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101 Crawfords Corner Road, Suite 1-126
Holmdel, NJ 07733
(732) 444-1300
Attorneys for Plaintiff

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CHRISTOPHER NEUWIRTH, : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: MERCER COUNTY
Plaintiff, : DOCKET NO.: MER-L-1083-20
:
: Civil Action
:
STATE OF NEW JERSEY, :
ABC COMPANIES (1-10) (fictitious names of : NOTICE OF MOTION FOR LEAVE TO FILE
unknown entities) and JOHN/JANE DOES : AND SERVE SECOND
(1-10)(fictitious names of unknown entities): AMENDED COMPLAINT
:
Defendants. :
:
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To: Ricardo Solano, Jr., Esq.
Friedman Kaplan Seiler & Adelman LLP
One Gateway Center
Newark, NJ 07102-5311

PLEASE TAKE NOTICE that on Friday, June 11, 2021 or as soon thereafter as counsel may be heard, Plaintiff Christopher Neuwirth, shall move before the Honorable Douglas H. Hurd, P. J. Clv, or such other judge assigned to this matter, at the Superior Court of New Jersey, Mercer County Courthouse, 175 South Broad Street, P.O. Box 8068, Trenton, New Jersey 08650 for an Order pursuant to R. 4:9-1 permitting Plaintiff to file and serve a Second Amended Complaint, substantially in the form annexed to Counsel Certification as Exhibit D.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Plaintiff shall rely upon the Letter Brief and Certification of Counsel submitted herewith.

PLEASE TAKE FURTHER NOTICE that, pursuant to R. 1:6-2, Plaintiff hereby reserves the right to request oral argument in his reply papers. A proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that the discovery end date in this matter is January 26, 2022.

SMITH EIBELER, LLC

Dated: May 26, 2021

By: /s/ Christopher J. Eibeler
CHRISTOPHER J. EIBELER
Attorney for Plaintiff



May 26, 2021

Via e-Courts Filing

Honorable Douglas H. Hurd, P. J. Civ.
Superior Court of New Jersey
Civil Courthouse
175 South Broad Street, 3rd Floor
Trenton, NJ 08650

Re: Christopher Neuwirth v. State of New Jersey
Docket No.: MER-L-1083-20

Dear Judge Hurd:

This letter brief is submitted on behalf of Plaintiff Christopher Neuwirth (“Plaintiff”) in support of Plaintiff’s motion for leave to file a Second Amended Complaint to add claims for defamation against the State of New Jersey (the “State”), Governor Phillip Murphy and Assemblyman Christopher DePhillips.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

This is an employment matter wherein, among other claims, Plaintiff alleges he was unlawfully terminated in violation of the Conscientious Employee Protection Act (“CEPA”). See First Amended Complaint. After his unlawful termination, Plaintiff alleges that “anonymous sources” from the Governor’s office made numerous false and defamatory accusations through news outlets about Plaintiff, his employment with the State and termination. *Id.* at ¶1155. The false and defamatory statements that were caused to be circulated through news outlets

included that Plaintiff was terminated “for cause”, became “overloaded” with work at his “other job” at Margolis Healy and Associates, LLC (“MHA”), faced criticism for poor attendance and that he did not obtain the proper approvals to work at MHA and/or Emergency Management Project, LLC (“EMP”). *Id.* at ¶156-159.

During his May 29, 2020 Coronavirus Press Briefing in Trenton, New Jersey, when asked by reporter Nikita Biryukov of the New Jersey Globe about Plaintiff’s termination, Governor Murphy perpetuated the falsehoods being disseminated by “anonymous” sources by stating, “folks are not – it’s par for the course that you’re not supposed to have another source of income...” *Id.* at ¶164.

Thereafter, Assemblyman DePhillips published and/or caused to be published all the following false statements concerning Plaintiff:

- “A troubling pattern of ethics breaches has been emerging from the Department of Health, and it calls for a thorough and swift investigation. The people of our state deserve to know if their State Health Department has been abusing ethical and transparency protocols, especially during the ongoing pandemic”;
- “As this pandemic pushed New Jersey’s healthcare infrastructure past the brink of capacity, the person we had in charge was pre-occupied with two other private business interests”;
- “However, as New Jersey endures a COVID-19 death count that has now surpassed 10,000 people, it is horrifying to think that this (Department of Health) Assistant Commissioner was engaged in private business dealings while New Jerseyans suffered”; and
- “I think everyone agrees that it’s not appropriate for a fulltime assistant commissioner to have two side jobs. And it’s apparent that his side jobs implicated his own management of his own responsibilities and certainly calls into question whether those side jobs, in and of themselves, were ethical violations.”

Id. at ¶¶243-46.

The original Complaint was filed on June 16, 2020. Certification of Christopher J. Eibeler, Esq. dated May 26, 2021 (“Counsel Cert.”) at ¶3. The First Amended Complaint was filed on July 30, 2020. *Id.* at ¶4. The State filed an Answer on November 2, 2020. *Id.* at ¶5. The Tort Claims Notice was served on the State on August 18, 2020, providing it notice that Plaintiff intended to bring claims of defamation against the State as a result of the harm caused to Plaintiff from the false and defamatory statements made to the public by anonymous sources, Governor Murphy and Assemblyman Christopher DePhillips. *Id.* at ¶6; Exh. A.

On or about August 17, 2020, Plaintiff sent a letter to the State’s Counsel providing irrefutable proof that certain public statements made by “anonymous sources”, Governor Murphy, and Assemblyman DePhillips were false and defamatory. *Id.* at ¶7. In the letter, Plaintiff demanded that the State and Governor Murphy issue a retraction and apology to Plaintiff for their actions. *Id.* On or about May 19, 2021, Plaintiff sent a letter to Assemblyman DePhillips that also provided him irrefutable proof that certain public statements he made were false and defamatory. *Id.* at ¶8. In the letter, Plaintiff demanded that Assemblyman DePhillips issue a retraction and apology to Plaintiff for his actions. *Id.*

To date, the State, Governor Murphy and Assemblyman DePhillips have all refused to provide any retraction to any of their defamatory comments. *Id.* at ¶9.

On or about May 19, 2021, Plaintiff’s Counsel sent the draft of the Second Amended Complaint and a Consent Order to the State’s Counsel for their client’s consideration in an effort

to avoid the filing of this motion. A copy of the letter and consent order is attached hereto as Exhibit D. *Id.* at ¶10. The State has not provided their consent, warranting the filing of this motion. *Id.* at ¶11.

Plaintiff now seeks leave to file the Second Amended Complaint to add claims of defamation against the State, Governor Murphy and Assemblyman DePhillips.

LEGAL ARGUMENT

The requested amendment should be granted consistent with and pursuant to R. 4:9-1. Court Rule 4:9-1 provides that leave to amend “shall be freely given in the interest of justice.” As our courts have consistently held, leave to amend should be liberally granted. Kernan v. One Washington Park, 154 N.J. 437, 456-57 (1998); Hansen v. Hansen, 339 N.J. Super. 128, 140 (App. Div. 2001); Marinelli v. Mitts & Merrill, 303 N.J. Super. 61, 77 (App. Div. 1997). While the grant of a motion to amend is directed to the court’s sound discretion, the “broad power of amendment should be liberally exercised at any stage of the proceedings, including on remand after appeal, unless undue prejudice would result or unless the amendment would be futile . . .” Pressler & Verniero, Rules Governing the Courts of the State of New Jersey, Comment 2.1 to R. 4:9-1 (2021). The liberality of R. 4:9-1 is required irrespective of the stage of the proceedings at which the amendment is sought provided no adverse party is prejudiced thereby. see Adron, Inc. v. Home Ins. Co., 292 N.J. Super. 463, 475–76 (App. Div. 1996); Jersey City v. Hague, 18 N.J. 584, 602 (1955) (“Broad power of amendment is contemplated by the rules...at any stage of proceedings and is permitted except when justice to a party prejudiced thereby requires that it be forbidden.”)

The amendment Plaintiff seeks would not be prejudicial to the State or individual Defendants. The defamation claims against the State are subject to the Torts Claim Notice Act, which requires the expiration of six months from the date notice of claim is received before the claimant may file suit in an appropriate court of law. As a result, Plaintiff was unable to file the defamation claims within his original Complaint or First Amended Complaint. The facts, however, giving rise to the defamation claims were substantially set forth in the original pleadings as well. As such, there is no prejudice to Defendants to allow the amended pleading.

The defamation claims are also not futile. The Second Amended Complaint sets forth, in detail, the specific statements published giving rise to the defamation claims against the State, Governor Murphy and Assemblyman DePhillips. If proven true, the statements made by each of the proposed Defendants, along with their refusal to retract and/or apologize to Plaintiff, would clearly give rise to claims of defamation. As such, the amendment will not be futile.

For all of the foregoing reasons and those set forth in the supporting certification, it is respectfully submitted that in the interest of justice Plaintiff's Motion for Leave to File the Second Amended Complaint should be granted.

Respectfully Submitted,

SMITH EIBELER, LLC

/s/ Christopher J. Eibeler

CHRISTOPHER J. EIBELER

CJE/nk

cc: Ricardo Solano, Esq. (via E-Courts and Email)

SMITH EIBELER, LLC
 Christopher J. Eibeler, Esq. ID# 031772004
 Robert W. Smith, Esq. ID# 044341987
 Lisa Ackerly Hernandez, Esq. ID# 018402005
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 Attorneys for Plaintiff

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CHRISTOPHER NEUWIRTH,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: MERCER COUNTY
Plaintiff,	:	DOCKET NO.: MER-L-1083-20
	:	
	:	Civil Action
	:	
STATE OF NEW JERSEY,	:	
ABC COMPANIES (1-10) (fictitious names of	:	CERTIFICATION OF COUNSEL
unknown entities) and JOHN/JANE DOES	:	
(1-10)(fictitious names of unknown entities):	:	
	:	
Defendants.	:	
	:	
-----X	:	

I, CHRISTOPHER J. EIBELER, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and a member of the firm of Smith Eibeler, LLC, attorneys for Plaintiff, Christopher Neuwirth.
2. I make this Certification in support of Plaintiff's Motion for Leave to File and serve a Second Amended Complaint.
3. The original Complaint was filed on June 16, 2020.
4. The First Amended Complaint was filed on July 30, 2020.
5. The State filed an Answer on November 2, 2020.
6. The Tort Claims Notice was served on the State on August 18, 2020, providing it

notice that Plaintiff intended to bring claims of defamation against the State as a result of the harm caused to Plaintiff from the false and defamatory statements made to the public by anonymous sources, Governor Murphy and Assemblyman Christopher DePhillips. A copy of the Tort Claims Notice is attached hereto as Exhibit A.

7. On or about August 17, 2020, my office sent a letter to the State's Counsel providing irrefutable proof that certain public statements made by "anonymous sources", Governor Murphy, and Assemblyman DePhillips were false and defamatory. In the letter, Plaintiff demanded that the State and Governor Murphy issue a retraction and apology to Plaintiff for their actions. A copy of the letter (without enclosures) is attached hereto as Exhibit B.

8. On or about May 19, 2021, my office sent a letter to Assemblyman DePhillips that also provided him irrefutable proof that certain public statements he made were false and defamatory. In the letter, Plaintiff demanded that Assemblyman DePhillips issue a retraction and apology to Plaintiff for his actions. A copy of the letter (without enclosures) is attached hereto as Exhibit C.

9. To date, the State, Governor Murphy and Assemblyman DePhillips have all refused to provide any retraction to any of their defamatory comments.

10. On or about May 19, 2021, my office sent the draft of Second Amended Complaint and a Consent Order was sent to the State's Counsel for their client's consideration in an effort to avoid the filing of this motion.

11. The State has not provided their consent, warranting the filing of this motion.

12. Plaintiff now seeks to leave to file the Second Amended Complaint to add claims of defamation against the State, Governor Murphy and Assemblyman DePhillips.

13. A copy of the proposed Second Amended Complaint is appended hereto as Exhibit

D.

14. I hereby 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.

SMITH EIBELER, LLC

By: /s/ Christopher J. Eibeler

CHRISTOPHER J. EIBELER

Dated: May 26, 2021

Attorneys for Plaintiff

EXHIBIT A

Notice of Claim Instructions-Long Form (Property Damage and Personal Injury)

If you wish to make a claim against the State of New Jersey, please read the following information.

The State of New Jersey is protected from Tort actions by State Statute, N.J.S.A. 59:1-1, et Seq., and more specifically, Chapter 9, Paragraph 2e. Simply stated, Title 59: 9-2e means that, if you have insurance to cover "physical damage" to your property, the money you are entitled to receive under such policy of insurance shall be deducted from your claim against the State.

To expedite the handling of your claim, we ask that you settle your physical damage with your physical damage insurance carrier. You may submit a claim for your deductible by forwarding a copy of your estimate of repair and a copy of your declaration sheet showing the amount of your physical damage deductible to the address listed below.

If you do not have "physical damage" coverage and wish to submit a claim, please forward two estimates and a copy of the declaration sheet on your insurance policy, and complete the enclosed Tort claim form. Moreover, if the damage has been repaired, you may submit a copy of the receipt of repair.

Please indicate if you have one or both of the following supplemental plans:

Auto Club: Submit information regarding motor or auto club insurance for towing and labor benefits, if available.

Tire Warranty: Advise if there was a tire warranty reimbursement for road defects available.

Since all claims which are filed against the State of New Jersey must be filed within 90 days of their occurrence, we suggest that your documentation be sent via certified mail. Although this is not required, it will insure that you have proof of receipt by this office.

Please allow a minimum of 90 days for a reply to your claim submittals.

Please mail your submittals to:

**Department of the Treasury
Division of Risk Management
P.O. Box 620
Trenton, NJ 08625-0620
Attn: Tort Claims Unit**

INITIAL NOTICE OF CLAIM FOR DAMAGES AGAINST THE STATE OF NEW JERSEY

FORWARD TO: DEPARTMENT OF THE TREASURY
DIVISION OF RISK MANAGEMENT
20 WEST STATE STREET, PO BOX 620
TRENTON, NEW JERSEY 08625-0620
PHONE: (609) 292-4347

FORM MUST BE FILED WITHIN 90 DAYS OF THE ACCIDENT OR YOU MAY FORFEIT YOUR RIGHT

1. Christopher Neuwirth 152 Old Clinton Road
NAME OF CLAIMANT (MR. OR MRS.) CIRCLE ONE STREET ADDRESS
9/19/1983 Flemington, NJ 08822
DATE OF BIRTH CITY STATE ZIP CODE
DAYTIME PHONE NUMBER SOCIAL SECURITY NUMBER
xxx-xx-6153

2. IF NOTICES AND CORRESPONDENCE IN CONNECTION WITH THIS CLAIM ARE TO BE SENT TO A PERSON OTHER THAN CLAIMANT, COMPLETE ITEM #2.
Christopher J. Eibeler, Esq. Smith Eibeler, LLC, Suite 1-105R
NAME OF PERSON STREET ADDRESS
(732) 444-1300 At Bell Works, 101 Crawfords Corner Road
TELEPHONE NUMBER CITY STATE ZIP CODE
Holmdel NJ 07733
RELATIONSHIP TO CLAIMANT: ATTORNEY OTHER _____
(SPECIFY)

3A. CIRCUMSTANCES REGARDING THE OCCURRENCE OR ACCIDENT:
On or about May 29, 2020 through present Office of the Governor of the State of New Jersey
DATE AND TIME 225 W. State St., Trenton, NJ 08625
N/A LOCATION (MILEPOST, NEAREST EXIT, CROSS STREET)
STATE VEHICLE DRIVER'S NAME CITY STATE
STATE PLATE# AND VEHICLE DESCRIPTION

3B. DESCRIBE THE ACCIDENT OR OCCURRENCE: IF A DIAGRAM WILL ASSIST YOUR EXPLANATION, USE A SEPARATE SHEET AND ATTACH IT TO THIS FORM.
See attached statement.

