



4:52-1, based upon the facts set forth in the complaint and supporting certifications filed herewith; and upon notice to Frederick C. Raffetto, Esq., attorney for Defendants, John Moor (in his official capacity as the Mayor of the City of Asbury Park) and the City of Asbury Park; and the Court having read and considered the papers submitted on behalf of plaintiff; and the Court having concluded that Plaintiff establishes by clear and convincing evidence its entitlement to the preliminary injunctive relief sought in the Order to Show Cause, under the standards set forth in Crowe v. De Gioia, 90 N.J. 126 (1982); and counsel for Defendants having advised that Defendants do not oppose the entry of this Order; and for good cause shown;

**IT IS** on this 10th day of July 2020,

**ORDERED** that plaintiff's order to show cause and application for preliminary injunctive relief be and hereby is **GRANTED**; and it is

**FURTHER ORDERED** that during the pendency of this matter, defendants and any and all of their employees, representatives, offices, agents and/or instruments, be and hereby are enjoined and restrained from executing, implementing or otherwise enforcing Paragraph 2 of Asbury Park Resolution 2020-187, adopted June 10, 2020, and certified June 11, 2020, and any and all portions thereof authorizing the operation of indoor food and beverage services for indoor dining purposes; and it is

**FURTHER ORDERED** that a copy of this order shall be served upon all parties within seven (7) days of the entry hereof.

/s/ Robert Lougy  
ROBERT LOUGY, P.J.Ch.

OPPOSED

**X** UNOPPOSED