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December 29, 2015

VIA FEDEX

Clerk of the Appellate Division  
Superior Court of New Jersey - Appellate Division  
Attn: Emergent Applications Unit  
Richard J. Hughes Complex  
25 Market Street  
Trenton NJ 08611

**Re: Virtua Health, Inc. and Capital Health System, Inc., Plaintiffs-Respondents  
v. State of New Jersey and Gov. Christie in his Official Capacity, Defendants-  
Appellants, Trial Court Docket No. MER-L-1720-15**

Dear Clerk:

With respect to the stay order entered by the Court in this matter on December 29, 2015, I enclose a Notice of Motion for Modification of Stay and letter brief in support. I also enclose an Application for Permission to File Emergent Motion in the event one is required. I have sent these papers to Judges Yannotti and St. John, who issued the stay order on December 29, 2015. Please charge our Superior Court collateral account, No. 26015, for any fees in connection with this filing.

Please do not hesitate to contact me with any questions regarding this filing.

Very truly yours,

DUANE MORRIS LLP



Christopher L. Soriano

cc: Jacqueline Augustine, DAG (via e-mail and FedEx)

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December 29, 2015

VIA FEDEX

The Honorable Joseph L. Yannotti, P.J.A.D.  
The Honorable Jerome M. St. John, J.A.D.  
Superior Court of New Jersey - Appellate Division  
Leroy F. Smith Public Safety Building  
60 Nelson Place, Eighth Floor  
Newark, NJ 07102

**Re: Virtua Health, Inc. and Capital Health System, Inc., Plaintiffs-Respondents  
v. State of New Jersey and Gov. Christie in his Official Capacity, Defendants-  
Appellants, Trial Court Docket No. MER-L-1720-15**

Dear Judges Yannotti and St. John:

I enclose for the Court's consideration a Notice of Motion to Modify Stay and letter brief in support thereof, with respect to the stay entered by the Court in this matter on December 29, 2015. I have also enclosed an Application for Permission to File Emergent Motion should the Court require it.

Please do not hesitate to contact me with any questions regarding this filing.

Respectfully,

DUANE MORRIS LLP

Christopher L. Soriano

Cc: The Hon. Douglas H. Hurd, P.J.Cv. (via FedEx)  
Jacqueline Augustine, DAG (via email and FedEx)

**DUANE MORRIS LLP**

**A DELAWARE LIMITED LIABILITY PARTNERSHIP**

By: Christopher L. Soriano (No. 032142003)

Philip H. Lebowitz (*pro hac vice*)

Erin M. Duffy (No. 024742004)

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Attorneys for Plaintiffs-Respondents, Virtua Health, Inc. and  
Capital Health System, Inc.

---

VIRTUA HEALTH, INC. and CAPITAL	:	SUPERIOR COURT OF NEW JERSEY
HEALTH SYSTEM, INC.,	:	APPELLATE DIVISION
	:	
Plaintiff,	:	Trial Docket No. MER-L-1720-15
	:	
v.	:	CIVIL ACTION
	:	
STATE OF NEW JERSEY and	:	NOTICE OF EMERGENT MOTION TO
CHRISTOPHER J. CHRISTIE, in his	:	MODIFY STAY AND FOR EXPEDITED
official capacity as Governor of	:	CONSIDERATION
the State of New Jersey,	:	
	:	
Defendants.	:	

---

TO: Jacqueline Augustine, DAG  
R.J. Hughes Complex  
25 Market Street, PO Box 112  
Trenton NJ 08625

PLEASE TAKE NOTICE that the undersigned counsel hereby applies to the Superior Court of New Jersey, Appellate Division, for an order modifying the stay pending appeal issued by the Appellate Division on December 29, 2015 to permit plaintiff-respondent Virtua Health, Inc. to remain as ALS provider in the

City of Camden, pending appeal in this matter and for expedited briefing;

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the attached letter brief in support of the motion.

