Critical Infrastructure Workforce

providers), ship supply, chandler, and repair companies.

- Workers including truck drivers, railroad employees and contractors, maintenance crew, and cleaners supporting transportation of chemicals, hazardous, medical, and waste materials to support critical infrastructure, capabilities, functions, and services, including specialized carriers, crane and rigging industry workers.
- Bus drivers and workers who provide or support intercity, commuter and charter bus service in support of other essential services or functions.
- Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities (including those who repair and maintain electric vehicle charging stations).
- Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors.
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations.
- Postal, parcel, courier, last-mile delivery, and shipping and related workers, to include private companies.
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Air transportation employees, including air traffic controllers and maintenance personnel, ramp workers, aviation and aerospace safety, security, and operations personnel and accident investigations.
- Workers who support the operation, distribution, maintenance, and sanitation, of air transportation for cargo and passengers, including flight crews, maintenance, airport operations, those responsible for cleaning and disinfection, and other on- and off-airport facilities workers.
- Workers supporting transportation via inland waterways such as barge crew, dredging, river port workers for essential goods.
- Workers critical to rental and leasing of vehicles and equipment that facilitate continuity of operations for essential workforces and other essential travel.
- Warehouse operators, including vendors and support personnel critical for business continuity (including HVAC & electrical engineers; security personnel; and janitorial staff) and customer service for essential functions.

PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES

- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, senior living facilities, any temporary construction required to support COVID-19 response.
- Workers who support, such as road and line clearing, to ensure the availability of and access to needed facilities, transportation, energy and communications.
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill operations.
- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees.
- Workers who support the inspection and maintenance of aids to navigation, and other government provided services that ensure continued maritime commerce.

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COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call -centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Points of Presence, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
- Government and private sector employees (including government contractors) with work related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots and submarine cable ship facilities.
- Government and private sector employees (including government contractors) supporting Department of Defense internet and communications facilities.
- Workers who support radio, television, and media service, including, but not limited to front-line news reporters, studio, and technicians for newsgathering, and reporting, and publishing news.
- Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities.
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of new facilities and deployment of new technology as these are required to address congestion or customer usage due to unprecedented use of remote services.
- Installation, maintenance and repair technicians that establish, support or repair service as needed.
- Central office personnel to maintain and operate central office, data centers, and other network office facilities, critical support personnel assisting front line employees.
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, logistics, and troubleshooting.
- Workers providing electronic security, fire, monitoring and life safety services, and to ensure physical security, cleanliness and safety of facilities and personnel, including temporary licensing waivers for security personnel to work in other States of Municipalities.
- Dispatchers involved with service repair and restoration.
- Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and addressing customer issues in order to support individuals' remote emergency communications needs, supply chain and logistics personnel to ensure goods and products are on-boarded to provision these front-line employees.
- External Affairs personnel to assist in coordinating with local, state and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Centers and Security Operations Command Centers.
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators, for all industries (including financial services).

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- Workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, and information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure, and test labs and certification agencies that qualify such equipment (to include microelectronics, optoelectronics, and semiconductors) for critical infrastructure, including data centers.
- Workers needed to preempt and respond to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, securities/other exchanges, other entities that support the functioning of capital markets, public works, critical manufacturing, food & agricultural production, transportation, and other critical infrastructure categories and personnel, in addition to all cyber defense workers (who can't perform their duties remotely).
- Suppliers, designers, transporters and other workers supporting the manufacture, distribution and provision and construction of essential global, national and local infrastructure for computing services (including cloud computing services and telework capabilities), business infrastructure, financial transactions/services, web-based services, and critical manufacturing.
- Workers supporting communications systems and information technology- and work from home solutions- used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food & agricultural production, financial services, education, and other critical industries and businesses.
- Employees required in person to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

OTHER COMMUNITY- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.
- Elections personnel to include both public and private sector elections support.
- Workers supporting the operations of the judicial system.
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks.
- Trade Officials (FTA negotiators; international data flow administrators).
- Employees necessary to maintain news and media operations across various media.
- Employees supporting Census 2020.
- Weather forecasters.
- Clergy for essential support.
- Workers who maintain digital systems infrastructure supporting other critical government operations.
- Workers who support necessary credentialing, vetting and licensing operations for critical infrastructure workers.
- Customs and immigration workers who are critical to facilitating trade in support of the national emergency response supply chain.
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions.
- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.

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- Residential and commercial real estate services, including settlement services.
- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID 19 relief efforts.

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment (PPE).
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce (including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers).

HAZARDOUS MATERIALS

- Workers who manage hazardous materials associated with any other essential activity, including but not limited to healthcare waste (medical, pharmaceuticals, medical material production), testing operations (laboratories processing test kits), and energy (nuclear facilities) Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing tests Workers who support hazardous materials response and cleanup.
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

FINANCIAL SERVICES

- Workers who are needed to provide, process and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; and capital markets activities).
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, and to move currency, checks, securities, and payments (e.g., armored cash carriers).
- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

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CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among others essential.
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing.

