

POLINO and PINTO, P.C.

Attorneys at Law
Moorestown Times Square
720 East Main Street, Suite 1C
Moorestown, NJ 08057-3058

Joseph F. Polino
Joseph M. Pinto*

Telephone (856) 727-1777
Telecopier (856) 727-1546
Email: jfpolino@prodigy.net

*Also a member of PA Bar

September 16, 2025

Via Ecourts Supreme

Heather Joy Baker, Clerk
Supreme Court of New Jersey
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 970
Trenton, NJ 08625

RE: Rebecca J. Reed and Amanda Curry v. Elizabeth M. Muoio, Caroline Benson, Colleen Lapp, Glenn A Grant, J.A.D., B. Sue Fulton, Merari Guad, and Kate Chieffo
Supreme Court Docket No.: 090060
Appellate Division Docket No.: A-2319-22

**Letter Brief of Plaintiffs, Rebecca Reed and Amanda Curry,
in Response to the Amicus Brief of the American Civil Liberties Union**

Dear Ms. Baker:

Please accept this Letter Brief of Plaintiffs in response to the Amicus Brief
of the American Civil Liberties Union (ACLU).

LEGAL ARGUMENT

I. The Issues Raised by the American Civil Liberties Union Do Not Address the Narrow Subject Matter of this Case

The Plaintiffs, in response to the Amicus Brief submitted by the ACLU in this case, believes it has sufficiently addressed the points raised therein in all of the Plaintiffs' prior submissions with this observation.

It appears the ACLU advocates that the Appellate Division should be affirmed to avoid any broad pronouncement by this Court that the political decisions of the Council on Local Mandates are unassailable from constitutional attack.

That is not the issue in this case. Rather, the issue is whether the Council had the statutory power to make the decision it made, through the grant by the Legislature under N.J.S.A. 52:13H-12 pursuant to the mandate under the Constitution that the Legislature create the Council.

The decision of the Council under that power is political as indicated by the Constitution and not subject to review by the courts.

There is no need to consider whether under some other fact pattern the Council's decision violates some other provision of the Constitution, whether the Council can decide whether a law is not an unfunded mandate because it

implements a constitutional provision, whether the Counsel is, in the first instance, the entity to make that determination or whether the decision so clearly exceeded the statutory authority as to be undebatable. The Council acted within the scope of its delegated authority.

Respectfully submitted,

By: /s/ Joseph M. Pinto, Esquire
JOSEPH M. PINTO, ESQUIRE
Co-Counsel for Plaintiffs

By: /s/ Richard Galex, Esquire
RICHARD GALEX, ESQUIRE
Co-Counsel for Plaintiffs