Dated: December 29, 2015



---

Christopher L. Soriano

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SRI LANKA  
ALLIANCE WITH  
GOWERS INTERNATIONAL

December 29, 2015

VIA OVERNIGHT MAIL

The Honorable Joseph L. Yannotti, P.J.A.D.  
The Honorable Jerome M. St. John, J.A.D.  
Superior Court of New Jersey - Appellate Division  
Leroy F. Smith Public Safety Building  
60 Nelson Place, Eighth Floor  
Newark, NJ 07102

**Re: Virtua Health, Inc. and Capital Health System, Inc.,  
Plaintiffs-Respondents v. State of New Jersey and Gov.  
Christie in his Official Capacity, Defendants-  
Appellants, Trial Court Docket No. MER-L-1720-15**

Honorable Judges of the Appellate Division:

Please accept this letter brief as an emergent application  
for modification of the stay order entered on December 29, 2015  
in this matter.

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The Honorable Jerome M. St. John, J.A.D.  
December 29, 2015  
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POINT TWO

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PRELIMINARY STATEMENT

On December 29, 2015, this Court entered an order staying the entirety of trial court's order which found P.L. 2015, c.70 (the "Act") to be unconstitutional special legislation. Although the State's motion for a stay was based on the possibility that as of January 2, 2016, there might be no Basic Life Support ("BLS") services in Camden, the State made no attempt to show that plaintiff-respondent Virtua Health, Inc.'s ("Virtua") continued provision of Advanced Life Support ("ALS") services in Camden would cause irreparable harm. The stay order, however, will require Virtua, in the next several days, to cease operations of its ALS system that it has had in place for the past 38 years, and turn those services over to a new provider, without any showing of irreparable harm.

Indeed, there was no contention before the trial court that irreparable harm will result if Virtua continues to provide the same ALS services it has provided for the last 38 years. This is particularly so in light of the trial court having found as

The Honorable Joseph L. Yannotti, P.J.A.D.  
The Honorable Jerome M. St. John, J.A.D.  
December 29, 2015  
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undisputed that Virtua's ALS services in Camden were of high quality. The State argued that it would be preferable under the statute for ALS and BLS to be provided by the same provider. However, there has been no such consolidation for the past 38 years and the State made no showing that the status quo for the past 38 years has caused any harm.

In light of the lack of irreparable harm with respect to Virtua's ALS services in Camden, Virtua respectfully requests that this Court modify the stay entered on December 29 to maintain the status quo as to ALS services in Camden and allow Virtua to continue what it has done for the past 38 years - provide high quality ALS services during the pendency of this appeal.

Moreover, in light of the importance of this case, and the uncertainty that will hang over the EMS system in Camden during the pendency of this appeal, Virtua respectfully requests that the Court enter an order expediting consideration of the merits of this appeal so that this uncertainty may be resolved promptly.

The Honorable Joseph L. Yannotti, P.J.A.D.  
The Honorable Jerome M. St. John, J.A.D.  
December 29, 2015  
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**STATEMENT OF FACTS**

The underlying facts of this matter have been set forth in detail in the parties' submissions on the State's Motion for Stay Pending Appeal.

**POINT ONE**

**THIS COURT SHOULD MODIFY THE STAY AND ALLOW VIRTUA TO CONTINUE TO PROVIDE ALS SERVICES PENDING APPEAL.**

The State's only proffered rationale for why the ALS portion of the trial court's order should be stayed was because ALS and BLS will not be integrated under the same provider without implementation of the Act. T2 at 22:19-22. ALS and BLS services have been provided in Camden by separate providers for 38 years, however, and most of the State of New Jersey operates under a non-integrated model. Simply put, there is no irreparable harm that comes from allowing Virtua to continue to operate ALS in Camden pending disposition of this appeal, and, accordingly, the Court should modify the stay in order to allow Virtua to continue to provide ALS in Camden pending disposition of this appeal.

The State has the burden to show by clear and convincing evidence that it is entitled to a stay pending appeal and that "substantial, immediate, and irreparable" harm will result absent a stay. Subcarrier Communications v. Day, 299 N.J.



