

RUSSELL FRIEDMAN LAW GROUP, LLP

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Withdrawing Attorney for Defendant

JUDITH M. PERSICHILLI, R.N., B.S.N.,
M.A., in her official capacity as
Commissioner of the New Jersey
Department of Health,

SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION – MERCER
COUNTY
GENERAL EQUITY PART

Plaintiff,
v.

Docket No.: MER-C-48-20

CIVIL ACTION

ATILIS GYM OF BELLMAWR,

Defendant.

**CERTIFICATION OF
CHRISTOPHER M. ARZBERGER, ESQ.**

I, Christopher M. Arzberger, of full age, do hereby certify the following:

1. I am an attorney at law of the State of New Jersey, and I represent Defendant Atilis Gym of Bellmawr (“Defendant”) in connection with the above captioned matter. As such I am fully familiar with the facts recited herein.
2. On May 22, 2020, I was hired by Defendant to represent its interest in connection with the above captioned matter presently pending in the Superior Court of New Jersey – Chancery Division, Mercer County, General Equity Part. In particular, I was originally requested to appear before this Court on an emergent basis due to Plaintiff’s Motion to Enforce New Jersey Governor Murphy’s Executive Orders.

3. I have communicated fully with and been available for my client via text messages and telephone calls, during business hours, after hours and on weekends, fully advising the Defendant on the status of the case, providing legal advice, and responding to all questions.

4. Notwithstanding the foregoing, significant differences as to the approach to our representation of our clients have developed, and the relationship between attorney and the clients have deteriorated to the point that further representation is not in the clients' best interest. To protect attorney-client privilege, I am only at liberty to disclose that our clients wish us to pursue a specific litigation strategy, and as attorney practicing before this Court, I am unable to accommodate the request. In light of the foregoing, I am unable to proceed further with the prosecution of this matter, and I do not wish to delay the Court's calendar. Defendant should be afforded the opportunity to obtain new counsel.

5. I have advised my clients to seek new counsel and explained to my clients that I would seek to withdraw for the stated reasons. The clients have confirmed that they will be obtaining new counsel. Until new representation is obtained, the present motion is required.

6. No prejudice to our clients should occur at this juncture as all obligations have been complied with and no trial date set.

7. Rule 1.16(b) of the New Jersey Rules of Professional Conduct provides that "a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if ... (3) a client insists upon pursuing an objective that the lawyer considers ... imprudent; (4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or (6) other

good cause for withdrawal exists." The foregoing provisions are applicable to the instant circumstances.

8. In order to protect the interests of Defendant, I am available for an in-camera conference with this Court regarding specific questions the Court may have.

9. For the foregoing reasons, the undersigned respectfully requests that the Court issue an order granting leave to withdraw as counsel of record for the defendant and for such other and further relief as this Court deems just and equitable

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

RUSSELL FRIEDMAN LAW GROUP, LLP

Date: August 6, 2020

/s/ Christopher M. Arzberger
By: Christopher M. Arzberger, Esq.