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March 29, 2024

VIA ECF

Hon. Zahid N. Quraishi, U.S.D.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building
402 East State Street
Trenton, NJ 08608

RE: Kim, et al. v. Hanlon, et al.
Civil Action No.: 24-1098 (ZNQ)(TJB)

The preliminary injunction granted in this case is, and must be, limited to the 2024 Democratic Primary Election. Plaintiffs' allegations and sought relief only applied to the 2024 Democratic Primary Election. (Verified Complaint, ECF No. [1]; Plaintiffs' Moving Brief, ECF No. [5-1] at 9) ("The Verified Complaint and accompanying documents demonstrate that Plaintiffs are virtually certain to be irreparably harmed by the Defendants' conduct in the upcoming June 4, 2024 Democratic Primary Election ("Primary Election") absent relief by this Court . . .") (emphasis added). The Court's order is therefore limited to the 2024 Democratic Primary Election only, and this Court declines to extend the scope of its decision beyond the limitations of the present litigation. Nonetheless, nothing in this Court's March 29, 2024 Order prevents the Republican Party and its leadership from appreciating this Court's preliminary injunction and taking steps to amend the ballot system for its primary election similar to what this Court has ordered for the Democratic Primary.

So Ordered this 30th day of March 2024.

ZAHID N. QURAIISHI, U.S.D.J.

Dear Judge Quraishi:

This firm represents the Morris County Republican Committee ("MCRC"), which is not a party to the above-referenced matter. We write to confirm that the Court's Order regarding the 2024 Democratic Primary is not applicable to the June 4, 2024 Republican primary ("Republican Primary") at this time.

We recognize that a discussion of the bracketing structure in New Jersey will continue in this matter as well as the Conforti case. However, the matter currently before the Court was limited to an injunction related to the June 4, 2024 Democratic Primary brought by three democratic candidates for federal office. The Verified Complaint defines the "Primary Election" as the June 4, 2024 Democratic Primary Election. (Verified Complaint, at ¶ 2). The limitation of the Verified Complaint to the Democratic primary involving democratic federal candidates makes both logical and legal sense as the Plaintiffs (Democratic candidates) are legally ineligible to run in the Republican primary. Plaintiffs' rights are not impacted in any way by the conduct of the Republican primary.

Consistent with the issues raised and relief sought in the Verified Complaint, the Court's Opinion defines the "2024 Primary" as the upcoming 2024 Democratic primary election. (Opinion at 2). The Opinion also clarifies that the relief sought is an injunction related to the 2024 Primary (as defined in the Opinion). (Opinion at 6). The Court's Opinion discusses the infringement on

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Plaintiffs' rights as to relates to the Democratic primary and as it relates to their status as federal candidates (through the Elections Clause discussion). None of those rights are infringed based upon the conduct of the 2024 Republican Primary, or to the extent the analysis differs for non-federal candidates.

Based upon the standing of the Plaintiffs, the scope of relief sought in the Verified Complaint, and the defined terms in the Court's opinion, we understand the Court's Order granting an injunction related to the "June 4, 2024 New Jersey Primary Election" to be limited to the June 4, 2024 Democratic primary, and not to the Republican primary at this time. The Plaintiffs would be unable to demonstrate how applicability of the relief to the Republican primary could meet the standard for an injunction as it relates to those Plaintiffs, and they would have no standing to do so at this time.

We ask the Court to confirm that the current injunction is limited to the 2024 Democratic Primary, as defined in the Verified Complaint and the Court's Opinion. There is no case or controversy before the Court in this matter brought by three federal democratic candidates for office, as to the conduct of the 2024 Republican Primary, or as to non-federal candidates. If the Court's Order does extend to the 2024 Republican Primary, we ask that the Order be stayed as to the Republican Primary and to permit the MCRC to intervene¹ before the Court specifically as to the applicability of the Order to the Republican Primary, an election to which the Plaintiffs have no interest and to which no relief can be provided based on this current matter

Respectfully submitted,

KING MOENCH & COLLINS LLP

/s/ Peter J. King

Peter J. King, Esq.

/s/ Matthew C. Moench

Matthew C. Moench, Esq.

cc: All counsel (via ECF)

¹ While we recognize that the Verified Complaint indicates that party organizations were served, we are unaware of MCRC having received it. Regardless, the MCRC would not have intervened in an internal democratic dispute over the democratic primary election.