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The Honorable Jerome M. St. John, J.A.D.  
December 29, 2015  
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Super. 634, 638 (App. Div. 1997). No such showing has been made that would justify upsetting the status quo and removing Virtua as an ALS provider when it has done so, successfully, for 38 years, and require reconfiguration of dispatch patterns that may lead to confusion, delay, and a threat to patient safety. Simply put, the state has made no showing that Virtua's continued provision of ALS services will cause irreparable harm, or that the status quo that has been in effect for the past 38 years will cause any irreparable harm. Accordingly, this Court should modify its stay such that it does not apply to Virtua's continuation of services as the ALS provider in the City of Camden.

**POINT TWO**

**THIS COURT SHOULD EXPEDITE CONSIDERATION OF THIS APPEAL.**

R. 2:9-2 provides that time schedules on appeal may be accelerated by the court on its own motion or on the motion of a party. See, e.g., Redd v. Bowman, 223 N.J. 87, 123 (2015) (court should expedite consideration of cases involving challenge to validity of municipal ordinance); DeSimone v. Greater Englewood Hous. Corp., 56 N.J. 428, 434 (1970) (granting expedited consideration where litigation is of great public importance and requires prompt adjudication); McCann v. Sup't. of Elections of

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December 29, 2015  
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Hudson County, 303 N.J. Super. 352, 353-4 (App. Div. 1997) (granting expedited consideration of review in matter of public interest relating to election); Supreme Court Directive #11-70 (April 16, 1971) (requesting counsel to advise the Appellate Division when the disposition of an appeal ought to be expedited in the public interest).

For the reasons set forth above, the public interest counsels in favor of a prompt resolution of this appeal. Both the public and the parties have an important interest in promptly knowing who the ALS provider will be in Camden so that important continuity and communication issues can be resolved. Public safety requires continuity of these services - either by Virtua, which has provided them for 38 years, or by a different provider, in which case appropriate arrangements can be made to transition these services. Long-term uncertainty, however, can only have the effect of creating confusion and delay in the community when ALS is required, which will have the effect of jeopardizing public safety.

Moreover, the record on appeal is not voluminous and the parties are in a position to complete briefing promptly. Indeed, the vast majority of the record has already been filed

The Honorable Joseph L. Yannotti, P.J.A.D.  
The Honorable Jerome M. St. John, J.A.D.  
December 29, 2015  
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with the Court in the form of defendant's appendix. The parties are thoroughly familiar with the legal issues in this case and briefing should not require an extended period of time. Accordingly, Virtua respectfully requests that the Court allow briefing of the merits of this appeal on short notice and calendar the matter before a panel at the earliest possible opportunity permitted by the Court's schedule.

CONCLUSION

For the reasons set forth above, plaintiff-respondent Virtua Health, Inc. respectfully requests that this Court modify its December 29, 2015 order to allow Virtua to continue being the ALS provider in Camden pending appeal, and to expedite consideration of the merits of this appeal.

Respectfully,

DUANE MORRIS LLP



Christopher L. Soriano

Cc: Jacqueline Augustine, DAG (via email and FedEx)

**Superior Court of New Jersey**  
**Appellate Division**  
**Application for Permission to File Emergent Motion**

**To:** Appellate Division Emergent Judge

**Date:** 12/29/2015

**From:** Christopher L. Soriano

**Telephone:** (856) 874-4228

The following questions are to be answered by the attorney or self-represented litigant requesting permission to file an emergent motion. This questionnaire is designed to assist the court's determination respecting its further instructions. **COMPLETION OF THIS APPLICATION DOES NOT IN ANY SENSE CONSTITUTE THE FILING OF AN APPEAL OR MOTION.** There is no right to be heard orally on an emergency application. Further instructions will come from the court.

Except by permission of the court, the only documents you may submit with this application are: a copy of the decision being appealed, any opinion or statement of reasons given by the trial judge or agency, and any order or decision denying or granting a stay. A copy of this application must be served simultaneously on both your adversary and the trial judge or agency. No answer shall be filed unless directed by the court.

If the court grants you permission to file an emergent motion and you have not previously filed a motion for leave to appeal or notice of appeal (whichever is applicable), you must simultaneously file one. See njcourts.com for notice of appeal and Court Rules. You must also pay the applicable filing fee (\$50 for a motion for leave to appeal; \$250 for a notice of appeal), direct the charging of an attorney's account with the Superior Court, or file a motion to proceed as an indigent and supporting certification.