3C. STATE THE NAME AND ADDRESS OF THE STATE AGENCY OR AGENCIES THAT YOU CLAIM CAUSED YOUR DAMAGE.

See attached statement.

STATE THE NAMES OF STATE EMPLOYEES WHOM YOU CLAIM WERE AT FAULT, INCLUDING ANY INFORMATION THAT WILL ASSIST IN IDENTIFYING AND LOCATING THEM.

See attached statement.

3D. STATE THE NEGLIGENCE OR WRONGFUL ACTS OF THE STATE AGENCY AND STATE EMPLOYEES WHICH CAUSED YOUR DAMAGES.

See attached statement.

3E. STATE THE NAME AND ADDRESS OF ALL WITNESSES TO THE ACCIDENT OR OCCURRENCE

See attached statement.

3F. STATE THE NAMES OF ALL POLICE OFFICERS AND POLICE DEPARTMENTS WHO INVESTIGATED THIS ACCIDENT. PROVIDE POLICE REPORT CASE NUMBER, IF AVAILABLE.

See attached statement.

4A. CLAIM FOR DAMAGES (CHECK APPROPRIATE BLOCK):

PERSONAL INJURY

PROPERTY DAMAGE

OTHER-EXPLAIN. See attached statement _____



4B. IF YOU CLAIM PERSONAL INJURY:

(1) DESCRIBE YOUR INJURIES RESULTING FROM THIS ACCIDENT OR OCCURRENCE.

See attached statement.

(2) DO YOU CLAIM PERMANENT DISABILITY RESULTING FROM THIS INJURY:

[] YES [X] NO

IF YES, DESCRIBE THE INJURIES BELIEVED TO BE PERMANENT.

(3) FOR EACH HOSPITAL, DOCTOR OR OTHER PRACTITIONER RENDERING TREATMENT, EXAMINATION OR DIAGNOSTIC SERVICES, STATE:

NAME OF HOSPITAL, DOCTOR OR OTHER FACILITY	ADDRESS	DATES OF TREATMENT OR SERVICE	AMOUNT OF CHARGE TO DATE	AMT. PAID OR PAYABLE BY OTHER SOURCE, I.E. INSURANCE

(4) IF YOU CLAIM LOSS OF WAGE OR INCOME AS A RESULT OF THE INJURY STATE:

See attached statement.

NAME OF EMPLOYER

ADDRESS OF EMPLOYER

YOUR OCCUPATION

DATE YOU BECAME EMPLOYED

RATE OF PAY

DATE OF ABSENCE FROM WORK

TOTAL LOSS WAGES TO DATE

IF STILL OUT, EXPECTED DATE OF RETURN

NOTE: IF YOUR CLAIMED LOSS OF INCOME ARISES FROM SELF-EMPLOYMENT OR OTHER THAN WAGE, ATTACH A CALCULATION SHOWING THE BASIS OF YOUR CALCULATION OF LOST INCOME.

(5) SET FORTH ANY AND ALL OTHER LOSSES OR DAMAGE CLAIMED BY YOU.

See attached statement.

4C. IF YOU CLAIM PROPERTY DAMAGE:

(1) DESCRIBE THE PROPERTY DAMAGED.

N/A

{2} THE PRESENT LOCATION AND TIME WHEN THE PROPERTY MAY BE INSPECTED.

(3) DATE PROPERTY ACQUIRED _____

(4) COST OF PROPERTY \$

(5) VALUE OF PROPERTY AT TIME OF ACCIDENT \$ _____

(6) DESCRIPTION OF DAMAGE.

(7) HAS THE DAMAGE BEEN REPAIRED? YES NO IF SO, BY WHOM, WHEN AND COST OF REPAIRS.

(8) ATTACH EACH ESTIMATE OF REPAIR COSTS TO THIS FORM.

(9) SET FORTH IN DETAIL THE LOSS CLAIMED BY YOU FOR PROPERTY DAMAGE.

4D. SET FORTH IN DETAIL ALL OTHER ITEMS OF LOSS OR DAMAGES CLAIMED BY YOU AND THE METHOD BY WHICH YOU MADE THE CALCULATION.

See attached statement.

5. THE AMOUNT OF THE CLAIM \$ UNKNOWN AT THIS TIME See attached statement

6. HAVE YOU MADE A CLAIM AGAINST ANYONE ELSE FOR ANY OF THE LOSSES OR EXPENSES CLAIMED IN THIS NOTICE? YES NO

IF YES, SET FORTH THE NAME AND ADDRESS OF ALL PERSONS AND INSURANCE COMPANIES AGAINST WHOM YOU HAVE MADE SUCH CLAIMS:

7. ARE ANY OF THE LOSSES OR EXPENSES CLAIMED HEREIN COVERED BY ANY POLICY OF INSURANCE? YES NO Unknown at this time

FOR EACH SUCH POLICY, STATE THE NAME AND ADDRESS OF THE INSURANCE COMPANY, POLICY NUMBER AND BENEFITS PAID OR PAYABLE.

8. HAVE YOU RECEIVED OR AGREED TO RECEIVE ANY MONEY FROM ANYONE FOR THE DAMAGES CLAIMED HEREIN? YES NO

IF YES, SET FORTH THE DETAIL OF SUCH AGREEMENT.

9. THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS NOTICE:

- (1) COPIES OF ITEMIZED BILLS FOR EACH MEDICAL EXPENSE AND OTHER LOSSES AND EXPENSES CLAIMED.
- (2) FULL COPIES OF ALL APPRAISALS AND ESTIMATES OF PROPERTY DAMAGE CLAIMED BY YOU.
- (3) COPIES OF ALL WRITTEN REPORTS OF ALL EXPERT WITNESSES AND TREATING PHYSICIANS.
- (4) A LETTER FROM YOUR EMPLOYER VERIFYING YOUR LOST WAGES. IF SELF-EMPLOYED, A STATEMENT SHOWING THE CALCULATION OF YOUR CLAIMED LOST INCOME.

I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. THAT THE ATTACHED STATEMENTS, BILLS, REPORTS AND DOCUMENTS ARE THE ONLY ONES KNOWN TO ME TO BE IN EXISTENCE AT THIS TIME. I AM AWARE THAT IF ANY STATEMENT MADE HEREIN IS WILLFULLY FALSE OR FRAUDULENT, THAT I AM SUBJECT TO PUNISHMENT PROVIDED BY LAW.

August 17, 2020

DATE


CLAIMANT OR PERSON FILING ON BEHALF OF CLAIMANT

EXHIBIT A

CHRISTOPHER NEUWIRTH

INITIAL NOTICE OF CLAIM FOR DAMAGES AGAINST THE STATE OF NEW JERSEY, GOVERNOR PHILIP D. MURPHY, MATTHEW PLATKIN, AND ANONYMOUS SOURCES AS REPORTED BY THE NEWS MEDIA

3B. DESCRIBE THE ACCIDENT OR OCCURRENCE: IF A DIAGRAM WILL ASSIST YOUR EXPLANATION, USE A SEPARATE SHEET OF PAPER AND ATTACH IT TO THIS FORM.

In or about October 29, 2018, Christopher Neuwirth commenced employment with the Department of Health (DOH) as Assistant Commissioner. In or about August 2019, Mr. Neuwirth was contacted by Margolis Healy and Associates, LLC (who is now owned by Cozen O'Connor, P.C.) (collectively herein referred to as "MHA") regarding a Request for Proposal ("RFP") they were responding to on behalf of an out-of-state university client of the firm. At the time of Mr. Neuwirth's hiring in October 2018, he did not identify MHA on his Financial Disclosure Form because he did not currently work for MHA, and had not received any income from MHA in the calendar year preceding the commencement of his employment. Contrary to recent media reports caused by the false dissemination of information by the State, Mr. Neuwirth had not worked for, or provided any consulting services to, MHA since 2016.

The RFP for the out-of-state university was in response to a highly complex, large-scale cybersecurity exercise it was interested in conducting in early 2020. Based upon Mr. Neuwirth's education, training and experience, MHA expressed an interest in including him as the lead exercise designer/facilitator for this particular RFP. Mr. Neuwirth was not to receive any compensation for being included in the RFP or by providing his input to MHA on their draft proposal prior to submission. Because the opportunity with MHA would constitute an outside activity and could result in future engagements, Mr. Neuwirth believed he should disclose the opportunity to the State pursuant to N.J.A.C. 19:61-5.9(c).

In connection therewith, prior to working on any project with MHA in 2019, Mr. Neuwirth disclosed the specific opportunity with MHA to Ethics Liaison Officer of the DOH, Nancy Kelly-Goodstein. Mr. Neuwirth further submitted an updated Outside Activity Questionnaire (OAQ) in or about October 2019 to further disclose the opportunity. After initially disclosing the opportunity, Mr. Neuwirth and Ms. Kelly-Goodstein had additional conversations concerning the opportunity during which Mr. Neuwirth provided additional clarifications on his relationship with both his own company, Emergency Manager Project, LLC (EMP), and MHA.

After discussing the opportunity with Mr. Neuwirth and reviewing the OAQ, Ms. Kelly- Goodstein informed Mr. Neuwirth that there was no conflict of interest. Specifically, the State determined that because neither the DOH nor Mr. Neuwirth had any regulatory oversight of institutions of higher education (i.e. colleges and universities), there was no conflict of interest. The State and Mr. Neuwirth's immediate supervisor, Andrea Martinez-Mejia, approved the OAQ on or about December 5, 2019. (Exhibit 1).

Thereafter, it was widely known among state employees, including DOH leadership and Mr. Neuwirth's staff, that he provided outside consulting services to MHA. In fact, Mr. Neuwirth listed his work with MHA on his resume, LinkedIn page and openly discussed his work with MHA to DOH leadership. At no time did anyone from the DOH question Mr. Neuwirth's outside consulting services with MHA during his employment with the State.

After providing consulting services to MHA for the university's RFP submission, MHA provided Mr. Neuwirth other projects for higher education clients in which he was paid for his services. The work Mr. Neuwirth performed for MHA after the initial RFP submission included projects that only involved institutions of higher education and therefore, consistent with his disclosures and the approved OAQ, no conflict of interest ever arose. In or about December 2019, Mr. Neuwirth requested permission to use accrued and available vacation days during which time off he planned to perform some projects for MHA.

Ms. Woolford, Mr. Neuwirth's supervisor at the time, approved his request. At the time, Ms. Woolford was employed in the position of Executive Assistant to the Deputy Commissioner of the Public Health Services Branch. Ms. Woolford was considered DOH leadership and currently serves as the Commissioner-appointed New Jersey "COVID-19 Testing Czar" responsible for coordinating all aspects of COVID-19 testing across New Jersey.

Mr. Neuwirth was compensated less than \$2,000 during calendar year 2019 from MHA. Mr. Neuwirth would have disclosed all outside income he earned from consulting with MHA on his 2020 Financial Disclosure Form, which would have been due by July 31, 2020. Mr. Neuwirth did not perform any work for any MHA clients once the State's COVID-19 pandemic response began on January 24, 2020, other than some remote spreadsheet work and attending an in-person table top exercise at a higher education MHA client on February 28.

On May 28, 2020, Mr. Neuwirth was terminated from his employment with the DOH. Mr. Neuwirth was surprised and asked whether he was being terminated for cause. At the time of his termination, Mr. Neuwirth had been working 18 hour days in response to the COVID-19 pandemic, heading the DOH Crisis Management Team, serving as the initial Incident Commander for the State's COVID-19 pandemic response, and coordinating all DOH activities related to COVID-19. As of the date of this notice, the State

of New Jersey remains in the midst of a health crisis due to the COVID-19 pandemic. In response to his question, Mr. Neuwirth was told that it was a no-cause termination and his services were simply not needed.

On May 28, 2020, the same day Mr. Neuwirth was fired, two sources who spoke on the condition of anonymity told the New Jersey Globe that Mr. Neuwirth was terminated for cause, including poor attendance and neglect of his duties at the DOH due to his outside work with MHA. (Exhibit 2).

On May 29, 2020, the day following Mr. Neuwirth's termination, Governor Murphy held his daily Coronavirus Briefing in Trenton. During the course of the briefing, Governor Murphy was asked by Nikita Biryukov, a reporter from the New Jersey Globe, to comment on Mr. Neuwirth's firing. Governor Murphy stated "I've got no comment on Chris's situation. But I will say this, that folks are not – it's par for the course that you're not supposed to have another source of income, that's just as a general matter. We'll leave it there." (Transcript, Exhibit 3).

Following this briefing, the New Jersey Globe reported that MHA "became overloaded with work and drew Mr. Neuwirth's attention away from his public sector duties. [Governor] Murphy indicated that [Mr. Neuwirth]'s moonlighting may have been a factor in his separation, albeit cagily." (Exhibit 4). Another story published in New Jersey Spotlight on May 29, 2020 reported, "While state officials declined to explain the reason for his departure, Murphy appeared to confirm reports that it was related to a second job Neuwirth held in the private sector — something that was not included on his disclosure form for the state, as required by law." (Exhibit 5).

As the media continued to report on Mr. Neuwirth's termination, fueled by Governor Murphy and other anonymous source's untrue and defamatory comments, Mr. Neuwirth's reputation was being further destroyed in public letters written by Assemblyman Christopher DePhillips (R-Bergen), which called for investigations into Mr. Neuwirth and his relationship with MHA. Assemblyman DePhillips wrote to Commissioner of Health Judith Persichilli, "as this pandemic pushed New Jersey's healthcare infrastructure past the brink of capacity, the person we had in charge was pre-occupied with two other private business interests." Assemblyman DePhillips also wrote to Mark T. Holmes, Esq., Executive Director of the State Ethics Commission, stating about Mr. Neuwirth's termination as it had been portrayed by Governor Murphy and anonymous sources within the State, "Under 'normal' circumstances, this is concerning information from both an ethical and operational standpoint. However, as New Jersey endures a COVID-19 death count that has now surpassed 10,000 people, it is horrifying to think that this DOH Assistant Commissioner was engaged in private business dealings while New Jerseyans suffered." (Exhibit 6).

