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September 10, 2020

**Via Electronic Mail-JEDS**

The Honorable Robert Lougy, J.S.C.  
Mercer County Civil Courthouse  
175 South Broad Street, 3rd Floor  
Trenton, N.J. 08650

RE: Judith M. Persichilli v. Atilis Gym Bellmawr  
Docket No.: MER-C-48-20

Dear Judge Lougy:

This office represents Atilis Gym Bellmawr. I am writing to supplement the record in response to Plaintiff's supplement dated September 10, 2020 filed earlier this evening. As the Court is aware, Defendant proffered an expert report dated September 3, 2020 after oral argument on Plaintiff's Motion to Amend. Plaintiff's supplement asserts that Frank Trumbetti's ("Trumbetti") certification is contradicted by our expert report. Defendant disputes such characterization.

Trumbetti certified that on August 21, 2020 Atilis Gym ("Atilis") ceased operating as a gym. This statement is a fact, as Atilis, a company organized under the laws of this State as a for-profit limited liability company, ceased to operate in such a manner. Atilis is now an extension of the Rik Mehta for Senate campaign. As trained attorneys we are all aware of the

heightened protections that come with political speech and our sacred right to peaceably assemble.

Former Atilis gym members are no longer being charged to utilize the facility. To gain entrance they must agree to volunteer for the associated political campaign of Rik Mehta. Thus, it is a location in which persons gather to offer their support to the campaign. Use of any Atilis gym amenities is secondary to the new purpose of the Atilis gym: to volunteer for Rik Mehta. This is no different than a police/fire department or prosecutor's office which also maintains a gym on their property. Such an agency's primary purpose is to protect and serve the public, while they may also have a gym on site which could be used to work out.

While Plaintiff beleaguered to the Court in this day's earlier oral argument that this matter has been ongoing since May, it is important to note that today was also the first time either party has proffered any scientific evidence as to the safety of Atilis's location. The health expert report doesn't offer any opinion as to how people gather on site; he only addresses the safety precautions taken while they are present at the location. Accordingly, Plaintiff's supplemental letter offering his interpretation of the report by- making a factual assertion-- doesn't settle the matter. It only illustrates a greater need for a hearing to determine whether or not the Defendant complies or can comply with the order. In short, we submit that Trumbetti was not contradicted by our expert report.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

/s/ Giancarlo Ghione

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Giancarlo Ghione, Esq.