**Case Name:** Virtua Health, Inc. and Capital Health System, Inc. v. State of New Jersey and Governor Christie

**Appellate Division Docket Number:** (if available): \_\_\_\_\_

**Trial Court or Agency Docket Number:** MER-L-1720-15

1. What is the vicinage of the matter? (i.e., what judge, in what county or what agency entered the decision?)

Superior Court, Law Division, Mercer County, Honorable Douglas H. Hurd, P.J. Cv.

2. a) What is your name, address, including any e-mail address, phone number and fax number?

Christopher L. Soriano, Duane Morris LLP, 1940 Route 70 East, Suite 100, Cherry Hill NJ 08003  
Phone: 856-874-4228; fax: 856-874-4388; mobile: 856-630-5483; email: csoriano@duanemorris.com

b) Who do you represent? (i.e., client, yourself)

Plaintiffs-Respondents Virtua Health, Inc. and Capital Health System, Inc.

3. List the names of all other parties and name, address, including any known e-mail address, phone number and fax number of attorney for each.

State of New Jersey and Governor Christopher J. Christie in his official capacity, represented by Jacqueline Augustine, Deputy Attorney General, R. J. Hughes Complex, 25 Market Street, PO Box 112, Trenton NJ 08625, telephone 609-341-5096, email jacqueline.augustine@dol.lps.state.nj.us

4. What is the nature of the emergency?

On December 29, 2015, this Court issued a stay that will require plaintiff-respondent Virtua Health, Inc. to cease operating the Advanced Life Support ("ALS") services it has provided in the City of Camden over the past 38 years. There was no attempt to show any harm as the basis of this disruptive action. To the contrary, the record is undisputed that Virtua's provision of ALS services is of high quality. Nevertheless, the stay will necessarily result in an abrupt transition that has no patient benefit and poses potential risks during the appeal.

5. What is the irreparable harm, and when do you expect this harm to occur?

Denial of a modification of the stay will result in a disruption to the state's EMS system and to the care of patients who need advanced life support services in the City of Camden. Virtua will have to take its Mobile Intensive Care Unit in Camden off-line and the dispatch procedures and patterns will have to be revamped, leading to confusion and delay in the time-critical EMS system. Undertaking this transition only to have to undo it if this Court reverses would irreparably harm both plaintiffs and the public who rely on EMS services.

6. What relief do you seek?

A modification of this Court's December 29, 2015 order that would allow Virtua to continue to be the ALS provider in Camden during the pendency of this appeal.

7. Do you have a written order or judgment entered by the trial judge or a written agency decision?

**You must attach a copy of the order, judgment or decision.**

Yes. A copy is attached.

8. a) Have you filed for a stay before the trial court or agency?

Not applicable, as the stay was issued by this Court.

- b) If so, do you have a court order or agency decision denying or granting same?

**Attach a copy of any such order or decision. Before you seek a stay from the Appellate Division, you must first apply to the trial court or agency for a stay and obtain a signed order or decision or other evidence of the ruling on your stay application. (Court Rules 2:9-5 and 2:9-7)**

Not applicable.

9. If you did not immediately seek a stay from the trial court or agency, or if you did not immediately file this application with the Appellate Division after the trial court or agency denied your stay application, explain the reasons for the delay.  
Not applicable.
10. Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees?  
**If so, the decision is not final, but rather interlocutory, and leave to appeal must be sought. (Court Rules 2:2-4 and 2:5-6)**  
No.
11. If the order or agency decision is interlocutory (i.e., not final), are you filing a motion for leave to appeal?  
Not applicable.
12. If interlocutory, are you filing a motion to stay the trial court or agency proceeding?  
Not applicable.
13. If the order, judgment or agency decision is final, have you filed a notice of appeal?  
Not applicable, as Virtua is a respondent in this appeal.
- 
14. What is the essence of the order, judgment or agency decision?  
On December 29, 2015, this Court stayed the trial court's December 22, 2015 order that found that P.L. 2015, c.70 is unconstitutional. The immediate effect of that order will be to change the status quo and require Virtua to shut down its ALS operations in the City of Camden.

