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June 25, 2021

Via CM/ECF

Hon. Brian R. Martinotti, U.S.D.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: The ERISA Industry Committee v. Robert Asaro-Angelo.
Case Number 3:20-cv-10094 (BRM) (TJB)

Dear Judge Martinotti:

This office represents Defendant Robert Asaro-Angelo, in his official capacity as the Commissioner of the New Jersey Department of Labor and Workforce Development ("Defendant"), in the above-captioned matter. As Your Honor is aware, Plaintiff the ERISA Industry Committee ("Plaintiff") has moved for summary judgment. On June 22, 2021, Your Honor graciously granted Defendant's request to extend the time to respond to Plaintiff's motion by two days and, additionally, the Court adjourned the return date of the pending motion to July 19, 2021. This request by Defendant was the first of its kind. The motion had been adjourned once previously by the clerk after Defendant advised that he intended to file an Answer to the Complaint and that the deadline to file the Answer fell after the filing of the pending motion.

Please accept this letter as an update to this office's previous letter dated June 23, 2021 [ECF No. 23] regarding Defendant's request for an extension of time to file a response to the pending motion for summary judgment and the parties' request for expedited consideration.

As this Court is aware, Plaintiff brings this case to challenge Senate Bill No. 3170's ("S.B. 3170") amendments to the Millville Dallas Airmotive Plant Job Loss Notification Act (a/k/a "NJ WARN Act"). Due to the pandemic, the effective date of S.B.



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3170 has been delayed until "the 90th day next following the termination of Executive Order 103 of 2020." See 2020 N.J. Sess. Law Serv. Ch. 22 (Senate Bill No. 2353). On June 4, 2021, Governor Phil Murphy issued Executive Order 244, which terminated the public health emergency declared under Executive Order 103, but also stated that the state of emergency declared under Executive Order 103 will continue. This office has consulted with the Governor's office and has confirmed that it is the State's position that Executive Order 103 remains in effect. Thus, the 90-day period for the effective date of the challenged amendments has not been triggered yet. Therefore, given the continued delayed effective date of the challenged amendments, the parties hereby rescind their request for expedited consideration of Plaintiff's pending motion.

Furthermore, Defendant wishes to reassert his request for additional time to respond to Plaintiff's motion. As this office advised in its letter dated June 21, 2021 [ECF No. 21], additional time is needed in order to meet and confer with our client. As such, and in light of the Court's adjournment of the pending motion until July 19, 2021, it is respectfully requested that Defendant be granted the full time allotted under the court rules to respond. That is, it is respectfully requested that Defendant be granted until July 6, 2021 to file a response to Plaintiff's motion for summary judgment. Further, Defendant will agree and stipulate that Plaintiff have until July 13, 2021 to file any reply papers. In light of the above, Plaintiff has graciously consented to this request.

Thank you for Your Honor's gracious consideration of these requests.

Respectfully submitted,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Ryan J. Silver
Ryan J. Silver
Deputy Attorney General

C: All Counsel of Record via CM/ECF