On June 1, 2020, during Governor Murphy's daily Coronavirus Briefing in Trenton, he was asked by Dustin Racioppi, a reporter at the Bergen Record, to once again comment

on Mr. Neuwirth's firing. Governor Murphy stated, "I don't have a good answer about anyone else who may have a second job. But there is a process, and I don't think I addressed it quite as crisply as I could have when you all asked me about at the end of the week. And Matt [Platkin], you may want to go through that, or I'm happy to go through it. But you basically, someone has to declare themselves and seek basically a waiver or an exemption for it, I think is the right way to put it." Chief Counsel Matt Platkin then added, "Yeah, that's correct. There are certain classes of employees that can't have any outside income. And then for others, they have to get Ethics approval as well as through the State Ethics Commission. And for employees who have to fill out financial disclosures, they would have to disclose that outside income, if approved, on their annual financial disclosure forms." (Transcript, Exhibit 7).

The damage to Mr. Neuwirth's reputation and professional prospects intensified, as news media continued to report and public officials continued their outcry about Mr. Neuwirth based on the defamatory statements made by Governor Murphy and Matt Platkin, as well as other anonymous sources within the Governor's office.

On June 1, 2020, Insider NJ reported, "It surfaced last week that Chris Neuwirth, an assistant commissioner in the state Health Department, was fired primarily because he had a second job as a consultant. But further reports say he and perhaps other officials in the department are being investigated for leaking information. The governor declined to specifically discuss this last week, noting that people are always coming and going and that the state has 64,000 employees. O.K., but how many of them have key jobs in the health department in the middle of a pandemic?" (Exhibit 8).

On June 2, 2020, NJ.com, NorthJersey.com and the New Jersey Globe all ran stories highlighting Mr. Neuwirth's termination and reinforcing the narrative perpetrated by the Governor's office that Mr. Neuwirth had acted unlawfully, putting the health and safety of the people of New Jersey behind his personal financial interests in maintaining a second job. (Exhibits 9-11).

Specifically, the New Jersey Globe reported, "There is speculation – backed up by several sources – that Neuwirth's firing was related to a part-time job he held with Margolis Healy & Associates, a national emergency management consulting firm that is affiliated with the Cozen O'Connor law firm and was not noted on Neuwirth's financial disclosure." The Globe also quoted Assemblyman DePhillips: "I think everyone agrees that it's not appropriate for a fulltime assistant commissioner to have two side jobs," DePhillips said. "And it's apparent that his side jobs implicated his own management of his own responsibilities and certainly calls into question whether those side jobs, in and of themselves, were ethical violations."

In a separate article published by the Globe the same day, it was reported, "His portfolio in handling critical components to Murphy's bid to slow the spread of the coronavirus could allow some residents to wonder if Neuwirth's firing was related to the

bungling of life and death issues. Murphy refused to say. Neuwirth was senior enough to be seated with Murphy at early press briefings on the pandemic.”

In the same article, it was reported that: “Two sources who spoke on the condition of anonymity told the New Jersey Globe that Neuwirth was terminated for cause. While Neuwirth faced some criticism for poor attendance at the Department of Health post, it’s not clear that’s why he was fired. Neuwirth says he was scapegoated. The former assistant commissioner was among the officials Murphy’s administration suspected of leaking embarrassing information about the inner workings of the administration during the pandemic, two sources confirmed to the New Jersey Globe.” (Exhibit 12).

On June 4, 2020, also appearing in the New Jersey Globe, was a report that highlighted the mistrust of Mr. Neuwirth among politicians and other public figures in New Jersey as a direct result of the statements surrounding his termination. The Globe reported, “Assembly Minority Leader Jon Bramnick said Gov. Phil Murphy should disclose the reasons for the firing of a senior Department of Health official unless specifically barred by law from doing so.... Murphy has, so far, repeatedly declined to say why Neuwirth was fired, citing a policy that bars comment on personnel issues.” Also, “The governor on Tuesday even declined to say whether Neuwirth put New Jerseyans in harms [sic] way before he was terminated.” (Exhibit 13).

The State of New Jersey, Governor Murphy, Matt Platkin, and anonymous sources within the State as reported by news media unlawfully, intentionally, negligently and/or with reckless indifference made defamatory statements about Mr. Neuwirth and the circumstances of his termination from the DOH. Upon information and belief, the State, Governor Murphy, Matt Platkin, and anonymous sources within the State as reported by news media acted unlawfully, intentionally, negligently and/or with reckless indifference when none of them attempted to correct their defamatory statements and halt or repair the damage they had inflicted on Mr. Neuwirth’s reputation and career prospects.

The aforesaid conduct gives rise to numerous claims, including but not limited to, defamation, intentional infliction of emotional distress, tortious interference and negligence.

3C. STATE THE NAME AND ADDRESS OF THE STATE AGENCY OR AGENCIES THAT YOU CLAIM CAUSED YOUR DAMAGE.

Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

STATE THE NAMES OF STATE EMPLOYEES WHOM YOU CLAIM WERE AT FAULT, INCLUDING ANY INFORMATION THAT WILL ASSIST IN IDENTIFYING AND LOCATING THEM.

Governor Philip D. Murphy
Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

Chief Counsel Matthew Platkin
Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

Other Anonymous Sources
Office of the Governor of the State of New Jersey
225 West State Street
Trenton, New Jersey 08625

3D. STATE THE NEGLIGENCE OR WRONGFUL ACTS OF THE STATE AGENCY AND STATE EMPLOYEES WHICH CAUSED YOUR DAMAGES.

The State of New Jersey, Governor Murphy, Matt Platkin and other anonymous sources unlawfully, intentionally, negligently and/or with reckless indifference defamed Christopher Neuwirth.

3E. STATE THE NAME AND ADDRESS OF ALL WITNESSES TO THE ACCIDENT OR OCCURRENCE.






To the best of Mr. Neuwirth's knowledge at this time, the witnesses are those individuals identified in Paragraphs 3B and 3C above as well as additional witnesses who may be revealed in discovery.

3F. STATE THE NAMES OF ALL POLICE OFFICERS AND POLICE DEPARTMENTS WHO INVESTIGATED THIS ACCIDENT. PROVIDE POLICE REPORT CASE NUMBER, IF AVAILABLE.

N/A

EXHIBIT 1

Item 5601, Outside Activity Questionnaire (PER-18) | Stage: Completed | Outside Activity Questionnaire Workflow

  History  Approval(s)  Duplicate  

Form

Documents

Notes

General Information


Division

Public Health Infrastructure, Laboratories and Emergency Response

Employee Name:

Neuwirth, Christopher

Primary Work Address:

369 South Warren Street (H&A) 

Office Email Address:


Christopher.Neuwirth@doh.nj.gov

Other Work Address:

Office Telephone:

908-605-0321

Employee Title:

ASSISTANT COMMISSIONER 

Functional Title: (If different)

Employee Supervisor:

Martinez-Mejia, Andrea


Department:

Health 

Program Other:

Specify Days Worked Per Week (i.e. Mon., Tues., Wed., etc.)

Start:

AM 

End:

PM 

Monday Start:

08:00 

Monday End:

05:00 

Tuesday Start:

08:00 

Tuesday End:

05:00 

Wednesday Start:

08:00 

Wednesday End:

05:00 

Thursday Start:

08:00 

Thursday End:

05:00 

Friday Start:

08:00 

Friday End:

05:00 

Saturday Start:

OFF 

Saturday End:

OFF 

Sunday Start:

OFF 

Sunday End:

OFF 

Job duties:

Provide leadership and guidance to the Division of Public Health Infrastructure, Laboratories, and Emergency Preparedness.

Questionnaire

The Automated Default For Responses Is “No”. Please Change to “Yes” As Appropriate.

1) Are you currently engaged in, or planning to engage in, any business, trade, profession and/or part-time or full-time employment, paid or unpaid, outside of or in addition to your State employment?

Yes No

If you choose no, skip to question #6.

2) Name of Outside Employer(s) or Business(es). Please indicate if you are an owner, partner, or corporate officer.

Margolis Healy and Associates, LLC (Senior Associate); Emergency Manager Project, LLC (Owner)

Owner Partner Corporate Officer

Address:

Margolis Healy and Associates, LLC
Maple Tree Place
Suite #255
121 Connor Way
Williston, VT 05495

Emergency Manager Project, LLC
152 Old Clinton Road
Flemington, NJ 08822

Type of Business:

Margolis Healy and Associates, LLC: A professional services firm specializing in campus safety, security, and regulatory compliance for higher education and K-12.

Emergency Manager Project, LLC: a professional services firm specializing in emergency management training, education, and planning.

Description of responsibilities:

Development and conduct of exercises for cybersecurity and emergency management; review of related plans; emergency management education; assessment of physical security infrastructure; consultation of emergency preparedness activities.

All activities are on a per diem basis; dates and times of work are variable but generally occur during evening and weekends. Below are the usual days and times for recurring emergency management training conducted throughout the year.

Specify Days Worked Per Week (i.e. Mon., Tues., Wed., etc.):

PM 

PM 

Monday Start:

Please Select 

Monday End:

Please Select 


Tuesday Start:

Please Select 

Tuesday End:

Please Select 

Wednesday Start:

06:00 

Wednesday End:

10:00 

Thursday Start:

06:00 

Thursday End:

10:00 

Friday Start:

Please Select 


Friday End:

Please Select 

Saturday Start:

Please Select 


Saturday End:

Please Select 

Sunday Start:

Please Select 

Sunday End:

Please Select 

3) Is your current or proposed outside employment or business being performed for or with any other employee(s) or official(s) of your State agency?

Yes No

If yes, name and title of employee(s) or official(s).

Do you have a supervisor-subordinate relationship with this person(s)?

Yes No

If yes, explain.

4) Does or will your outside employment or business require/cause you to have contacts with any NJ State agencies, vendors, consultants or casino license holders?

Yes No

If yes, explain, providing name of the agency, vendor, consultant or casino license holder you will have contacts with, and the nature of those contacts.

5) In your current or proposed outside employment or business do you or will you contract with or receive compensation from any New Jersey State agency?

Yes No

If yes, indicate name of State agency and attach a copy of the contract. If no contract exists, provide a description of your business arrangement with the State agency.

If you have a contract with the State, did you receive the approval of the State Ethics Commission prior to entering into the contract?

Yes No

6) Do you hold a license, permit, registration, certification, certificate or commission issued by a New Jersey State agency that entitles you to engage in a particular business, profession, trade or occupation (e.g. Real Estate, Teaching, Notary, Nursing, Medicine)?

Yes No

If yes, type of license, permit, registration, certification, certificate or commission.

Emergency Medical Technician

When was the license, permit, registration, certification, certificate or commission issued?

August 2018

Is the license, permit, registration, certification, certificate or commission active?

Yes

7) Do you currently hold, or plan to hold, any outside voluntary position(s)?

Yes No

If yes, explain.

Does this position require you to have contacts with any New Jersey State agency?

Yes No

If yes, explain.

8) Are you an officer in any professional, trade, business or other organization?

Yes No

If yes, explain.

Owner of Emergency Manager Project, LLC

9) Are you serving in any public office, or considering appointment or election to any public office?

Yes No

If yes, what is the position and where is it located?

What are the duties of the position?

Hours engaged in the elective/appointive office?

10) Do you have an ownership interest in any partnership, corporation, professional service corporation, or any other firm or entity that is (a) performing any service for a New Jersey State agency, (b) directly or indirectly receiving funding from a New Jersey State agency, or (c) regulated by a New Jersey State agency?

Yes No

If yes, for each indicate the following:

Name of employer, partnership, corporation or other entity in which you hold an ownership interest.

Nature of ownership interest in the partnership, corporation or other entity, and extent of ownership interest.

Identity of the State agency(ies) with which the entity does business, receives funding, or is regulated.

11) Are you or any members of your immediate family* employed by a New Jersey casino license or applicant for a N.J. casino license?

Yes No

*Immediate family means a spouse, child, parent, or sibling residing in your household. If yes, state:

Family Member's name:

Relationship:

Name of Casino:

Position Held:

I certify that this questionnaire contains no willful misstatement of fact or omission of a material fact. I understand that should my State employment and/or outside activity change, I am required to promptly submit a new Outside Activity Questionnaire.


I Understand

Decision of Immediate Supervisor

Approve Disapprove

Supervisor's Comments:

Notification of decision was provided to employee on:

12/05/2019 

NOTE: Under the Uniform Ethics Code (“UEC”) a State employee may appeal an agency Ethics Liaison Officer’s decision to disapprove an outside activity. An appeal must be submitted in writing to the State Ethics Commission within 60 days of the employee’s receipt of the agency’s decision. For more information on appeals. See UEC section VI.

For Ethics Use Only

Outside Activity Questionnaire

Attach Note

Subject: *

Comment: *

 Post Note



List of Outside Activities
11/06/2019 16:49:02 by

Per 10/31/19 email from Chris, this form did not reflect outside activities previously reviewed by Ethics. Once Chris updates the form, it should go to his supervisor for review. NKG

System Environment: **Production** | Version: 3.0

Saturday, June 13, 2020 | User: Qazi-Chowdhry , Lubna (lubna.qazi-chowdhry@doh.nj.gov)

EXHIBIT 2

Home > Governor > Murphy Fires Top State Health Official Running Emergency Preparedness Office



Christopher Neuwirth testifies before the House Homeland Security Subcommittee on Emergency Preparedness, Response and Recovery Subcommittee on March 10, 2020. Photo courtesy of C-SPAN.

Murphy fires top state health official running emergency preparedness office

By [David Wildstein](#), May 28 2020 10:16 pm

The Murphy administration has fired the state's top Health Department official in charge of emergency preparedness during the coronavirus pandemic, the New Jersey Globe has learned.

Christopher Neuwirth, who had joined Gov. **Phil Murphy** at several early press briefings, was the assistant commissioner of Public Health Infrastructure, Laboratories & Emergency Preparedness and oversaw emergency medical services and the state office of Disaster Resilience.

Two sources who spoke on the condition of anonymity told the Globe that Neuwirth was terminated for cause.

Neuwirth faced criticism at the Department of Health for poor attendance at his \$127,386-per-year job during the pandemic.

Concurrent with his full-time post as deputy commissioner, Neuwirth also had a job with Margolis Healy & Associates, a national emergency management consulting firm affiliated with the Cozen O'Connor law firm.

The firm, the Globe learned, become overloaded with work during the COVID-19 crisis and required Neuwirth to spend more time on his private sector responsibilities.

The firm's website lists Neuwirth as a **senior associate** and says he has been employed there for two years. Personal financial disclosure statements Neuwirth filed with the State Ethics Commission did not reveal his affiliation with Margolis Healy.

According to his financial disclosure, Neuwirth is an owner of Emergency Manager Project LLC, which provides training classes for EMS professionals who are licensed and regulated by the office he ran.

Sources also said Neuwirth had dismantled some of the Department of Health's infrastructure to deal with a massive health crisis before the start of the pandemic. A decision he made regarding a federal grant for hospital preparedness being administered by a trade association has also faced some questioning.

He had also been involved in the firing of Scot Phelps as the director of the state Office of Emergency Medical Services in February.

In March, Neuwirth testified before the House Homeland Security Subcommittee on Emergency Preparedness, Response and Recovery chaired by Rep. Donald Payne (D-Newark) as a representative of the Murphy administration.

The day before his testimony, Margolis Healy touted their employee's pending testimony on Twitter: "Be sure to catch our colleague Christopher Neuwirth discuss Coronavirus Preparedness and Response to the Committee in Homeland Security tomorrow."