15. a) Has any aspect of this matter been presented to or considered by another judge or part of the Appellate Division by emergent application or prior appeal proceedings? If so, which judge or part?  
Yes - Part G, Judges Yannotti and St. John.
- b) Have the merits briefs been filed in this matter? If so, has the matter been calendared to a part of the Appellate Division?  
No.
16. a) Have you served simultaneously a copy of this application on both your adversary and the trial judge or agency?  
Yes.
- b) If so, specify method of service.  
Email and overnight mail.
17. a) Have any transcripts been ordered (particularly of the trial judge's challenged ruling)?  
Yes.
- b) If so, when will the transcript(s) be available?  
All transcripts from the trial court have been filed with this Court.

18. Please give a brief summary of the facts of your case.

P.L. 2015, c. 70 (the "Act") provides that Cooper University Hospital, University Hospital, and Robert Wood Johnson University Hospital will each become the exclusive provider of advanced life support ("ALS") services provided by mobile intensive care units in the city in which each of those hospitals is located, with the uncontested right to provide basic life support services in their respective cities. University Hospital and Robert Wood Johnson already provide ALS in their cities, so the principal aspect of the Act only benefits Cooper. By making these hospitals the exclusive provider of ALS services, the Legislature has afforded them with special privileges and denied those opportunities to every other hospital in the State. Other hospitals are equally capable of providing these services, have been doing so for decades, and will continue to provide those services everywhere in the state except for the carved-out cities. Over \$5 million has been appropriated by the state for start-up costs for implementation in Camden and Newark, which under the current system would be unnecessary. That opportunity is unavailable to any other hospital in the state.

On December 22, 2015, the trial court found the Act to be unconstitutional. On December 29, 2015, this Court issued a stay of that order. As a direct result of that stay, the status quo will change and Virtua will be terminated as the ALS provider in the City of Camden effective January 2, 2016, when it has already provided those high quality services for the last 38 years. While the state's argument in support of a stay was heavily based on the risk of a termination of basic life support ("BLS") services in the City of Camden, no showing has been made by the State that irreparable harm will result from Virtua continuing to provide the same ALS services it has provided for the past 38 years. Thus, plaintiff-respondent Virtua respectfully requests modification of the stay to allow Virtua to continue as the ALS provider in this matter.

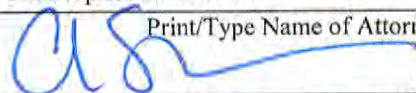
19. What legal citation (i.e., statute, regulation, court case) is most important for the proposition that you are likely to prevail on appeal?

Vreeland v. Byrne, 72 N.J. 292 (1977)  
Town of Secaucus v. Hudson County Board of Taxation, 133 N.J. 482 (1992)  
Raybestos-Manhattan Inc. v. Glaser, 144 N.J. Super. 152 (Ch. Div. 1976)  
Paul Kimball Hospital, Inc. v. Brick Township Hospital, Inc., 86 N.J. 429 (1981)  
Mason v. City of Paterson, 120 N.J. Super. 184 (Law Div. 1972)

By signing below, I certify that this application is made in good faith, and not for any improper purpose such as to harass or to cause unnecessary delay or expense. I further certify that the factual statements contained in this application are true to the best of my knowledge.

Date: 12/29/2015

Christopher L. Soriano

  
Print/Type Name of Attorney or Self-Represented Litigant

Signature of Attorney or Self-Represented Litigant



**Superior Court of New Jersey  
Appellate Division  
Disposition on Application for Permission to File Emergent Motion**

Case Name: Virtua Health, Inc. and Capital Health System, Inc. v. State of New Jersey and Governor Christie

Appellate Division Docket Number: (if available): \_\_\_\_\_

Trial Court or Agency Below: \_\_\_\_\_

Trial Court or Agency Docket Number: MER-L-1720-15

**DO NOT FILL IN THIS SECTION – FOR COURT USE ONLY**

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I. The application for leave to file an emergent motion on short notice is **Denied** for the following reasons:

