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October 15, 2024

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OCT 16 2024

SUPREME COURT
OF NEW JERSEY

Re: Charles Kratovil v. City of New Brunswick and Anthony Caputo
Supreme Court Docket No.: 089427

Honorable Justices of the Supreme Court of New Jersey:

Please accept this letter brief, in lieu of a more formal brief, on behalf of Amicus Curiae New Jersey State Policemen's Benevolent Association (hereinafter "State PBA") in support of its motion, pursuant to R.1:13-9, to participate in oral argument.

STATEMENT OF FACTS & PROCEDURAL HISTORY¹

The State PBA is a state-wide organization representing over 33,000 active law enforcement officers in the State of New Jersey and approximately 23,000 retired law enforcement officers. It represents law enforcement officers in the State, County and Municipal levels of government. The State PBA is the parent organization of over 350 affiliated local PBAs and, as such, protects and furthers the legal, economic, and professional interests of all law enforcement personnel represented by those locals.

The State PBA provides legal assistance to local PBAs and to law enforcement officers in many instances and has in the past filed briefs as a friend of the court in various matters and on a variety of issues having an impact on law enforcement and/or law enforcement officers. See, e.g., Paterson PBA Local 1 v. Paterson, 87 N.J. 78 (1981); Entwistle v. Draves, 102 N.J. 559 (1986); Boylan v. State, 116 N.J. 236 (1989); Gable v. Board of Trustees, PFRS, 115 N.J. 212 (1993); Tice v. Cramer, 133 N.J. 347 (1993); Hillsdale PBA 207 v. Hillsdale, 137 N.J. 71 (1994); Wolfersberger v. Pt. Pleasant Beach, 152 N.J. 40 (1997); Brady v. Dept. of Personnel, 149 N.J. 244 (1997); Jersey City v. Jersey City POBA, 155 N.J. 455 (1998); Oches v. Middletown Twp. Police Dept., 155 N.J. 1 (1998); In re Carroll, 170 N.J. 85 (2001); Patterson v. Board of Trustees, SPRS, 194 N.J. 29

¹ Because the Procedural History and Statement of Facts are closely interwoven, they are combined to avoid repetition and for the convenience of the Court.

(2008); In the Matter of Borough of Tenafly and PBA Local 376, Docket No.: A-5044-12T1, 2015 N.J. Super. Unpub. LEXIS 37 (App. Div. Jan. 6, 2015); Paff v. Burlington County, et al, Dkt. No. BUR-L-36-15 (Law Div. 2016); Timmins v. Boyle, 2021 N.J. Super. Unpub. LEXIS 1056 (App. Div. June 2021) certif. den., 249 N.J. 464 (2022); In the Matter of Death Investigations of Terruso, Ahr, and Dolcemore, Dkt. Nos. SGJ-RTL-4, 5 & 6- 22 (Law Div. 6/13/22).

As the parent organization for all local PBAs, and as the largest law enforcement personnel organization in this State, the State PBA has an obligation to make known to the Judiciary its position on matters of concern to law enforcement officers that impact their health, safety, professionalism, legal representation, and economic well-being.

The issue before this Court concerns the constitutionality of Daniel's Law and Petitioner's attempt to restrain Defendants from enforcing it. It is undisputed that Daniel's Law was enacted in response to the tragic murder of United States District Court Judge Esther Salas' son and the wounding of her husband by a disgruntled former litigant. It is intended to prevent any further such tragedies by protecting certain personal information of active and retired judges, prosecutors, and law enforcement officers. At least with respect to law enforcement officers, there has been increased activity to disclose, called "doxing," their home addresses

and telephone numbers in the aftermath of the murder of George Floyd. The protections provided by Daniel's Law are an unfortunate necessity.

The issues involved in this case are of significant public interest and of particular interest to all active and retired law enforcement officers. This Court's decision will have significant ramifications for the safety of active and retired law enforcement officers and their families. No one wants another tragedy experienced by Judge Salas' family. Daniel's Law was enacted to make sure it cannot happen again. Consequently, this case is of great significance and interest to the State PBA and its members.

The State PBA has always been very active in expressing its views to the Judiciary and to the Legislature on issues of concern to its members. The State PBA believes its perspective is well-suited to assist this Court in resolving the issues involved in this case.

LEGAL ARGUMENT

THIS COURT SHOULD PERMIT THE NEW JERSEY STATE PBA TO PARTICIPATE IN ORAL ARGUMENT IN THIS MATTER.

The role of *amicus curiae* is to advise the Court concerning matters of fact and law, and of circumstances relating to the matter pending for its determination. Keenan v. Board of Chosen Freeholders, 106 N.J. Super. 312 (App. Div. 1969).

As discussed above, Daniel's Law was enacted in direct response to the murder of Judge Salas's son, Daniel, by a disgruntled former litigant. It is intended to bar the disclosure of certain personal information, including home addresses and unlisted telephone numbers, of active and retired judges, prosecutors, and law enforcement officers.

As the parent organization representing PBA affiliates and law enforcement officers at all levels of government across the State, the State PBA has an interest in participating in oral argument. R.1:13-9, the rule governing this application, provides, in relevant part, as follows:

An application for leave to appear as amicus curiae in any court shall be made by motion in the cause stating with specificity the identity of the applicant, the issue intended to be addressed, the nature of the public interest therein and the nature of the applicant's special interest, involvement or expertise in respect thereof. The court shall grant the motion if it is satisfied under all the circumstances that the motion is timely, the applicant's participation will assist in the resolution of an issue of public importance, and no party to the litigation will be unduly prejudiced thereby. The order granting the motion shall define with specificity the permitted extent of participation by the amicus and shall, where appropriate, fix a briefing schedule.

In considering this motion, the Court should consider whether the motion is timely, whether the State PBA's participation will assist in the resolution of an issue of public importance, and whether any party to the litigation will be unduly prejudiced by the State PBA's participation in this matter. In applying these criteria to the matter at hand, the Court should grant the State PBA's application.

First, the Order granting the petition for certification was entered very recently on September 20, 2024. On September 26, 2024, this Court advised the various *amici curiae* that they are permitted to participate in this matter and accepted their Appellate Division briefs for filing.

Second, as the largest law enforcement organization in New Jersey, the State PBA is uniquely qualified to assist in the consideration of the important issues of this case, as it has in other cases, and the likely ramifications of its decision for active and retired law enforcement officers. The State PBA is very familiar with the law in this area and was involved in the legislative efforts in support of the law. In addition, it is the tens of thousands of active and retired law enforcement officers who are, and were, employed at all levels of government throughout the State who are represented by the State PBA, as well as other organizations, who will be directly affected by the outcome of this case. The State PBA should be given the opportunity to present to the Court what impact the decision will have on law enforcement officers throughout the State of New Jersey.

Third, no party to this litigation will be prejudiced by this application. As stated above, the order granting certification was entered very recently. The State PBA has also been active in this case since its inception. The Superior Court of New Jersey granted the State PBA's motion to intervene as an *amicus curiae* on August 11, 2023 and it participated in oral argument for the underlying order to

show cause. When this matter was on appeal before the Appellate Division, the State PBA filed an amicus brief and participated in oral argument on January 29, 2024. Therefore, the State PBA's participation will not prejudice any party or unduly delay this case.

CONCLUSION

For the foregoing reasons, the New Jersey State PBA respectfully requests that this Court grant its motion to participate in oral argument in this matter.

Respectfully submitted,

ZAZZALI, P.C.

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