Murphy's office did not immediately respond to a 9:37 PM email seeking comment.

Spread the news:



Tagged Christopher Neuwirth, Donald Payne, Phil Murphy, Scot Phelps

RELATED ARTICLES

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Norcross can't take Murphy in primary, but could cost him re-election

Murphy, DiVincenzo showing off new alliance

EXHIBIT 3

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Governor Phil Murphy




TRANSCRIPT: May 29th, 2020 Coronavirus Briefing Media

05/29/2020



 Holding a COVID-19 briefing. WATCH:
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STAY AT HOME

Sallie Rochford



24

Governor Phil Murphy: Good afternoon, everyone. I include myself on this list, we've got a mix of the usual suspects and some special guests today. To my immediate right, the person who needs no introduction, the Commissioner of the Department of Health, Judy Persichilli; Judy, great to have you, as always. In the audience today, Ed, please don't be offended, please don't hold it against us, the Department of Health's Communicable Disease Service Medical Director, Dr. Ed Lifshitz. To my far left, State Police Superintendent, another familiar face, Colonel Pat Callahan. And then we have an additional, we've got Jared

Maples here from the Office of Homeland Security and Preparedness, but we have a couple of particular treats today. I'm honored that we are joined, again by someone who needs no introduction, my partner in government, the woman on my left, Lieutenant Governor Sheila Oliver. It's an honor to have you back, Sheila. And I think today she's largely wearing her hat as Commissioner of the Department of Community Affairs. As we know, she wears a couple of big hats. And then to the far right, we're also very happy to have back another great leader in our state, the Commissioner of the Department of Children and Families, Christine Norbut Beyer. Christine, great to have you back.

I'll get to the reason why they're both here in a few minutes, but suffice it to say we're trying to end the week on as much of a high note as we can, and to set the stage for the days to come. In that respect, I will be signing an Executive Order today that will allow for the resumption of childcare services, organized sports practices, and youth day camps over the next several weeks. Under this Order, both Judy in her Department of Health capacity, and Christine representing the Department of Children and Families, will be releasing the health and safety standards which will guide each of these, and we expect to update those standards as the facts on the ground change.

Childcare centers will be allowed to reopen their doors to all clients effective Monday, June 15. Having these centers open throughout this emergency for the children of our essential workers has been a necessity for our doctors and nurses, public health and safety first responders, grocery and other essential workers and their families. But now, as we prepare to take the first true steps of our restart and recovery, and as more and more workers prepare to get back out to their jobs, we must ensure a continuum of care for their children. Today, the Department of Children and Families will release the health and safety standards that must be met at our childcare centers. I will ask Commissioner Beyer to speak more to this in a few minutes.

Organized sports will be able to restart on June 22. However, at that time, activities will be limited to sports activities conducted outdoors, and there can be no contact drills or activities for the time being. Again, for the time being. Especially for the countless kids who have been looking forward to playing baseball or softball or soccer or other sports, we are proud to take this step. We want you to have an active summer with your friends, playing the sport you love, but at the same time while protecting your health. Over the past weeks, we have worked tirelessly with youth sports leaders across the state toward this day, I have every confidence in the ability of our leagues to ensure the health and safety of every athlete.

And then finally, beginning Monday, July 6, youth day camps -- day camps -- including municipal summer recreation programs, will be allowed to operate. As it goes with our decision regarding sports, we want our children to be able to enjoy their summer with friends, participating in the activities that create lifelong memories. And we know day camp is one of those memory-building places. Our camps are also places that give older kids a chance to have their first jobs as counselors. We are pleased that these opportunities for growth and leadership will also be open this summer. In each of these instances, sports leagues and day camps, the Department of Health will be releasing the health and safety standards that will allow for this Order to be properly followed.

Additionally, I am proud to announce today that after weeks of close consultation with our racetracks and our horse breeders, horse racing will also resume, with the first competitive races as early as next weekend. In fact, the first qualifying races happened this morning, and I want to thank the New Jersey Racing Commission and Executive Director Judy Nason for their hard work that allowed this to happen. Now at this time, we will not -- and I repeat, we will not -- be able to allow fans back into our racetrack grandstands. But online gaming remains open and capable of taking your wagers.

We are able to take these steps because the data we are receiving every day from our hospitals and through testing are allowing us to determine these dates. I have mentioned many times this is exactly what we mean when we say that data determines dates. As we have seen, the data continue to move in the right direction, and continue to be far down from their peak, and especially over the past two critical weeks. Even though we have seen some days with spikes, which are the red balls, we remain confident in our overall direction.

This confidence can be also felt in each region as the metrics generally follow each other across the state. Again, new hospitalizations on the upper left is something that Judy and Ed and their teams and myself look at very closely. Certainly in comparison to some of our peers, we see our continued challenges. However, while this is our reminder that we must continue to practice our social distancing, wear something on our face, to take all precautions, given all else, we are confident in our ability to take these steps for our kids, in our communities, and for our economy. These challenges are surmountable if we stick to it.

And finally, I want to note that throughout this entire emergency, we have remained in close contact with our tremendous communities of faith, the overwhelming number of which have taken truly to heart the need for social distancing to protect the health and safety of their congregations. This has been a hard time for them, to be sure. Our faiths are supposed to, after all, bring us together, and so many of our faith leaders of every religion and denomination have been tremendous in their support for our efforts to save lives. They are the ones who deserve, frankly, the media coverage. As long as our health metrics continue to trend in the right direction, I anticipate being able to raise the limits on indoor gatherings in a way that will allow for greater indoor religious services beginning the weekend of June 12. That's Friday, June 12. That's two weeks from today.

I and my administration will continue our deep partnership with our faith communities as we work through the proper safeguards that will need to be in place before we can welcome our communities back into their houses of worship. We don't want any opening to have an adverse impact on our communities, and we know some faith institutions are not ready to open, and we will work with you and respect when you feel it is safe to do so. Our houses of worship are cornerstones of our communities, often rooted in historical and cultural tradition. Sheila and I have said this often, even if we bat 1,000 as a government, we do everything right, we cannot remotely get to where we need to get to as a state without our faith institutions,

both inside their houses or worship and so importantly in their tentacles into the community, and we've seen that throughout this pandemic. We want them, these institutions, to be strong and safe. This is especially meaningful in our communities of color, which have been hit particularly hard.

Next with the Lieutenant Governor here, I am proud to announce that our administration will be applying at least \$100 million, primarily in federal CARES Act funding, to stand up a short-term rental assistance program for low and moderate income families who most need it. The Lieutenant Governor will give us this in greater detail as it relates to the department's efforts, but I wanted to give a few broad strokes.

From the moment this emergency took hold, we have made it clear that no family should fear losing their home as a result of financial hardship due to COVID-19. And as another rent day approaches, I want to reiterate that point. Our strong eviction and foreclosure moratoriums remain firmly in place, and will remain in force until weeks after this emergency eventually comes to an end. We continue working closely with our Legislative and community-based partners to further strengthen protections for tenants, and I hope we'll have much more on those plans in the near future.

However, for the short term and under the extraordinary leadership of the Lieutenant Governor, the Department of Community Affairs is putting together our rental assistance program, with the goal of having the first rent assistance checks flowing to landlords later this summer. And throughout this, we will work with landlords to ensure that back rent does not adversely impact any family, and to ensure realistic and empathetic back rent payment plans. I'm grateful not only to my partner in government, the extraordinary Sheila Oliver, but as we say so often, it takes a village and in this case, I'm also grateful, as is Sheila, to the partnership of Senator Brian Stack, who has been a tireless champion for our renters and Assembly Members Raj Mukherji and Annette Quijano in this work. This has been a true team effort on behalf of all of our renters.

With that, let's look at the overnight numbers. Yesterday we had an additional 1,117 positive test results. The current total statewide is 158,844. Here's the trend line of new cases, which goes generally in the right direction. Here's the daily positivity, or what Judy and team call the spot positivity rate. This is for samples collected on Monday, and it's at 6%.

Looking to our long-term care facilities, we continue to see some fluctuations in the trends of new cases being confirmed. As you can see, 32,097 of our cases are in long-term care facilities. Meanwhile, the numbers of lab-confirmed fatalities associated with our long-term care facilities continues its decrease from the peak, but it is still, and let's just all acknowledge, 5,009 precious souls in our long-term care facilities who have been lost. I had a good conversation this morning with the Secretary of Health and Human Services Alex Azar and talked about long-term care in specific.

In our hospitals, we closed last night with 2,707 patients being treated for COVID-19. That's down 90 from Wednesday. Our field medical stations reported 21 patients. This is the breakdown of total hospitalizations across regions. The number of patients reported in either critical or intensive care was 720. The number of ventilators in use was 544. For each of these numbers, these are decreases of 20 day over day. There were 183 new hospitalizations yesterday, while 231 live residents left our hospitals. The 183, Judy, you and I discussed earlier, is a welcome decrease, meaningful decrease from yesterday's number. We want to see that to continue to go in the right direction.

And with all of that, we must, with the heaviest of hearts, announce another 131 lives lost of our fellow New Jerseyans due to COVID-19 related complications. I skipped over the regions, that's hospitalizations. Forgive me. Our statewide total stands at the almost unfathomable 11,531 precious lives lost. And as we do every day, let's celebrate a few of those lives that we have lost.

First we remember Sallie Rochford, a longtime resident of West Amwell in Lambertville, in Hunterdon County. Sallie was 78 years old. Sallie had spent 26 as the Office Administrator and Computer Operations Manager with Mobil Oil Corporation in Pennington, and had taken over other administrative positions including with our own Office of Unemployment. But it was Sallie's personal strength that defined her life. At the age of two she contracted polio, but she never let its effects prevent her from living a full and rich life of courage, dignity, and determination. She swam, she rode bicycles and horses, she climbed mountains and became an accomplished woodworker. She never acknowledged the limitations polio was supposed to impose. In fact, she powered through them all.

She was centered in her home life by her treasured late partner, Patricia Foy, and Sallie is survived by Patricia's sister and Sallie's sister-in-law, BJ Foy. I had the great honor of speaking to BJ yesterday who lives in Vero Beach, Florida. And Sallie was also survived by her friend of almost 60 years, Carol Kovacs, in addition to her niece, Kim Petro and many nephews, friends, and acquaintances. God bless you, Sallie.

Next up, we remember West Windsor's Dr. Arthur Sherbin, there's Arthur on the right. A bright child, born in New York, he graduated Long Island University in three years and then earned his master's degree in biochemistry from New York University. He was conducting cancer research at Sloan Kettering when he decided to pursue his medical degree at the University of Louisville. And after graduation, would practice internal medicine for 40 years, much of that time in Highland Park until his retirement in 2000.

He was on staff at both Robert Wood Johnson Medical Center and St. Peter's Hospital in New Brunswick. He also served as Medical Director of the New Jersey Turnpike Authority literally, I think, for 35 years and was the school doctor for both North Brunswick Township and the Middlesex County Vocational Technical High Schools. Even in retirement, Arthur kept up on developments in the field of medicine and spent his free time in his garden, spending time with his grandchildren and being by the side of his wife of nearly 60 years, Carolyn, with whom I had the great honor of speaking yesterday. Carolyn survives him as

do his son Joseph and his daughters Rhonda and Cindy. I also had the great honor of speaking with Cindy yesterday, and his two grandchildren, Joshua and Kayla Chait.

Cindy asks that her father be remembered for his sweet nature, his ever-present desire to help people, his unconditional and selfless love for his children, and most importantly, his grandchildren, and his immense loyalty to his family. His wife Carolyn reminded me of two sort of themes that defined his time as a doctor. Number one, once a patient, always a patient. And secondly, this was a tough one even to hear, never mind speak to it. If you had lost your job and you were a patient of Dr. Sherbin's, he saw you for free until you got your job back. What an extraordinary guy. He was 90 years old. May his memory bring peace to all who knew him. God bless you, sir.

And finally today we remember the late Mayor of the City of East Orange, Thomas Cooke Jr. who we lost at the age of 90. He was a mentor and friend of the woman to my left, Sheila Oliver, and a mentor and friend to so many. The Mayor was born in South Carolina but his family, like many African American families at the time, came north for opportunity, so-called to the warmth of other suns, and Mayor Cooke made the most of his, leading a life of service to his community. He and his wife Audrey would have three children of their own: Julia, Benita and Thomas III, and they also would adopt Audrey's nephew, Michael.

The family first lived in Montclair. Mayor Cooke received his bachelor's degree from New York University and a master's degree from Montclair State University, and then they settled in East Orange. He served in the United States Navy during the Korean War, and worked in the veterans hospital in East Orange as an assistant psychologist and physical therapist. He would later become an educator in the Newark Public Schools. In 1961, he won a seat in the East Orange City Council, then was elected to the Essex County Board of Chosen Freeholders before, in 1977, being elected Mayor of the City of East Orange. You talk about a guy who did it all. He would serve two terms as mayor and built a reputation as a champion for public safety and an advocate for tenants. He stabilized taxes and helped bring new senior housing online.

Recognized and respected by his peers, Mayor Cooke served as Vice President of the US Conference of Black Mayors and the Chairman of the Advisory Board of the US Conference of Mayors. He also served as a voluntary chairman of the Passaic Valley Water Coalition. Through his work and his daily walks throughout the city he led, Mayor Cooke is remembered for his kindness, his compassion, and his wisdom. Mayor Cooke is now reunited with his beloved Audrey and two of his children, Benita and Michael. In fact, I believe he lost both Audrey and Benita in the same year, 1995. He is survived by his daughter Julia, with whom I had the great honor of speaking yesterday and by her husband, Michael Gaines, and by Thomas III, who I spoke just literally a few minutes before coming over, as well as by his former daughter-in-law Cynthia and son-in-law Lewis. He also leaves eight grandchildren and many great-grandchildren, and so many other relatives and friends. Mayor Cooke was 90 years old. We bless him and we thank him for his life of service. May God bless you, Mayor.

Three more distinctly New Jersey lives, three from among the more than 11,000 we have lost. Let them never, ever, ever be just numbers. God bless them all.

Let's switch gears for a couple of minutes. As it was announced last night and I alluded to, President Trump has extended what is known as Title 32, which allows our National Guardsmen and Guardswomen to receive pay through the federal government through mid-August. I spoke to the President last night and thanked him, among other topics we discussed. We have mentioned here many times the ways that our Guardsmen and women are working as part of our emergency response. Some are currently assisting in our long-term care facilities, providing much-needed backup for the hard-working staff members who are doing all they can to protect their residents. Other Guard members have been providing assistance at our federally partnered testing sites, at both Bergen Community College and the PNC Bank Arts Center. Regardless of the job they're doing, we thank them for being part of our team, and we are grateful for their continued hard work and service.

Next, I want to once again urge everyone to help us gather the data we need to guide our steps going forward from today. And you can do that by going out and getting tested for COVID-19. On Wednesday, another 26,000 tests were recorded and we have the ability to reach this number now every day. We've worked hard to get our testing program to where it is, and we're going to keep working to make it even stronger. As you can see there, we are number two in the nation per capita up from three, which was, I believe yesterday.

