

Defendants Tahesha Way, in her official capacity as Secretary of State of New Jersey, and the Monmouth County Board of Elections, hereinafter referred to as “Defendants,” by way and through the undersigned counsel, Gurbir S. Grewal, Attorney General of New Jersey, Deputy Attorney General Dominic L. Giova, appearing, file this Notice of Removal pursuant to 28 U.S.C. § 1441, and in support thereof, state:

1. Defendants are named in a civil law suit pending in the New Jersey Superior Court, Law Division, Mercer County, bearing docket number MER-L-1713-20, captioned, Monmouth County Republican Committee v. Tahesha Way, in her official capacity as Secretary of State of New Jersey, and Monmouth County Board of Elections.

2. The above-entitled action was initiated upon the filing of an Order to Show Cause and Verified Complaint on September 24, 2020, and Defendants were served on September 25, 2020.

3. The Verified Complaint consisted of two counts. Count One sought declaratory and injunctive relief in the form of an order compelling the Secretary of State to issue guidance on regarding the procedures required under Governor Murphy's Executive Order 177 and P.L. 2020, c.72, and an injunction restraining the Monmouth County Board of Elections from collecting vote-by-mail ballots from ballot drop boxes until said guidance was issued. Count Two sought declaratory and injunctive relief in the form of a declaration that Executive Order 177 and P.L. 2020, c.72 were in violation of federal statutes, specifically 3 U.S.C. § 1, 2 U.S.C. §§ 1, 7. A true and correct copy of the Plaintiff's initial filing is attached here as Exhibit A.

4. On October 2, 2020, Plaintiff and Defendants entered into an agreement and stipulation of dismissal of Count One without prejudice. A true and correct copy of this signed agreement is attached here as Exhibit B.

5. There is a pending matter, Donald J. Trump for President, Inc. v. Murphy, Civil Action No. 20-cv-10753, before the Honorable Michael A. Shipp, U.S.D.J., which has been fully briefed on the identical issue raised in Count Two of this Complaint.

6. The United States District Court has original jurisdiction, pursuant to 28 U.S.C. § 1331, over the remaining claim, Count Two, in the pending matter.

7. This action is removable to the District Court pursuant to 28 U.S.C. §§ 1441(a).

8. On October 2, 2020 a Notice of Removal was filed within 30 days of the date the Defendants became parties to this action and became aware the matter was removable.

9. Plaintiff consent to this request for removal.

WHEREFORE, Defendants respectfully requests that the action now pending in the New Jersey Superior Court, Law Division, Mercer County, bearing docket number MER-L-1713-20, captioned, Monmouth County Republican Committee v. Tahesha Way, in her official capacity as Secretary of State of New Jersey, and Monmouth County Board of Elections, be removed to this Court, Trenton Vicinage.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: s/ Dominic L. Giova
Dominic L. Giova (Attorney ID 208122016)
Deputy Attorney General

DATED: October 2, 2020