- The application on its face does not concern a threat of irreparable injury, or a situation in which the interests of justice otherwise require adjudication on short notice. The applicant may file a motion with the Clerk's Office in the ordinary course.
- The threatened harm or event is not scheduled to occur prior to the time in which a motion could be filed in the Clerk's Office and decided by the court. If the applicant promptly files a motion with the Clerk's Office it shall be forwarded to a Panel for decision as soon as the opposition is filed.
- The applicant did not apply to the trial court or agency for a stay, and obtain a signed court order, agency decision or other evidence of the ruling before seeking a stay from the Appellate Division.
- The application concerns an order entered during trial or on the eve of trial as to which there is no prima facie showing that the proposed motion would satisfy the standards for granting leave to appeal.
- The timing of the application suggests that the emergency is self-generated, given that no good explanation has been offered for the delay in seeking appellate relief. Due to the delay, we cannot consider a short-notice motion within the time frame the applicant seeks, without depriving the other party of a reasonable time to submit opposition. And the magnitude of the threatened harm does not otherwise warrant adjudicating this matter on short notice despite the delay. If the applicant promptly files a motion with the Clerk's Office it shall be forwarded to a Panel for decision as soon as the opposition is filed.
- Other reasons:

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\_\_\_\_\_  
J.A.D. \_\_\_\_\_ Date

Superior Court of New Jersey  
Appellate Division

**Disposition on Application for Permission to File Emergent Motion**

Case Name: Virtua Health, Inc. and Capital Health System, Inc. v. State of New Jersey and Governor Christie

Appellate Division Docket Number: (if available): \_\_\_\_\_

Trial Court or Agency Below: \_\_\_\_\_

Trial Court or Agency Docket Number: MER-L-1720-15

**DO NOT FILL IN THIS SECTION – FOR COURT USE ONLY**

**II.** The application for leave to file an emergent motion on short notice is **Granted** on the following terms:

A. By no later than \_\_\_\_\_, one copy of the motion for emergent relief must be delivered to the chambers of Judges \_\_\_\_\_ and \_\_\_\_\_, **and** to all counsel/self-represented litigants. Copies must also be sent to the trial judge or agency whose decision is being appealed. If this is a newly-filed appeal, one copy each of the notice of appeal or motion for leave to appeal, and any indigency motion, must also be delivered to the judges and all counsel/self-represented parties.

The applicant must file the original and one copy of the motion for emergent relief with the Clerk of the Appellate Division in Trenton, by no later than the day after those papers are due to the judges' chambers, \_\_\_\_\_. If the matter is not yet pending in the Appellate Division, the applicant must, on that same schedule, file with the Clerk's Office, attention Emergent Applications Unit, the original and one copy of a notice of appeal or motion for leave to appeal, together with the required fees or a motion to proceed as an indigent. [Note: This schedule anticipates that copies may be faxed to the judges' chambers and to adversaries, but they must be overnight mailed or hand delivered to the Clerk's Office. Failure to file with the Clerk's Office or to submit the required fees may result in dismissal of the appeal and vacating of any stays granted.]

B. Opposition must be served and filed by no later than \_\_\_\_\_.

C. Other terms:

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\_\_\_\_\_  
J.A.D.

\_\_\_\_\_  
Date

ORDER ON MOTION  
-----

VIRTUA HEALTH, INC. and  
CAPITAL HEALTH SYSTEM, INC.,  
  
Plaintiffs-Respondents,

v.

STATE OF NEW JERSEY and  
CHRISTOPHER J. CHRISTIE,  
in his official capacity as  
Governor of the State of New  
Jersey,

Defendants-Appellants.