Getting a test is easy, and with CVS bringing 45 more of their stores online to provide tests every day, we now have 208 sites across the state where you could get tested. So this weekend, make a plan. Get tested. Do it for yourself, do it for your family, do it for your community. I encourage you to go to covid19.nj.gov/testing to find a location near you and go out and get tested.

Next, I want to give a huge shout out to the women and men of the Paterson Public Schools. In addition to conducting their classes remotely, many have also been volunteering their time over the past two-plus months to help provide for the greater needs of their students and families. It is this effort that I want to note, as Paterson recently passed the milestone of distributing its 1 millionth student meal since schools closed on March 17. That's right, 1 million student meals have been distributed in Paterson alone since schools closed on March 17. Our educators and support staff are integral parts of their communities, and there is no greater example of their commitment than in Paterson. So to everybody at the Patterson Public Schools, I thank you and I want to give a special shout out to my dear friend, the Coach and Assemblyman Benji Wimberly for getting us the word of this extraordinary accomplishment.

Finally, I think on behalf of Sheila and myself, I want to close with a brief observation about the turmoil we're seeing in Minneapolis. It may seem a half a country away, but we're all in this thing together. There is no doubt that the centuries-old stain of systemic racism is far from being erased from the fabric of this country. We also know that the overwhelming majority

of our law enforcement officers believe strongly in the communities they have sworn to protect. But what we are seeing right now in Minneapolis is painful, almost too painful, in fact, to watch. And perhaps that's because it's not the first time we have seen such horrific pictures on our screens.

George Floyd should be alive today, not just as a matter of principle or of justice, but as a matter of human dignity. As a matter of our nation living up to one of our most basic founding ideals, that all are created equal. His life mattered as much as mine, or my wife's or our kids or any of yours. We've seen these images before in New York, in Ferguson, in Baltimore, and in countless other cities, large and small. Too many times have we gotten a national wakeup call, and then gone about doing nothing about it. We cannot just expect someone to be fired and that be the end of it. That's a feel-good action that doesn't solve a systemic problem.

We need to dig a deeper well of accountability and responsibility, and we need to draw from it. Not just in Minneapolis but everywhere, including right here. We can lead this effort, in fact, in New Jersey. We have passed laws to ensure accountability, and I see Attorney General Gurbir Grewal's Excellence in Policing Initiative as how we will stay a leader and a model for smart policies that lead to safer communities, stronger trust and a better future. Pat Callahan knows this as much as anyone. As we are coming together to defeat this pandemic, let us endeavor to come together, to strengthen the bonds that bring us together as New Jerseyans and as Americans. Let us be a part of the solution.

With that, it is my great honor to turn things over to the woman on my left, who needs no introduction, the leader of the DCA, the Commissioner of that extraordinary team, and the Lieutenant Governor, and my partner in government for the Great State of New Jersey, please help me welcome Lieutenant Governor Sheila Oliver.

Lieutenant Governor Sheila Oliver: Thank you, Governor Murphy, and I want to thank you for those remarks that you gave. I think everyone in New Jersey has heartfelt condolence for the family of George Floyd, and I think that we know that in New Jersey, under the leadership of our various law enforcement professionals, we shudder to think that it would be our state, but thank you for those remarks and good afternoon, everyone.

As we have experienced the pandemic and things were just flying so fast and furiously, from day one we have been concerned in the administration about the economic impact many of the policies we've had to put in place, and there's no more one thing that we have not been focused on, and it is people who have found themselves confronted with not being able to pay their rent. So, we know that many of our residents are experiencing financial hardship as a result of the pandemic, due to the loss of their jobs or reduced hours. As a result, many of these individuals who have never had to ask for financial help before, but they're finding themselves in a situation where they aren't able to make rent on the first of the month.

We have heard the calls for help from renters loud and clear, and we understand the enormity of the problem. Therefore, we are very pleased today to be able to announce that relief is on the way. The Department of Community Affairs is implementing a new temporary rental assistance program, which will soon be available for households in New Jersey to apply. The COVID-19 Short-Term Rental Assistance Program will provide rental assistance to low and moderate-income households that have had a substantial reduction in income as a result of the pandemic, and that will include those who are experiencing homelessness or who are at risk of becoming homeless.

A portion of the funding for this program will serve those who are very low income, homeless or at risk of becoming homeless with up to 12 months of rental assistance. Households in this situation will be prioritized. A portion of the funding for this program will serve those who are very low income. The remainder of the participants will be selected through an online lottery system that will open up in July of 2020, and it will provide those individuals with up to six months of rental assistance. The lottery will provide a preference to households that earn less than 80% of the area median income within their county.

It will focus on those that are currently unemployed and can show that employment loss is due to the public health emergency. The COVID-19 Short-Term Rental Assistance Program website will launch on June 15 with additional information. In the meantime, you can check the DCA website for updates about this program at nj.gov/DCA. You can also follow the New Jersey Department of Community Affairs on Twitter, Facebook and Instagram for real-time updates about our programs.

In addition to the new rental assistance program, DCA is also urging households in need to apply for the Low-Income Home Energy Assistance Program known as LIHEAP. It helps people pay for their utility costs. It includes cooling, as the summer season is upon us. The LIHEAP program recently received an additional \$29 million in funding through the Coronavirus Aid Relief and Economic Security Act, known as CARES. To find out if you are eligible for this assistance, you can use DCA's completely anonymous online screening tool called DCAid. The website address is nj.gov/DCA/DCAid.

And Governor, I want to thank you for your trips to Washington and your weekly teleconferences with Vice President Pence. Because of your efforts in securing more financial assistance for our state, HUD has awarded us this \$29 million, so thank you very much. It will go a long way to help many households in the state. I want to commend you also for being an advocate for federal relief, and we know that it's not over yet and we will continue on that trajectory. With this additional funding from the US Department of Housing and Urban Development, we will have more control and flexibility as a state in solving the short and long-term impacts that the virus is having on our communities. Simply put, it is going to help us all get through this crisis whole. Thank you, Governor Murphy, and now I'd like to turn it over to, as you know, the woman who needs no introduction, Commissioner Persichilli.

Governor Phil Murphy: Sheila, thank you so much for your leadership throughout, in peace and in war, and today's yet another example of that. Bless you, thank you. Judy.

Lieutenant Governor Sheila Oliver: Thank you, Governor.

Commissioner of Health Judith Persichilli: Thank you, Governor and thank you, Lieutenant Governor. Good afternoon. Our journey to reopening starts with testing, as the Governor has shared with you and has been encouraging everyone to get tested. But I want to emphasize that we want individuals to get the diagnostic test, which detects whether you currently have the virus. This information is vitally important for appropriate public health actions to be taken. In addition, this type of test provides insight onto the amount of disease, or the disease burden, currently circulating in our communities. That is important data for informing further easing of restrictions.

While some individuals are interested in antibody testing, at this time, there is still a lot that remains unknown about the value of that testing. A positive result on an antibody test should not be viewed as definitive evidence of immunity or even past infection with COVID-19. It also cannot tell us if you currently have the virus. So I encourage residents to get a diagnostic test, as this is the most valuable tool we have right now to contain the spread of the virus.

For my daily report, last evening, as the Governor shared, our hospitals reported 2,707 hospitalizations. There are 720 individuals in critical care, of which 76% of them are on ventilators. I'm reporting today a total of 26 cases of multisystem inflammatory syndrome in children, the same as yesterday. There are no deaths reported. The ages of the children affected range from 1 to 18, and 18 of the 26 have tested positive for COVID-19; six are currently still hospitalized. I must draw your attention to the race and ethnicity breakdown of these cases. However. White 19.2%, Black 26.9%, Hispanic, which includes Hispanic ethnicity for all race definitions, 30.8%, and Asian 7.7%. So although the N is quite small, we are seeing a preponderance of disease in communities of color.

The Governor reviewed the new cases and deaths reported today, and in terms of deaths, the breakdown by race and ethnicity is as follows: white 53.2%, Black 18.5%, Hispanic 19.4%, Asian 5.5% and other 3.4%. Our state veteran homes, the numbers remain the same, and they also remain the same in our psychiatric hospitals. The daily percent positivity overall in New Jersey is 6%. In the North, it is 5%, Central 6%, and South 8%. So that concludes my daily statistical report. Stay connected, stay safe and stay healthy. Thank you.

Governor Phil Murphy: You know, Judy, tying together Minneapolis, which is through a particular lens that Sheila alluded to and I spoke to, the race and ethnicity data, as you said, remember the N, which is the number of the denominator is a very small one, so we all have to acknowledge that. But with a very large number of fatalities, we sadly have over 11,000, there's no question communities of color are showing up in a much higher ratio than their representation in our state as a whole. And as we acknowledge, we have to acknowledge that we can see this through a number of different lenses but the conclusion is the same in this, the first year of the fifth century since slavery first came to our shores, we're still digging out, and let us never forget that we're still digging out. Thank you for your report, and Sheila, thank you for yours as well.

Lieutenant Governor Sheila Oliver: Thank you, Governor.

Governor Phil Murphy: Again, it's very good to have her back and when Christine was last here, the sobering statistic that stuck with me, Christine, was the reduction in reported abuse, domestic abuse, child abuse. And it was the exact opposite of what you would have hoped, which is that there was actually a reduction. And in fact, it was because kids were less in touch with police officers, Pat, or coaches or teachers or school nurses that a lot of it was going undetected and so that is a reality, folks. That continues to be a reality, particularly as the entire school year has played out and continues to play out remotely. We're honored to have you back, slightly more uplifting news today. This is a series of steps that we've wanted to get to and I know you've worked closely with Judy and her team and other departments as well. So please help me welcome back the Commissioner of the Department of Children and Families, Christine Norbert Beyer.

Department of Children and Families Commissioner Christine Norbut Beyer: Thank you. Thanks, Governor Murphy, and good afternoon, everyone. As the Governor referenced in his remarks, childcare centers will be authorized to resume operations and will be open to all New Jersey families under very specific guidelines beginning June 15. And summer youth day camps will be permitted to open beginning July 6, under standards established by the New Jersey Department of Health. This is an important step forward in New Jersey's reopening strategy, ensuring a safe, stable and seamless childcare infrastructure for New Jersey's returning workforce, not just those designated as essential. And it probably comes as a welcome relief for parents who did not know how they were going to juggle summer care or childcare needs with their job responsibilities.

But in order to be able to take this step safely, we have to move forward in a planful and methodical way to support centers and camps in reducing the likelihood of spreading the virus. We must ensure that on a broad scale, the best practices and standards developed by the CDC and other health organizations can and will be followed and enforced. Later today, DCF will be issuing detailed guidance for childcare centers, including processes for screening, sanitation and safe social distancing. Centers will need to let the department know through our Office of Licensing whether they plan to reopen and will need to file an attestation indicating that they will follow the safety protocols in place for New Jersey's childcare centers.

DCF inspectors will begin visiting reopened licensed centers on June 15, in order to support them in keeping children safe. The Department of Health will be developing similar safe standards for summer camps, allowing youth day camps to open under those standards and prohibiting sleepaway and residential camps. Summer camps will have to file an attestation with the Department of Health, acknowledging their agreement to abide by those safety standards.

In order to assist programs with meeting some of these additional costs connected to heightened safety standards, Commissioner Johnson and DHS will be announcing the rollout of up to \$20 million in federal CARES Act funds to help

programs cleaning supplies and PPE for staff. The current subsidy program managed by DHS for emergency childcare will run through the end of June.

And finally, beginning next week, Commissioner Johnson and I will be cohosting webinars for childcare providers to answer any questions they may have and offer technical assistance as they reopen. While we need to be diligent in maintaining safe operations for childcare and summer care programs, I expect today's announcement is welcome news to so many New Jerseyans. Over the past several weeks, Commissioner Johnson and I have had several conversations with childcare directors, both collectively and individually. We know that this has been a hardship on many of them as they've had to curtail business operations unless certified as an emergency childcare center. We also recognize that these necessary closures were hard on our working families and their children. Childcare centers aren't just a critical part of our state's economy, but they also provide critical social and emotional supports to so many young families. Putting those relationships on hold hasn't been easy for any of them.

New Jersey's childcare centers are among the best in the nation, held to some of the most stringent standards of care. A lot is being asked of them right now, but we really couldn't ask for a community of providers better suited to rise up and meet these challenges head on. Today, we're announcing a path forward as we begin to adapt to the new normal in response to the COVID-19 pandemic. So thank you, Governor Murphy, and my fellow cabinet members for your ongoing leadership at this time, and for all of your support in keeping New Jersey residents safe, healthy and connected. Thank you.

Governor Phil Murphy: Christine, thanks to you and your leadership. I know Sheila joins me in thanking you, and also you mentioned Carol Johnson, who deserves another shout out as well, the Commissioner of Human Services, who's been your partner in these endeavors and so many others, Judy's been right in there with you at every step of the way. And again, God willing, folks can take some relief here that we're going to, we're only within now shouting distance of daycare getting back up, participative sports, with some restrictions obviously, back up; summer camps, day camps, we're beginning to see the light that we have promised based on the data. I can't thank you enough for your leadership., so thank you.

With that, for compliance and other matters, Pat, it probably goes without saying, but the Community Relations right now between law enforcement and the community, the example that you and the Attorney General and the Police Chiefs Union and the police chiefs themselves and the rank and file union represent, needed now more than ever as a nation, and certainly in our state. So, as always, great to have you. Please.

State Police Superintendent Col. Patrick Callahan: Thank you so much, Governor and Lieutenant Governor, good to have you here. Good afternoon, everybody. Just three incidents on the overnight. A nail salon in Lakewood, owner was cited for being non-essential and open. Two subjects were cited for holding a church service in Berlin. That was their second offense. And in Paterson, a thrift store owner was cited for having a non-essential business open.

And to your point, Governor, rather than wonder if I would be asked about it, I just am always deeply troubled at the tragic loss of life, especially when law enforcement's involved, and in-custody deaths and officer-involved shootings are some of the most complex, intense investigations that need to be rooted in accountability and in justice and in transparency. Not many people know it, but I know maybe the Governor and Lieutenant Governor know, for the last 11 weeks, seven days a week, I get on a prayer call every morning with clergy, a very diverse group of clergy of all denominations from throughout New Jersey, 11 weeks in a row now. The pain in the prayer that I heard on this week's call is disturbing to me. But we're together on blue sky days, as we say, for a reason, so when we come up against an incident that draws on that reservoir of trust and that well that the Governor was talking about, that we can lock arms so we can foster trust, maintain it, and really rebuild it where it's been completely diminished.

And to your point about the Attorney General, he also hosted a call with the major city police chiefs and their respective county prosecutors today to talk about the relationships that they have. They're not going to meet their clergy and their pastors around yellow crime scene tape in the State of New Jersey. We're doing it at barbecues, we're doing it at church basements, at town halls, knowing that something that happens halfway across the country or on the other side of the country impacts us right here in Trenton, New Jersey and throughout our communities.

And I'll end to your point about our Attorney General, what he has done in the fostering of professionalism, accountability and transparency, whether that was through initiatives, legislation, directives, he is a leader in making sure that New Jersey stands at the forefront and as an example for instilling public trust between our communities and law enforcement. So thank you, Governor.

