

PAULA T. DOW

ATTORNEY GENERAL OF NEW JERSEY

Attorney for Defendants RAYMOND L. ZAWACKI, in his official capacity, COL. RICK FUENTES, in his official capacity, JOHN DOES 1-11, in their official capacities, DEP'T OF MILITARY AND VETERANS AFFAIRS, and NEW JERSEY STATE POLICE

R.J. Hughes Justice Complex
25 Market Street, P.O. Box 112
Trenton, New Jersey 08625-0112

By: Robert Lougy
Assistant Attorney General
(609) 599-6868

Susan M. Scott
Deputy Attorney General
(609) 633-7786

OCCUPY TRENTON (an	)	SUPERIOR COURT OF NEW JERSEY
unincorporated organization)	)	MERCER COUNTY - CHANCERY DIVISION
and ALEXANDER HIGGINS,	)	Docket No.
)	
Plaintiffs,)	
)	
v.)	
	)	CIVIL ACTION
RAYMOND L. ZAWACKI (in his)	
official capacity as Deputy)	
Commissioner for Veterans)	
Affairs in the Department of	)	NOTICE OF MOTION FOR TRANSFER.
Military and Veterans Affairs),	)	TO THE APPELLATE DIVISION,
COL. RICK FUENTES (in his	)	PURSUANT TO <u>R.</u> 1:13-4(a)
official capacity as the)	
Director of the New Jersey)	
State Police), JOHN DOES 1-11)	
(in their official capacities),)	
DEPARTMENT OF MILITARY AND)	
VETERANS AFFAIRS, and NEW)	
JERSEY STATE POLICE,)	
)	
Defendants.)	

To: CLERK OF THE COURT

Bennet D. Zurofsky
Attorney at Law
17 Academy Street, Suite 1010
Newark, NJ 07102

David Perry Davis
Attorney at Law
112 West Franklin Avenue
Pennington, NJ 08534

Edward Barocas, Esq.
Jeanne LoCicero, Esq.
American Civil Liberties Union of New Jersey
P.O. Box 32159
89 Market Street, 7th Floor
Newark, NJ 07101

PLEASE TAKE NOTICE that, on Wednesday, October 26, 2011, at 3:00 pm, or as soon thereafter as counsel may be heard, Paula T. Dow, Attorney General of New Jersey, by Robert Lougy, Assistant Attorney General, appearing on behalf of Defendants Raymond L. Zawacki, Rick Fuentes, Department of Military and Veterans Affairs, and New Jersey State Police, will apply to the Superior Court, Mercer County, Chancery Division, for an Order transferring Plaintiff's Verified Complaint to the Appellate Division, pursuant to R. 1:13-4(a).

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the enclosed brief of Robert Lougy in support of this motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to R. 1:6-2, oral argument is requested.

A proposed form of Order is attached.

There is no discovery end date, arbitration date or trial date set in this matter.

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By: 

Robert Lougy
Assistant Attorney General

Dated: October 26, 2011

PAULA T. DOW

ATTORNEY GENERAL OF NEW JERSEY

Attorney for Defendants RAYMOND L. ZAWACKI, in his official capacity, COL. RICK FUENTES, in his official capacity, JOHN DOES 1-11, in their official capacities, DEP'T OF MILITARY AND VETERANS AFFAIRS, and NEW JERSEY STATE POLICE

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_____)	SUPERIOR COURT OF NEW JERSEY
OCCUPY TRENTON (an)	MERCER COUNTY - CHANCERY DIVISION
unincorporated organization))	
and ALEXANDER HIGGINS,	)	Docket No.
)	
Plaintiffs,)	
)	
v.)	
	)	CIVIL ACTION
RAYMOND L. ZAWACKI (in his)	
official capacity as Deputy)	
Commissioner for Veterans)	
Affairs in the Department of)	
Military and Veterans Affairs),	)	ORDER
COL. RICK FUENTES (in his)	
official capacity as the)	
Director of the New Jersey)	
State Police), JOHN DOES 1-11)	
(in their official capacities),)	
DEPARTMENT OF MILITARY AND)	
VETERANS AFFAIRS, and NEW)	
JERSEY STATE POLICE,)	
)	
Defendants.)	
_____)	

THIS MATTER having come to the Court on motion of Paula T. Dow, Attorney General of New Jersey, by Robert Lougy, Assistant Attorney General, appearing on behalf of Raymond L. Zawacki, Rick

Fuentes, Department of Military and Veterans Affairs, and New Jersey State Police, and the Court having considered the Brief submitted in support herein, and the Court having considered the oral arguments of counsel for Plaintiffs and Defendants ; and for good cause shown;

IT IS on this _____ day of _____, 2011,

ORDERED that Defendants' motion for transfer to the Appellate Division is GRANTED;

IT IS FURTHER ORDERED, that a copy of this Order be served upon all parties within _____ days from receipt of this Order by the Defendants.

Hon. Mary C. Jacobson, J.S.C.

In accordance with the required statement to R. 1:6-2(a), this Motion was _____ opposed _____ unopposed.

PAULA T. DOW
 ATTORNEY GENERAL OF NEW JERSEY
 Attorney for Defendants RAYMOND L. ZAWACKI, in his official
 capacity, COL. RICK FUENTES, in his official capacity, JOHN
 DOES 1-11, in their official capacities, DEP'T OF MILITARY AND
 VETERANS AFFAIRS, and NEW JERSEY STATE POLICE
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OCCUPY TRENTON (an)	MERCER COUNTY - CHANCERY DIVISION
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)	CIVIL ACTION
RAYMOND L. ZAWACKI (in his)	
official capacity as Deputy)	
Commissioner for Veterans)	
Affairs in the Department of)	
Military and Veterans Affairs),	)	CERTIFICATION OF SERVICE
COL. RICK FUENTES (in his)	
official capacity as the)	
Director of the New Jersey)	
State Police), JOHN DOES 1-11)	
(in their official capacities),)	
DEPARTMENT OF MILITARY AND)	
VETERANS AFFAIRS, and NEW)	
JERSEY STATE POLICE,)	
)	
Defendants.)	
)	

I hereby certify that the original and one copy of the within
 Notice of Motion for Transfer to the Appellate Division, Brief in
 support thereof, Proposed Order, and Certification of Service were

filed on behalf of Defendants Raymond L. Zawacki, Rick Fuentes, Department of Military and Veterans Affairs, and New Jersey State Police with the Clerk of the Court of the New Jersey Superior Court, Mercer County, Chancery Division and that copies were sent by regular and electronic mail to:


Bennet D. Zurofsky
Attorney at Law
17 Academy Street, Suite 1010
Newark, NJ 07102

David Perry Davis
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~~ATTORNEY GENERAL~~ OF NEW JERSEY

By:


Robert Lougy
Assitant Attorney General

Dated: October 26, 2011