MOTION FILED: 12/23/15  
ANSWER FILED: 12/28/15

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO.  
MOTION NO.  
BEFORE PART: G  
JUDGES: JOSEPH L. YANNOTTI  
JEROME M. ST. JOHN

BY: STATE OF NEW JERSEY  
BY: VIRTUA HEALTH and  
CAPITAL HEALTH SYSTEM

SUBMITTED TO THE COURT: 12/29/15

**O R D E R**  
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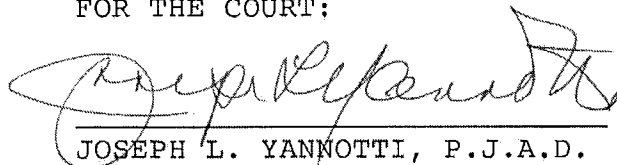
THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON  
THIS 29TH DAY OF DECEMBER, 2015, HEREBY ORDERED AS FOLLOWS:

MOTION FOR STAY PENDING APPEAL: GRANTED/OTHER

SUPPLEMENTAL:

We are convinced that, upon consideration of the criteria for  
granting a stay pending appeal in Crowe v. De Gioia, 90 N.J.  
126, 132-34 (1982), the State's motion should be granted.  
Accordingly, the trial court's order of December 22, 2015,  
declaring P.L. 2015, c. 70 to be in violation of the New Jersey  
Constitution, shall be and hereby is stayed pending further  
order of this court.

FOR THE COURT:

  
JOSEPH L. YANNOTTI, P.J.A.D.

VIRTUA HEALTH, INC. and CAPITAL  
HEALTH SYSTEM, INC.,

Plaintiffs-Respondents,

v.

STATE OF NEW JERSEY and  
CHRISTOPHER J. CHRISTIE IN HIS  
OFFICIAL CAPACITY AS GOVERNOR OF  
THE STATE OF NEW JERSEY

Defendants-Appellants.

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

Civil Action

DOCKET NO. A- -15-T  
LAW DIVISION DOCKET: MER-L-  
1720-15

ON EMERGENT MOTION TO MODIFY  
STAY

Sat Below:

Hon. Douglas H. Hurd, P.J. Cv.

CERTIFICATION OF SERVICE

Christopher L. Soriano, of full age, certifies as follows:

1. I am a partner in the law firm of Duane Morris LLP, counsel for plaintiffs-respondents Virtua Health, Inc. and Capital Health System, Inc. As such, I am familiar with the matters set forth herein.

2. On December 29, 2015, I caused to be delivered via overnight mail (for delivery on December 30, 2015) to the Honorable Joseph L. Yannotti, P.J.A.D., at the Leroy F. Smith Jr. Public Safety Building, 60 Nelson Place, Eighth Floor, Newark, New Jersey 07102 two copies of Plaintiffs-Respondents Application for Permission to File Emergent Motion, Notice of Motion for Modification of Stay Pending Appeal, and letter brief in support.

3. On December 29, 2015, I caused to be delivered via overnight mail (for delivery on December 30, 2015) to the Honorable Jerome M. St. John, J.A.D., at the Leroy F. Smith Jr. Public Safety Building, 60 Nelson Place, Eighth Floor, Newark, New Jersey 07102 two copies of Plaintiffs-Respondents two copies of Plaintiffs-Respondents Application for Permission to File Emergent Motion, Notice of Motion for Modification of Stay Pending Appeal, and letter brief in support.

4. On December 29, 2015, I caused to be delivered via overnight mail (for delivery on December 30, 2015) to the Honorable Douglas H. Hurd, P.J. Cv., at the Mercer County Courthouse, 175 South Broad Street, Trenton, New Jersey 08650 two copies of Plaintiffs-Respondents two copies of Plaintiffs-Respondents Application for Permission to File Emergent Motion, Notice of Motion for Modification of Stay Pending Appeal, and letter brief in support.


5. On December 29, 2015, I caused to be emailed and sent via overnight mail to Jacqueline Augustine, DAG, at the Richard J. Hughes Complex, 25 Market Street, Trenton, New Jersey 08611 two copies of Plaintiffs-Respondents Application for Permission to File Emergent Motion, Notice of Motion for Modification of Stay Pending Appeal, and letter brief in support..

6. On December 29, 2015, I caused to be sent to the Clerk of the Appellate Division Plaintiffs-Respondents Application for

Permission to File Emergent Motion, Notice of Motion for Modification of Stay Pending Appeal, and letter brief in support.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

December 29, 2015



Christopher L. Soriano