Governor Phil Murphy: Pat, thank you and amen to all, and I know Sheila joins me and we rise and fall as one family in this, the most diverse state in America. I think I'll get to details on the coming days in a minute. I think we'll start over here. Dustin, I think you're first up on this side. Thank you. If you could get a little closer with the microphone, thank you. Without causing dental work.

Q&A Session

Dustin Racioppi, Bergen Record: Well, you might want to. Do you have any second thoughts or concerns on vote-by-mail elections, given that 19% of the ballots in Paterson have been rejected? And do you think that undermines the faith in the election results?

On school funding, you proposed an additional \$336 million for next year, and districts were notified yesterday that wouldn't happen because of the virus, which means some will have to account for millions less coming in. Why cut school funding since

that's been a priority for you?

And I've learned that your office has been interviewing people in the Department of Health in an attempt to find the source of leaks. What do you have to say about that? And is that an appropriate use of resources at any time, but especially in the middle of a pandemic?

Governor Phil Murphy: Vote-by-mail is your first question, and your question Dustin is, do we do any differently based on your example cited of 19%?

Dustin Racioppi, Bergen Record: Yeah, do you have any concerns about that or does it undermine your faith in the elections?

Governor Phil Murphy: Listen, we want to get it right. We want to get it right. And so for folks who may not have been watching a couple of weeks ago, we announced this, we moved our primary from June 2 to July 7. If you're registered in one of the two big parties, Democratic or Republican, you'll get your ballot that you are welcome either to mail in. If you're not affiliated, you'll get an application for a ballot, and there will be at least, I think, 50% of the polling locations in each county will be open, including one minimum in each municipality. So our job is to learn from, you know, we're traveling a journey that none of us have ever traveled before. Every vote counting is a sacred element of our democracy and learning from where it may have fallen down, to some extent, is part of the process.

You could add a lot more than just school funding that's important to me, that's right now in the budget we submitted that's either deferred or cut. It's a long list, and we made that point to the Legislative leaders in both parties that it isn't just things that they wanted, it was things that I and Sheila and we wanted, that we're not going to get to. In the absence of our ability to bond, which is a decision we could take in New Jersey, and we need the legislature to step forward. Again, I want to give a big shout out to the Speaker who put a nice editorial out about it, and a lot of other voices that are coming out. Pat Colligan by example, of the Police Benevolent Association, put a strong statement out today. There's a strong statement coming out of Essex County, across the aisle, by the way. But in the absence of bonding and/or, and probably and, federal cash assistance, a lot of the things that we hold dear, we will not be able to fund. And a lot of the positions of the very people we need right now in the state that we hold dear we will not be able to hold on to. So education funding is on that list for sure. It's high on the list, but it's a long list.

Listen, I don't – people leaking things and giving the outside world some sense of how the sausage is made, as it were, you know, I've got no time for that and that's got to stop. The fact of the matter is Judy, and I and Pat are up here literally every day; Sheila, who's with us in spirit, Christine, all of us. We're going through stuff that we've never gone through before, as a state and as a nation. And the last thing we need are people speaking out of school about it. So frankly, enough already, let's move on. These are tough decisions at every step of the way. We could not have a better leader in the Department of Health. She's the best in the country, and that's all I have to say about that. Nikita, over to you.

Nikita Biryukov, New Jersey Globe: Hi, Governor. I'll actually surprise you today by asking a question first of the Colonel. On the early morning of May 23, state police shot and killed Maurice Gordon on the parkway in Bass River. We've received reports that Gordon had been stopped by, or otherwise interacted with, law enforcement multiple times during that same evening and morning. Could you confirm that and give any details about those interactions?

State Police Superintendent Col. Patrick Callahan: You know --

Governor Phil Murphy: Hold on, Pat. What else, Nikita?

State Police Superintendent Col. Patrick Callahan: Sorry.

Nikita Biryukov, New Jersey Globe: Yeah, and then I have some questions for you about Chris Neuwirth. Were you aware of his part-time consulting gig? Why didn't you announce his firing? Do you have a response to his claims about being made a scapegoat? Lastly, are there any other senior members of your administration that have private, part-time jobs?

Governor Phil Murphy: Okay. May I say something Pat, just ahead of you on this? Just to say, this is an ongoing investigation and the very good news, working with a whole range of communities including law enforcement, faith communities, community activists and our legislators. I signed a law for this very potential, that there's an independent process that is underway, and that's the way it should be. Until that process surfaces in some form or fashion, I have no visibility into it, nor should I, and that's the way it should be. So I don't think we've got a whole lot to report on it, Pat.

State Police Superintendent Col. Patrick Callahan: I would just add the same. The legislation that you signed, Governor, intentionally walls me off from any aspects of that investigation. It is done through the Office of Public Integrity and Accountability under the Attorney General and as of right now, I have not been briefed in any aspects of that investigation, intentionally.

Governor Phil Murphy: And by the way, this was a law that Sheila and I felt passionately about, and we heard from lots of folks and frankly, it's a nation-leading law in terms of independent process. I've got no comment on any personnel – 64,000 people I believe work for me, not counting the authority, so people come and go a fair amount, actually when you've got 64,000 people. I've got no comment on Chris's situation. But I will say this, that folks are not – it's par for the course that you're not supposed to have another source of income, that's just as a general matter. We'll leave it there. Thank you. Do you have anything, sir?

Reporter: Yeah, just two quick questions. First one is, what is your law regarding street fairs? If they are allowed, is there restrictions on them? And two, there's people that are saying that for months now, their unemployment says, "Not payable at

this time." Is that like a computer thing, or can you shine some light on that?

Governor Phil Murphy: So on street fairs, the outdoor limit of gatherings remains at 25 persons, properly socially distant. So theoretically, you can have a street fair, I suppose, but that's the limit for the time being. I would hope, as I alluded to the other day when we talked about graduations being allowed to take place, at earliest July 6 and outside, I would hope that number goes up, as long as Judy and her team, with Ed and others, continue to say that the metrics are going in the right direction. I've said this before, and it turns out, it's almost been 1,000% the case with the exception of a month or six weeks ago when the systems crashed on the weekend. These are handmade suits, so if you've got a person on that, if I can ask you a favor, get the name of the person to somebody on my team. Dan, where are you? Dan Bryan, that guy right there, and we'll follow up because they invariably, and when I say invariably, virtually all of them, the cases turn out to be very specific to the individual. So if you could bear with us on that, I appreciate it. Please.

Reporter: Governor, are you concerned about the multiple vacancies in leadership positions at the Department of Health, and has that impacted the state's coronavirus response? And have we been able to parse out where new cases are coming from in the COVID-19 pandemic? Do you know what the survival rate has been in New Jersey for those that have been put on ventilators?

Some counties and towns now are reporting numbers for those recovered. Do we have statewide totals for those recovered, or is there a way to estimate that? And finally, is the Department of Motor Vehicles working on getting more activities online, such as for registration or anything that is just paper based?

Governor Phil Murphy: I'm going to go quickly just to start at the back, the DMV, we will have, I suspect, some guidance on the DMV next week, I would think Matt, right? Does that sound about right to you? So bear with us on that, both online and as well as physical presence.

At any moment in time, in any department in our state, there's going to be vacancies. The most important health people are the ones that you see every day, beginning with that woman right there. This is the ultimate it takes a village, Christine speaks to that with her presence today, with Carol Johnson on daycare, Sheila, not just as Lieutenant Governor, DCA, Pat, we're all in this together. Where are either Judy, you or Ed is with us, where are new cases coming from, and survivor rate on vents? I think we've, just on that second point, I think we've said this in prior sessions. Judy, I don't want to put words in your mouth, but I'll hand it to you with this. I think there was a view that two months ago, if you went on a vent, the chances were 70% or 80% not good. The general sense is, as folks have more experience with this, that that number has come down to at least a 50-50 proposition, but I don't want to, as I've just done, practice without a license.

Commissioner of Health Judith Persichilli: It's such an individual circumstance given that the person who's on the ventilator and their underlying conditions, so it varies. It was pretty high in the beginning, but it was also, at one point, 97% of the patients in intensive care were on ventilators, so it has improved significantly, but it's anecdotal. And it really relates very strongly to the underlying conditions of the person on the ventilator.

Governor Phil Murphy: And I think your other question was, do we have a sense of where new cases are coming from, new hospitalizations are coming from? Ed, do you mind getting that?

DOH Communicable Disease Service Medical Director Dr. Ed Lifshitz: Sure. We don't get quite as much information as we would like on all the new cases. With cases well over 100,000 at this point, not every one has been investigated. So we have a general sense, and the general sense is where most people would be expecting it. That certainly an awful lot of them are coming from places like long-term care facilities, healthcare workers, correctional facilities, those sorts of places. But if you ask me put an exact number as to what percentage, I can't do that.

As to your second question, by the way, about the recovered numbers. That's actually something that also sounds simple, but is really very difficult to do because again, we don't follow every one of these people forward and ask them six weeks later, "Hey, how are you feeling today, sir? Are you feeling all better?" And this is a general discussion that comes up in many places, how do we count the recovered? And what a lot of people just do is they basically say, well, if it's been more than two weeks or a month, and you're not dead, you're probably recovered. We haven't done that because we're not quite comfortable with that definition. So until either there is a more formal definition that everybody can agree on, or some other way to better count them, at this point, we wouldn't feel comfortable guessing at those numbers.

Governor Phil Murphy: Appreciate it. Thank you. Let's go to the back and we'll swing around front here. Please.

Reporter: Awesome, thank you. The first question is about contact tracing. New Jersey is still a couple weeks away from being able to supplement county and local health departments with additional contact tracers. Will the steps you've taken over the last few weeks, beaches, parks, outdoor gatherings, will that place even more pressure on those departments in advance of those reinforcements arriving? It seemed like many of those departments were swamped early in the crisis.

And then I wanted to follow up on Dustin's question. You just said you have no time for leaks in this time of crisis, but your administration has also not really had time to respond to basic OPRA requests as well. Do you think making time for the latter might help with the former?

Governor Phil Murphy: I've got nothing to add on the latter. On the former, is there pressure on contact tracers? You betcha. This is a 500-year flood. The question I think, though, which is a good one is as we continue to open up, will that opening, will it take place before we can amp the army up? And the answer is, it won't. I can't promise you when, but if you could give me plus

or minus 10 days from now, so sort of in the June 8 neighborhood. I think we want to go through with you and Judy, tell me if you disagree, but I think we've talked about it. We want to go through with you a similar discussion in granular detail about contact tracing, as we have done with testing.

And again, let's remind folks why this is important. Forget about what we say. The one striking thing that hits me when you look at when the American people are polled, what's going to get you to get back into the water? At the bottom is government, you know, okay, we're open, good luck. At the top of the list are things like the healthcare infrastructure that you have in place as a state. So forget about what I think or Judy or Sheila or any of us think. The fact of the matter is, you all out there have to have confidence that we've got a system in place that would immediately spot any flare up, and have a strategy to deal with it, that's real, that you all can believe.

So when you're clocking in as we are at 25,000 tests a day and that number feels like it could go up every day, you're gonna see a similar heft of robustness in contact tracing and isolation. Folks need that so they can say, you know what? I'm going to be okay getting back on that boardwalk or in that park or worshipping indoors in a couple of weeks, or putting my kid into daycare, or sending my kid to summer camp. Because folks will then say, you know what? They've got this thing. That's not to say it won't flare up. I mean, the fact of the matter is, it will flare up. The question is, what are we going to do about it when it does flare up? Will we have the infrastructure in place to aggressively attack it, to give folks the confidence that they can get back out there? And that's our objective. On your very good question, bear with us, because we're going to come back to you with that at some point. Elise, good afternoon.

Elise Young, Bloomberg: Good afternoon. Regarding your call with the President last night, who initiated the conversation and what did you discuss? Did you get any sense of support for federal cash grants to states for budget shortfalls? Thank you.

Governor Phil Murphy: The call was initiated before we had gotten, Elise, the 32-F extension of paying for the National Guard. And it was also to ask and reiterate, so I did not speak about federal cash coming from a new bill but I spoke explicitly and I asked the President again to consider and to grant us the 100-zero cost share on all the related expenses that we've got. Right now, it's a 75-25 cost share, feds-state, and we need that desperately to be 100-zero.

I also raised the fact, because he and I had spoken last Friday about indoor worship, I gave him a heads up that we were going to today announce that in a number of days hence, in this case it'll be June 12, that we're going to begin to open up things carefully, carefully and responsibly, indoor for faith gatherings. Thank you. Hello.

Stephanie Faughnan, TAPinto Barnegat/Waretown: Hi, Stephanie Faughnan, from TAPinto Barnegat/Waretown. Down by us, we have a lot of over-55 communities that are being very cautious about opening their pools, their clubhouses. Liability carriers are saying they will not cover things to do with the pandemic. That's one question I have.

Another is in reviewing the long-term care facility list, the sub-acute facilities were removed. I understand why they were removed, but they still did have cases. And I'm wondering if you could create a separate category for them.

I'm happy to hear about the childcare centers, and one of the questions I have about that is, are we going to be asking children to wear masks? How is that going to be handled? Because of course, going forward with school, that's going to be another important part of that.

Governor Phil Murphy: Yep, all good questions. I'll hit at least one of those and maybe ask both Judy and Christine to come in. If over-55 communities are being careful about pools and clubhouses, they should be. That's a good thing, and I don't say that with any morbidity. It's quite clear, it's really not over 55 as much as it's over, Judy, we've got the numbers. I always check before I come in, I did today. 65 and up continue to be 79.5% of the fatalities. I don't have it at 55, but the caution there continues to be advised. I mean, it's devastating for older folks, we've seen that. Vulnerable communities, long-term care is an example of that; folks with comorbidities, communities of color, density, all of that creates, sadly, a petri dish for this virus.

I don't have any color but Judy may on sub-cutes being removed and also, I've become, I hope one of America's biggest mask guys, face covering guys. I'll defer to Christine, however, on the guidance on daycare. Do you want to hit sub-acute, Judy?

Commissioner of Health Judith Persichilli: Sure. You know, we're looking at all the levels of post-acute care. I expect that we'll get some recommendations from the consultant about how best to handle all post-acute. So at this point, it stays the way it is.

Governor Phil Murphy: Christine, masks?

Children and Families Commissioner Christine Norbut Beyer: Yeah, thank you. So right now, it's not recommended for children under the age of two to wear masks. It's not safe. And we're also thinking about toddlers and trying to keep a toddler in a mask. They will be recommended for children over two that they wear masks, but one of the things that we're also concerned about and we'll be talking with you care providers about is if children are continuing to remove them, and then the staff have to keep touching them and replacing them, that could be riskier. And so it will be recommended and I think it's going to be individual children, and whether or not they have the capacity to keep it on. And then not during nap time, because that's certainly not safe.

Governor Phil Murphy: You know, no one has – do you have – very quick, please.

Stephanie Faughnan, TAPinto Barnegat/Waretown: Yeah, real quick. There was one other question, the courts. People are asking when the courts are going to be opening up.

Governor Phil Murphy: Matt?

