

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT KASHINSKY, *et al.*,

Plaintiffs,

v.

PHILIP D. MURPHY, *et al.*,

Defendants.

:
: No. 3:20-cv-03127-MAS-ZNQ
:
: **ORDER TO SHOW CAUSE FOR**
: **A TEMPORARY RESTRAINING**
: **ORDER AND PRELIMINARY**
: **INJUNCTION**
:
: **ORAL ARGUMENT REQUESTED**
:

THIS MATTER having been brought before the Court by Plaintiffs, through their counsel, by Order to Show Cause seeking a temporary restraining order and preliminary injunction pursuant to Federal Rule of Civil Procedure 65 and L.Cv. R. 65.1, and upon the Amended Complaint, Declarations, and Memorandum of Law submitted herewith, the Court having determined that good and sufficient reasons exist to proceed by way of Order to Show Cause, and for good cause shown,

IT IS on this _____ day of _____, 2020, **ORDERED** that the Defendants appear and show cause on the _____ day of _____, 2020, before the United States District Court for the District of New Jersey, Hon. Michael A. Shipp, at the Trenton Courthouse, located at 402 East State Street, Courtroom 5W, Trenton, New Jersey 08608, at _____ o'clock in the _____ noon, or as soon thereafter as counsel can be heard, why an Order should not be entered:

1. ordering the New Jersey State Police NICS Unit to resume processing background checks and to direct the vendor of the NICS Online Application (NICUSA) to turn on the NICS Online Services for submitting NICS transactions by restoring the “Request Form” button; and

2. enjoining and restraining Governor Murphy’s Executive Order 107 from being applied, and enforced against, licensed firearms retailers, **provided**, the licensed firearms retailers shall be open to the public for the purpose of transferring firearms, and **provided further**, the licensed firearms retailers shall abide by the guidance set forth in Executive Order 107 to include: reasonable efforts to keep customers six feet apart, frequent use of sanitizing products on common surfaces, and any other directives applicable to “essential” retail businesses in the future.

And it is further **ORDERED** that:

1. Pending further hearing on this Order to Show Cause, Defendant Patrick J. Callahan shall resume processing firearms background checks and shall turn on the NICS Online Services for submitting NICS transactions by restoring the “Request Form” button; and

2. Governor Murphy, his officers, agents, servants, employees, and all persons in concert or participation with him, or who have notice of this Order, are temporarily enjoined and restrained from enforcement of Executive Order 107 against licensed firearms retailers, **provided**, the licensed firearms retailers shall be

open to the public for the purpose of transferring firearms, and **provided further**, the licensed firearms retailers shall abide by the guidance set forth in Executive Order 107 to include: reasonable efforts to keep customers six feet apart, frequent use of sanitizing products on common surfaces, and any other directives applicable to “essential” retail businesses in the future.

3. A copy of this Order to Show Cause, Memorandum of Law, supporting Declarations, as well as the Amended Complaint, together with a summons, shall be served upon the Defendants by designated e-mail addresses provided by the Office of the New Jersey Attorney General within _____ days of the date hereof, as alternative service in light of the need to prevent further spread of the COVID-19 pandemic.

4. Defendants shall file and serve written response(s) to this Order to Show Cause and the supporting Memorandum of Law by the _____ day of _____, 2020. The Defendants will not send courtesy copies, again in light of the need to prevent further spread of the COVID-19 pandemic.

5. The Plaintiff may file and serve any written reply to one or both Defendants’ opposition by the _____ day of _____, 2020, again with no courtesy copies.

6. If the Defendants do not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default.

7. If the Plaintiff has not already done so, a proposed form of Order addressing the relief sought on the return date must be submitted to the Court no later than three (3) days before the return date.

8. The Court will notify the parties whether it will entertain argument on the return date of the Order to Show Cause in accordance with Local Civil Rule 78.1.

Hon. Michael A. Shipp
United States District Court Judge