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals include, but are not limited to, space and aerospace; mechanical and software engineers (various disciplines), manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers; and sanitary workers who maintain the hygienic viability of necessary facilities.
- Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense, as well as personnel at government-owned/contractor-operated and government-owned/government-operated facilities, and who provide materials and services to the Department of Defense, including support for weapon systems, software systems and cybersecurity, defense and intelligence communications and surveillance, space systems and other activities in support of our military, intelligence and space forces.

COMMERCIAL FACILITIES

- Workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
- Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions.
- Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors - with reduced staff to ensure continued operations.
- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.

RESIDENTIAL/SHELTER FACILITIES AND SERVICES

- Workers in dependent care services, in support of workers in other essential products and services.

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- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations and COVID-19 responders (including travelling medical staff).
- Workers in animal shelters.
- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing housing construction related activities to ensure additional units can be made available to combat the nation’s existing housing supply shortage.
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
- Workers supporting the construction of housing, including those supporting government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, but fundamentally should continue and serve the construction of housing (e.g., allow qualified private third-party inspections in case of government shutdown).

HYGIENE PRODUCTS AND SERVICES

- Workers who produce hygiene products.
- Workers in laundromats, laundry services, and dry cleaners.
- Workers providing personal and household goods repair and maintenance.
- Workers providing disinfection services, for all essential facilities and modes of transportation, and supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
- Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

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“Exhibit D”

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF NEW JERSEY STATE POLICE
OFFICE OF EMERGENCY MANAGEMENT

ADMINISTRATIVE ORDER

ESSENTIAL BUSINESSES

No. 2020-6

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, the Governor declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, the Governor issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are also adopted by reference herein, which established enhanced social mitigation strategies for combatting COVID-19; and

WHEREAS, pursuant to paragraph 5 of Executive Order No. 107, the Governor prohibited the gatherings of individuals; and

WHEREAS, pursuant to paragraph 6 of Executive Order No. 107, the Governor ordered closed to the public the brick-and-mortar premises of all non-essential retail businesses but also deemed a subset of retail businesses as "essential" and permitted them to remain open, provided these businesses abide by social distancing practices to the extent practicable; and

WHEREAS, pursuant to paragraph 9 of Executive Order No. 107, the Governor ordered closed to the public all recreational and entertainment businesses; and


WHEREAS, pursuant to paragraphs 5, 6, and 9 of Executive Order No. 107, the Governor granted the State Director of Emergency Management, who is the Superintendent of State Police, the discretion to make clarifications to any of these provisions, including to make additions, amendments, clarifications, exceptions, and exclusions to the list of essential retail businesses and to the list of recreational and entertainment businesses;

NOW, THEREFORE, I, Patrick J. Callahan, State Director of Emergency Management, hereby ORDER as follows:

1. Individual appointments to view real estate with realtors by individuals or families shall be considered essential retail business for the purposes of paragraph 6 of Executive Order No. 107. However, open houses will be considered impermissible gatherings in accordance with paragraph 5 of Executive Order No. 107.

2. Car dealers may continue to conduct online sales or remote sales that can be completed by phone, text, or email, and are consistent with current law. Such sales shall be deemed permissible in accordance with paragraph 6 of Executive Order No. 107. In the event of such a sale, the car may be delivered to the purchaser or the purchaser can pick up the car curbside or in the dealership service lane. Picking up a car from a dealership shall be considered essential retail business for the purposes of paragraph 6 of Executive Order No. 107.
3. Effective Tuesday, March 31, at 8:00am, Federal Firearms Licensees (FFLs) are added to the list of essential retail businesses in accordance with paragraph 6 of Executive Order No. 107, but must operate under the following provisions:
 - a. FFLs may remain open to the public only for the purpose of completing the portions of a sale or transfer that must be conducted in-person under state and/or federal law and for the purpose of product maintenance and repair services;
 - b. All in-person sales or transfers shall be conducted by appointment and during limited hours so as to minimize congregating of persons; and
 - c. FFLs must operate in accordance with paragraphs 6 and 7 of Executive Order No. 107 regarding social distancing and all other applicable provisions of that Order.
4. Golf courses are considered to be recreational and entertainment businesses that must close to the public and to members associated with private golf clubs, in accordance with paragraph 9 of Executive Order No. 107.
5. This ORDER shall take effect immediately and shall remain in effect for as long as Executive Order No. 107 (2020) remains in effect or until I issue a subsequent amending Administrative Order.

March 30, 2020


Colonel Patrick J. Callahan
State Director of Emergency Management