Chief Counsel Matt Platkin: That's a question for the courts. We work with them regularly. They're part of the Coronavirus Task Force but they'll make that decision.

Governor Phil Murphy: Don't have any guidance for you on that one. You know, I'm going to practice without a license. Christine and if Lamont Repollet is watching, Sheila, forgive me for this. One of the benefits of daycare and summer camp and sports, in addition to the specific we need it, both literally parents that are working need daycare beyond just our essential workers. We want to give kids the opportunity to make those memories and mental health and all of that. We're going to learn a fair amount fairly quickly about what's working and what's not working as it relates to our wargaming back to school. And so that's not the reason we're doing it, but it is a side benefit from that. Thank you. Brent, take us home.

Brent Johnson, Star-Ledger: So can you at least confirm that Chris Neuwirth was fired? How confident are you that you won't have to go back to the original pool of school aid and cut further now? Do today's announcements include summer swim camps, and where are we on high school and college sports? I'm assuming that's not included.

Municipalities can extend property tax payments to June 1, will that be extended again? Some renters who haven't been able to pay rent have seen legal fees and late fees tacked on. They can't already afford their rent, so what can they do with these additional hundreds of dollars in fees?

Last one for the Colonel, would how the officers restrained George Floyd in Minnesota be allowed under police protocol in New Jersey?

Governor Phil Murphy: We don't comment on personnel matters and we still don't. School aid, everything's on the table, Brent. Everything is on the table, sadly. If we don't get the borrowing and we don't get the federal cash, there's nothing that's sacred. Summer swim camp, did you ask about?

Brent Johnson, Star-Ledger: Yeah, summer swim camps and someone had asked if this involves high school and college sports. I assume that's not the case.

Governor Phil Murphy: Yeah, well, it in fact does really, but we haven't made the call on pools. Pools are turning out to be more challenging than we thought they were. And again, I want to roll the tape back. When it first came up in terms of pools, it was a suggestion from a couple of Shore mayors saying if you want to get more geography to spread people over, if you open pools up that were in a club or something near the beach, you'd have a better, broader footprint and you'd have a better social distancing reality.

Having said that, you then look at a community pool and we've heard from a lot of communities that don't want us to open them, with the intensity of interaction. But Matt, on either summer swim camps or high school and college?

Chief Counsel Matt Platkin: On high school and college it would apply. The order will say 25 people or fewer, non-contact outdoor activities, but it's not limited to youth. As you know, we've made clear last week that professional sports teams can practice and this would apply to all sports, non-contact sports. And then I'll defer to the guidance that the department's putting together on summer camps which will be forthcoming, as to exactly what types of activities. I don't want to speak for them.

Governor Phil Murphy: Good answer. When do we promise that guidance? I know I said it earlier, it's in the next week or two, I guess.

Chief Counsel Matt Platkin: The date is July 6, so in the coming weeks they'll have to put out guidance.

Governor Phil Murphy: So bear with us on that. You asked also about property tax payments that are due?

Brent Johnson, Star-Ledger: June 1 is when the extension was until, and that's Tuesday, so.

Governor Phil Murphy: Yep. Any news on that? No news yet on that. And you asked about rental back -- I think --

Brent Johnson, Star-Ledger: Yeah, people say legal and late fees have been tacked on. Is there anything they can --

Governor Phil Murphy: I think we addressed this, didn't we? Let me come back to you, because I don't want to get it wrong. But the one thing we want to prevent is somebody getting crushed by the late fees. You know, it's a little bit of the inverse of the mortgage holiday. It's not just a holiday; we don't want the three months to be due on day 91. The whole spirit of this was to put it at the back of a mortgage and it's the same spirit that would define rental.

Pat, you were asked the question on use of force.

State Police Superintendent Col. Patrick Callahan: Similar to, I'm unable to comment on an investigation in New Jersey in my own agency, and I would take that same position with regard to an investigation in another city, in another state.

Governor Phil Murphy: Okay, this is more complicated than normal because I've got a real mask today, so I'm going to spare -- everyone please bear with me here while I make a fool of myself. Thank you, everybody. We started this last weekend, and we will continue this week as well, which is we will not be with you tomorrow. We'll be with you electronically unless, where's Dan? Unless Dan or Mahen come to us and tell us there was a need to be on the phone or in person. Electronically both tomorrow and Saturday, Martel, I see you back there. Thank you again for being here, number one.

Number two, Monday is going to be a little bit later, we're got a White House VTC, I think, at 11:00 a.m., so I think Monday is going to be in the 2:30 range, is that correct? 2:30 on Monday.

Third point I want to make is we're going to begin to, we've already clearly begun today with indoor faith and signaling a lot of stuff, we're going to continue to do that on Monday as it relates to what phase two will look like and should look like, so bear with us on that. That'll be a fairly deep dive.

I want to thank Lieutenant Governor Sheila Oliver for not just being here today and the leadership on this Rent Relief Program, but extraordinary leadership every day. Thank you. Likewise, Judy, to you, Christine, great to have you back. And likewise, Ed, as always, apologies. Please don't hold it against me that we bumped you. Pat, same to you and yours, Jared, Matt, Dan and the whole team. I just want to wish everybody, obviously, a good safe weekend. Keep it up, folks. I don't think the weather is going to be great again, we'd all like 85, no humidity, sunny and I don't think we're going to get that. It's going to be better this weekend than last weekend, but please keep doing the basics.

Governor Phil Murphy

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EXHIBIT 4



Home > Feature > **Murphy Won't Comment On Neuwirth Firing**



TAY AT HOME covid19

Gov. Phil Murphy. (Photo: Kevin Sanders for New Jersey Globe)

Murphy won't comment on Neuwirth firing

Governor silent on departure of senior Department of Health official

By [Nikita Biryukov](#), May 29 2020 3:00 pm



“I got no comment on any personnel — 64,000 people I believe work for me, not counting the authorities — so people come and go a fair amount actually when you’ve got 64,000 people,” Murphy said.

Christopher Neuwirth wasn’t just any employee. He served as assistant commissioner of Public Health Infrastructure, Laboratories & Emergency Preparedness and oversaw emergency medical services and the state office of Disaster Resilience and made multiple appearances at the governor’s early COVID-19 briefings.

Two sources who spoke on the condition of anonymity told the New Jersey Globe that Neuwirth was terminated for cause.

His firing was not announced by the administration, and Murphy on Friday declined to say why the administration did not alert the public to the departure of a senior health official amid a pandemic that has killed at least 11,531 New Jerseyans.

While working for the Department of Health, Neuwirth held a separate private post Margolis Healy & Associates, a national emergency management consulting firm affiliated with the politically-connected Cozen O’Connor law firm.

The New Jersey Globe has learned that the consulting firm became overloaded with work and drew Neuwirth’s attention away from his public sector duties.

Murphy indicated that the fired official’s moonlighting may have been a factor in his separation, albeit cagily.

“I’ve got no comment on Chris’s situation, but I will say this: It’s par for the course that you’re not supposed to have another source of income as a general matter,” he said.

The governor declined to say whether any other senior members of his administration had part-time jobs in the private sector.

In a Facebook post available only to his friends and obtained by the New Jersey Globe, Neuwirth claimed **he was being scapegoated**

I was blatantly scapegoated and fired from the job that I spent my entire professional career working toward to achieve,” Neuwirth said. “While I’m confident that I’ll land on my feet the people actually responsible for the lies and misconduct that resulted in my termination should know that their actions affected more than just me today.”

The governor did not address those allegations, citing a policy against commenting on personnel matters, though Murphy has spoken publicly — and at length — about the resignation of former Schools Development Authority chief of staff Al Alvarez, who resigned in October 2018 after media inquiries about sexual assault allegations leveled against him by state Housing and Mortgage Finance Agency chief of staff Katie Brennan.

Neuwirth’s separation from state government has already launched calls for **investigations** from some **Republican lawmakers**.



☐ Tagged Al Alvarez, Chris Neuwirth, Katie Brennan, Phil Murphy

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EXHIBIT 5



Senior Health Official Working on COVID-19 Issues Fired, Murphy Reticent About Details

LILO H. STANTON | MAY 29, 2020 | [CORONAVIRUS IN NJ, MORE ISSUES](#)

Chris Neuwirth, who was involved in testing protocols for the coronavirus and for emergency medical services, claims he was ‘blatantly scapegoated’

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Gov. Phil Murphy and the DOH declined to comment on what they called a personnel matter. “Sixty-four thousand people work for me, not counting the (state) authorities. People come and go a fair amount actually,” Murphy said when asked at his daily media briefing about the firing of Chris Neuwirth.

While state officials declined to explain the reason for his departure, Murphy appeared to confirm reports that it was related to a second job Neuwirth held in the private sector — something that was not included on his disclosure form for the state, as required by law. (NJ Spotlight has not been able to independently confirm his role with the company, Margolis Healy; Neuwirth did not appear on the firm’s website as of Friday.)

“I’ve got no comment on Chris’s situation,” Murphy continued, before adding, “Folks ... it’s par for the course if you’re not supposed to have another source of income.”

As assistant commissioner of Public Health Infrastructure, Laboratories and Emergency Preparedness, Neuwirth was a [regular presence at Murphy’s daily media briefings](#) during the early weeks of the state’s public response to the coronavirus pandemic, [answering reporters’ questions](#) about the state’s testing capacity and the availability of protective gear. He played a critical role in the development of the drive-through test sites in Bergen and Monmouth counties and, in mid-March, Murphy and Department of Health Commissioner Persichilli praised his work.

Neuwirth says he’s a scapegoat

But Neuwirth hasn’t participated in daily media briefings since March 25 — days before the first public testing site opened — although he was still playing an active role behind the scenes a month later. While the state has not explained why he was let go, Neuwirth claimed in a social media post Thursday evening — hours after sources said he was “escorted out” of the health department’s offices in Trenton — that he was “blatantly scapegoated and fired” and blamed unknown “people ... for the lies and misconduct that resulted in my termination.”

Neuwirth did not respond to private requests via social media for additional information. According to the DOH, he earned \$143,750 and was hired in late October 2018. When he filed his [state financial disclosure form](#) in January 2019, Neuwirth said he was a licensed EMT and firefighter and he listed himself as owner

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“It seems like a mess. And it’s at the worst time in our history to have this critical area be a mess,” said Sen. Declan O’Scanlon (R-Monmouth), who has worked with the DOH on emergency medical services issues before and during the pandemic. The Murphy administration “need(s) to right the ship, in real time, like now. And be completely transparent about this,” said O’Scanlon, who has become a vocal critic of the governor’s reopening strategy.

Other vacancies at health department

O’Scanlon said he is also concerned about a lack of staff capacity at the DOH. According to its website, with Neuwirth gone there are now three vacancies in leadership positions within the division of Public Health Services, which includes the office headed by state epidemiologist Dr. Christina Tan. Former principal deputy commissioner Jackie Cornell, who oversaw the division, left her job for a role with a medical marijuana company one year ago and has not been replaced.

“It’s inexcusable at this point that our health department is not operating at full efficiency and full transparency,” given the coronavirus pandemic, O’Scanlon said.

Murphy downplayed the vacancies when asked Friday, noting that there are always empty positions in some state department or agency. “The most important health people are the ones you see up here every day, beginning with that woman,” he said, indicating Persichilli, seated to his right. The governor went on to praise the role of other top state officials, noting, “This is the ultimate ‘it takes a village.’”

The state recently has hired at least two consultants to assist the DOH in its coronavirus response, including experts from Manatt Health that Murphy said are providing direct support for efforts to contain the spread of the virus in nursing homes and other long-term care facilities and a longer-term plan on how to better protect the staff and residents.

Officials have declined for weeks to reveal [the terms of these contracts](#). But late Friday the state made public a purchase order indicating that on Wednesday the State Police paid Manatt, Phelps & Phillips LLP — the parent company for Manatt Health — \$500,000 for “one unit” of long-term care consulting. Other contract documents released by the state suggest Manatt officials signed the agreement on May 8, the day after it was [announced by the Murphy administration](#).

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physicians and epidemiologists in various DOH units who have provided expertise in the state’s response to the coronavirus pandemic, she said, and former state epidemiologist Dr. Eddy Bresnitz was asked to offer his guidance, starting in mid-March.

“Since the end of January, the department has been working full time on the response to COVID-19 and positions critical for the response have been prioritized for hiring including 30 positions for the Division of Public Health, Infrastructure, Laboratories and Emergency Preparedness,” Leusner said.

Some lawmakers, including O’Scanlon and Sen. Joe Pennacchio (R-Morris), a frequent critic of the governor, said the Senate should quickly convene the special committee formed to investigate the state’s coronavirus response and subpoena Neuwirth as one of the first witnesses. “The only way we’re going to get to the bottom of this mess is with a thorough and immediate investigation,” Pennacchio said.

“Reports that this individual believes he’s being scapegoated only confirms what many suspect: Murphy has moved from spinning answers, deflecting questions, and hiding information from the public to an outright cover-up of his administration’s failures,” New Jersey GOP chairman Doug Steinhardt said. “The people of New Jersey deserve better.”

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EXHIBIT 6



Save Our Seniors in NJ Nursing Homes.



Home > Governor > DePhillips Seeks Answers On Neuwirth Firing, Wants State Ethics Probe



Assemblyman Christopher P. DePhillips. (Photo: Kevin Sanders for New Jersey Globe)

DePhillips seeks answers on Neuwirth firing, wants state ethics probe

Assemblyman: 'Merely stating that Mr. Neuwirth is no longer an employee of the department is insufficient'



The START initiative is focused on boosting NJ's economy through...




Assemblyman Christopher DePhillips (R-Wyckoff) wants the state Commissioner of Health to address questions regarding outside employment held by one of her top deputies that was fired on Thursday and is asking the State Ethics Commission to launch an investigation.

The Murphy administration terminated Neuwirth, the assistant commissioner for Public Health Infrastructure, Laboratories & Emergency Preparedness and an advisor to Gov. **Phil Murphy** on the state's response to the coronavirus pandemic.

The New Jersey Globe **first reported late Thursday evening** that Neuwirth had been fired. The administration has not responded to a request for comment.

“Merely stating that Mr. Neuwirth is no longer an employee of the department is insufficient,” DePhillips said.

In a letter to Commissioner Judy Persichilli obtained by the Globe, DePhillips asked when she became aware of his private employment with Margolis Healy & Associates, a national emergency management firm, and his financial relationship with Emergency Manager Project LLC, a business he started to train EMTs regulated by the office he ran.

“This crisis has required an all-hands-on-deck response from our government to limit the pain and suffering among New Jerseyans,” DePhillips said. “As this pandemic pushed New Jersey's healthcare infrastructure past the brink of capacity, the person we had in charge was pre-occupied with two other private business interests.”

DePhillips is also seeking a formal inquiry into Neuwirth's business dealings by the ethics commission.

“Under ‘normal’ circumstances, this is concerning information from both an ethical and operational standpoint,” the North Jersey legislator said. “However, as New Jersey endures a COVID-19 death count that has now surpassed 10,000 people, it is horrifying to think that this (Department of Health) Assistant Commissioner was engaged in private business dealings while New Jerseyans suffered.”

