



## Supreme Court Emergent Matter Intake Form

Please note that pursuant to *Rule 2:9-8*, applicants must contact the Supreme Court Clerk's Office before submitting this form. Applicants should review this form and the *Supreme Court Guidelines for Emergent Matters* prior to calling the Clerk's Office. Completion of this form does not constitute the filing of a motion or petition for certification. This form is designed to assist the Court with the provision of further instructions and the consideration of temporary relief pending disposition of a motion or petition. **No response may be filed without the Court's permission.**

### General Information

Person completing this form:	Christopher L. Soriano	Date form was completed:	12/30/2015
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### Applicant Information

Name of applicant:	Virtua Health, Inc. and Capital Health System, Inc.		
Applicant's attorney (or "pro se"):	Christopher L. Soriano, Duane Morris LLP		
Telephone:	(856) 874-4228	Fax:	(856) 874-4388
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### Case Information

Title of case:	Virtua Health, Inc. and Capital Health System, Inc. v. State		
Appellate Division docket #:	Unavailable	Supreme Court docket #:	
Case type (brief description)*:	Challenge to constitutionality of state statute		

(\*e.g., bail, landlord-tenant, foreclosure, family court, etc.)

### Nature of Relief Requested on Emergent Basis

**1. Briefly** describe the emergent relief you requested from the **Appellate Division** and attach a copy of its order or disposition. If that court denied your *Application for Permission to File Emergent Motion*, include a copy of that *Application* and any attachments provided to the Appellate Division, including the trial court or agency order. **No other documents may be submitted** unless requested by the Court. (If the Appellate Division accepted briefs and filed an order, further instructions will be provided.)

On December 22, 2015, the Law Division entered a final order that P.L. 2015, c.70 was unconstitutional. The State sought a stay to permit the statute to go into effect, claiming irreparable harm that basic life support ("BLS") services could no longer be provided in Camden. Several BLS providers were available, however, and the State admitted that Camden had emergency authority to contract with them. Moreover, no attempt was made to show irreparable harm with respect to advanced life support ("ALS") services in Camden. There was no risk that those services, which have been provided for 38 years by plaintiff-respondent Virtua, would be curtailed. On December 29, 2015, the Appellate Division issued a stay, thus altering the status quo by allowing the unconstitutional statute to become effective on January 2, 2016. Virtua asked the Appellate Division to modify its stay to allow Virtua to remain as the provider of ALS services in Camden pending resolution of the appeal.

**2. Briefly** state the emergent relief you are seeking from the **Supreme Court** ("same as above" if applicable):

Plaintiff-respondent Virtua requests that the stay be lifted in its entirety to preserve the status quo, or in the alternative, modified to allow Virtua to remain as the ALS provider in Camden pending disposition of the State's appeal in this matter because there is no showing of irreparable harm if the status quo is preserved.

As suggested by the Court's staff, a copy of the Appellate Division's dispositions and the briefs filed in the Appellate Division are included. A copy of the trial court's decision has also been attached for the Court's convenience.

**3.** You must simultaneously serve a copy of this form and attachments on all other attorneys/pro se parties and the trial judge or agency. Have you served them all?  Yes or  No.