

Superior Court of New Jersey
Appellate Division

Disposition on Application for Permission to File Emergent Motion

Case Name: VIRTUA HEALTH, INC. V. STATE OF NEW JERSEY, ET AL.

Appellate Division Docket Number: (if available): _____

Trial Court or Agency Below: LAW DIVISION-MERCER COUNTY

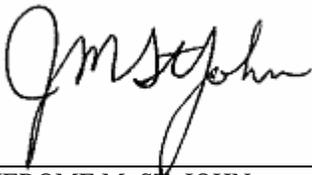
Trial Court or Agency Docket Number: Mer-L-1720-15

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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:

This court, by order dated December 29, 2015, stayed the trial court's order of December 22, 2015. The within application has been addressed by our December 29, 2015 order.



JEROME M. ST. JOHN,

J.A.D.

DECEMBER 30, 2015

Date