Among the issues DePhillips wants addressed is whether any Department of Health contracts were awarded to Margolis Healy, and why Neuwirth didn't disclose his employment with that firm on his 2019 financial disclosure filed with the ethics commission.

In addition to Persichilli, DePhillips wants to know if the Health Department's ethics officer was aware of Neuwirth's private business interests.

In a **Facebook post**, Neuwirth said he was being “scapegoated.”

Judith M. Persichilli
Commissioner
New Jersey Department of Health
P. O. Box 360, Trenton, NJ 08625-0360

Dear Ms. Persichilli:

As you are aware, New Jersey has suffered an unconscionable number of deaths during this COVID-19 pandemic. Governor Murphy has called this moment New Jersey's "greatest hour of need in the history of our state." This crisis has required an all-hands-on-deck response from our government to limit the pain and suffering among New Jerseyans.

On May 28, the New Jersey Globe published an article that brings to light the fact that your Assistant Commissioner in the New Jersey Department of Health (DoH), Mr. Christopher Neuwirth (\$127,386-per-year salary), also had a concurrent position as a senior associate with Margolis Healy & Associates, a national emergency management consulting firm. According to the article, Mr. Neuwirth did not disclose this information on his financial disclosure statement. Further, Mr. Neuwirth is also the owner of Emergency Manager Project LLC, which operates a business that is regulated by the very office he ran.

According to his DoH biography, Mr. Neuwirth was responsible for Public Health Infrastructure, Laboratories & Emergency Preparedness. Mr. Neuwirth was "providing strategic and operational leadership to coordinate New Jersey's hospital and public health disaster resilience...". In other words, as this pandemic pushed New Jersey's healthcare infrastructure past the brink of capacity, the person we had in charge was pre-occupied with two other private business interests. I have attached a tweet posted by Margolis Healy & Associates which promotes their "colleague" as Mr. Neuwirth testified in front of the House of Representatives Homeland Security Subcommittee on Emergency Preparedness, Response and Recovery, on behalf of the DoH. I would be appalled that the DoH would know about this arrangement and not take immediate action.

In light of this disturbing revelation, I have the following questions:

- 1) When did you first become aware of Mr. Neuwirth's senior associate position at Margolis Healy & Associates?
- 2) When did you first become aware of Mr. Neuwirth's ownership stake in a private business (Emergency Manager Project LLC), which is regulated by the Department of Health?
- 3) When did the DoH Ethics Officer become aware of these two private business interests?
- 4) On what basis did you and the DoH Ethics Officer determine there was no conflict of interest between Mr. Neuwirth's DoH employment and his two private business interests?

Mark T. Holmes, Esq., Executive Director
State Ethics Commission
28 W. State Street
P.O. Box 082, 8th floor
Trenton, New Jersey 08625

Dear Mr. Holmes:

Please allow this letter to serve as a formal request for an investigation into the employment of Mr. Christopher Neuwirth, former Assistant Commissioner in the New Jersey Department of Health (DoH).

I am troubled by a recent media report published on May 28 by the New Jersey Globe which reveals a host of ethical concerns regarding Mr. Neuwirth's employment by the DoH. Below are facts, according to the New Jersey Globe report:

- Mr. Neuwirth was employed by the DoH as an Assistant Commissioner, earning an annual salary of \$127,386.
- Mr. Neuwirth, as Assistant Commissioner, led the DoH division in Public Health Infrastructure, Laboratories and Emergency Preparedness which offers "strategic and operational leadership to coordinate New Jersey's hospital and public health disaster resilience, laboratory services and emergency preparedness and response."
- Mr. Neuwirth was concurrently employed by Margolis Healy & Associates as a senior associate.
- On March 9, 2020, Margolis Healy & Associates tweeted "Be sure to catch our colleague Christopher Neuwirth discuss Coronavirus Preparedness and Response to the Committee in Homeland Security tomorrow."
- Mr. Neuwirth did not disclose his affiliation with Margolis Healy & Associates on his personal financial disclosure statement.
- Mr. Neuwirth also owns a business, Emergency Manager Project LLC, which provides training classes for EMS professionals.
- Emergency Manager Project LLC is a business that is regulated by the DoH.

Please conduct a thorough investigation into the following issues:

- 1) Mr. Neuwirth disclosed the business he owns, Emergency Manager Project, LLC, on his financial disclosure form. Who reviewed this form and determined that there was no conflict of interest? Where is this opinion stated?
- 2) Describe the complete process for conducting a review of a DoH employee's personal financial disclosure statement, and how is it determined if there is a conflict of interest?
- 3) Does the State Ethics Commission review all personal financial disclosure forms?

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Tagged Christopher DePhillips, Christopher Neuwirth, Judy Persichilli, Mark Holmes, Phil Murphy

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Governor Phil Murphy



TRANSCRIPT: June 1st, 2020 Coronavirus Briefing Media

06/1/2020

Holding a COVID-19 briefing. WATCH: Watch later Share

The Road Back: Moving Carefully to Stage 2

	STAGE 1	STAGE 2	STAGE 3	New normal
Maximum restrictions	Restrictions relaxed on low-risk activities if appropriately safeguarded	Additional activities that can be more easily safeguarded	Most activities allowed with significant safeguarding	Economic and social activity back to normal with a new resilience
Description	Most staying at home. Activity largely limited to essential activities.	Restrictions relaxed on low-risk activities if appropriately safeguarded	Additional activities that can be more easily safeguarded	Most activities allowed with significant safeguarding
Example of phased-in activities¹	<ul style="list-style-type: none"> Emergency health care Essential government Manufacturing Essential retail Grocery stores Pharmacies 	<ul style="list-style-type: none"> Elective health care Non-essential construction Parks, beaches, some outdoor recreation activities (e.g. batting cages, golf) Curbside retail Drive-in activities In-person car sales 	<ul style="list-style-type: none"> Outdoor dining Limited in-person retail Limited personal care, e.g., barber shops, hair salons Youth summer programs Some in-person clinical research / labs Limited fitness / gyms Some in-person government services, e.g., MVC 	<ul style="list-style-type: none"> Expanded dining Critical in-office work Limited entertainment Expanded personal care Bars with limited capacity Expanded fitness/gyms with capacity restrictions

¹ Subject to change based on what we learn in New Jersey intelligently

Based on current trends, NJ is on track to move to Stage 2 on June 15th

Governor Phil Murphy: Good afternoon. Thank you for bearing with us with a later start today than normal. I want to say I am honored to be joined by the woman to my right who needs no introduction, the Commissioner of the Department of Health, Judy Persichilli. To her right, the Department of Health's Communicable Disease Service Medical Director, another familiar face, Dr. Ed Lifshitz, great to have you both. Guy to my left who needs no introduction, the Superintendent of the State Police, Pat

Callahan. Director of the Office of Homeland Security and Preparedness, Jared Maples. Chief Counsel Matt Platkin will be with us shortly.

I want to start, if I may, by lifting up the many peaceful and moving protests which took place across our nation, and especially our state this weekend, drawing attention to the systemic racism that exists throughout our society. I support these protests and I thank the thousands of residents who peacefully and respectfully took part. I know the pain associated with this movement is real, and it's representative of a society that has been largely unresponsive to calls for change and equal justice from Black and Brown communities. This is a transformational moment in our time. Protest is the language of the unheard, of the ignored, and the names must be said again and again and again. George Floyd, Breonna Taylor, Ahmed Aubrey, and many more before them who lost their lives for no reason other than for the color of their skin.

So too must these words, Black Lives Matter. The fact that so many came forward in peace and common ground to fight for the most basic principle of human dignity is a powerful reminder of the Black and Brown experience in America today. And the fact that so many others who do not live this reality would join them, making these protests powerful displays of our great diversity should be a point of pride for our state. People with privilege are now recognizing the pain of those without. We are seeing our common humanity.

And so I watched as an example with tremendous pride to see the Chief of Police in Camden march in lockstep with residents on Saturday, and to help them hold their banner. I spoke with the Chief on Sunday morning to express that directly. I watched with pride to see the peaceful protests in Newark, joined by many, and importantly by the city's Mayor, who himself was and remains an activist for justice, and I was back and forth a number of times both Saturday and Sunday with Mayor Ras Baraka. I was moved to see communities throughout our state, big and small, stand up and lie down for what they believe.

We will not let a small number in our state, who wish to harm our communities, distract us from the greater message lifted up by literally tens of thousands of others. New Jersey can be a leader in bringing the change we need. This administration has been committed to tackling and dismantling systemic racism, but despite our great strides thus far, we know that our work is far from over. We will continue to listen and to stand in solidarity. The pain of yesterday and the pain of today does not have to be the pain of tomorrow. The insidious effects of racism are not new to us, even in New Jersey. Racism exists here. It has held back generations of Black and Brown citizens, and still threatens the generations yet to come. Inequalities in economic mobility, healthcare support that we speak to almost every day, Judy, accessible housing and educational opportunities, and on and on and on.

And now, all across our country people are demanding transformational and systemic change in a way we have not seen in perhaps 30 years. We must listen, and we must act. The unity we displayed this weekend in New Jersey showed the world that we are ready to be the ones to help lead the way and to fight the sins of racism and the stain it has left on our state and on our nation. As I said the other day, whether it's through the passing of the tragedy and the murder of George Floyd, or the healthcare data that we report on or any of the other metrics, depending on whatever lens you look through, in this, the first year of the fifth century since slavery first came to our shores, we are still digging out.

The past few days have been a time of reflection for me, as I suspect they have been for many of us. And on the one hand, I think about folks who were nothing short of pioneers or heroes. Names we all know, Barack Obama for whom I had the honor of working; John Lewis, who my family and I hosted in Berlin for one of the most magical nights of our lives; Julian Bond, who was a dear personal friend; my partner in government who sat right where Pat is on Friday, the extraordinary Sheila Oliver. Names known to all of us, folks who have been out there, changing lives, bringing our country to a better place, for decades.

But there are names you may not know. I spoke to several of them this morning. They're of the next generation, people on our team. Justin Dews, Diana Houenou, Jerrel Harvey, late 20s, early 30s, African American, extraordinary, and I mean extraordinary talents, incredible members of our team. They are living and they spoke to, we had a call this morning and they spoke to this. They are living the dreams of their fathers and mothers. And those great names, the big ones, the John Lewis's and Julian Bonds, they brought our country along a great way. But as George Floyd's tragic death shows us, our work is not done. We need action and not words, and it can't be for a moment in time or even a year, but we have to make generational, permanent change in our state, and we will, and in our country. Justin's, Diana's, Jerrel's and I could name other names, by the way, I just happened to speak to them this morning, their futures are unlimited, literally. It is our collective job, beginning with yours truly, in this state, to make sure that we in no way, shape or form limit their extraordinary futures. It's our collective job to open up their futures, and the millions of them like them in this state and in this country, as wide as we possibly can.

Now, let's move onward. Over the past several weeks, we've been able to take our first steps on our road back. We've been able to begin our restart and our recovery through small, yet significant and meaningful steps. Steps to get all our construction workers back on the job, to allow our retail stores to serve more customers through curbside pickup, to start the process of reopening all our childcare centers and greenlighting summer day camps, to resume playing sports and to ensure that our Shore towns and beaches would be open for the summertime, among others.

We've been able to do this because we stayed true to the guiding principles we said we would, which would lead our every move. Public health creates economic health, and data determines dates. We have listened intently to every responsible voice, those who said we were acting too quickly and those who said we were acting too slowly. We believe, as the overwhelming majority of New Jerseyans do, that we're acting responsibly, given the severity of this pandemic and the tremendous toll that it has taken in our state.

Let us never forget, we have lost nearly 12,000 of our fellow residents because of COVID-19. And sadly, we know more will succumb. More than 160,000 have tested positive for the virus, and more and more will continue to test positive. As we open, we know there is a greater chance for transmission of the virus. This is why one of our critical data points was testing capacity, and we now have robust testing in place to help us test more people and quickly identify outbreaks.

As we sit here, there is no cure. There is no vaccine. There is no proven therapeutic. The only cure, frankly, is responsibility. Responsibility on the one hand of those of us in government to get our only shot at restart right, and then the responsibility on behalf of you all, the 9 million of us who call this great state our home, to continue with social distancing, to practice safe hygiene, to wear something covering your face when you're in public.

Because this virus is among us, we will act as quickly as we can, but as safely as we must. Our economic restart will fail if we fail to instill the confidence we need among you all, our residents and visitors, that their safety and that of their families is our number one priority. Every one of you have been overwhelmingly diligent, smart, and practical about how to act in these uncharted waters. So let me add a new principle that should guide us as we move forward, not just that public health creates economic health or that data determines dates, but common sense for the common good. That's another way of saying, perhaps more polite, Pat, don't be a knucklehead. When each of us is responsible, all of us do better. In fact, Judy, when you wear a face covering, it's not for the person who wears it. It's a sign of respect for those around them, right? That is how we continue to move forward on the road back.

We want our economy back up and running. We want people to get back out to our downtowns and Main Streets, to our shops and restaurants, and to their places of work. But we will not do that at the cost of a reckless disregard for their health and safety. This is why we put in place mile markers for us to hit along each step on our road back, and to tell us when we are ready to move from stage to stage, from testing to contact tracing to strong public health and safety protocols at our workplaces and businesses. Each one has been designed to protect our people and workers, and to minimize as effectively as we can, the chance of a flare up of COVID-19.

And we're already seeing the results of this responsible planning. In our hospitals, where perhaps we get our most important and concrete data on public health, we have seen the stresses on our healthcare system significantly lessened. Key metrics on hospitalization, ICU numbers and ventilator use have all dropped meaningfully from the peak just six weeks ago, and in the all-important two-week windows we constantly review to determine whether or not new trends were emerging, they have likewise continued to go down.

This speaks to the increased ability of our hospitals to handle any new cases of COVID-19 that enter their doors. At our peak, we were seeing significant and scarce resources being pushed close to their max. It may seem like ancient history, but it was only weeks ago that we feared that ICUs would be full, with no room for the next patient. But today, as you can see in many of our hospitals, there is no more fear of running out of beds or ventilators, and please God may it stay that way. The reality is that the resiliency of our healthcare networks has not only emerged intact, but has been maintained, and I want to thank every healthcare professional, every first responder and every frontline worker for their heroic and astounding performance under unimaginable pressure.

We have just as significantly ramped up our testing capabilities. I've mentioned these numbers before. Two months ago we were maxing out at 6,000 tests a day. In April, we were able to increase our numbers to 12,000 a day; and now, we are where we said we would be and where we needed to be, with the ability to conduct at least 20,000 tests a day. And with this increased testing has come an increased focus on contact tracing. In the coming days, I and we will go into greater detail on our progress on our contact tracing program, but we are already building up from the hundreds of contact traces currently on the ground. And just as importantly, we're building up our capacity for safe and accessible places for those who will test positive to go, to further protect their families and communities from the virus, if they so need one.

But the build out of our testing program is something we should take great pride in. And today, we can say affirmatively that New Jersey leads the nation in the number of daily tests recorded per capita. We are literally the top state in the nation in terms of daily testing per capita, thanks to everyone's hard work. In the span of one week, we've gone from fourth to first; in the span of two months, we have gone from planning to reality, and we're not going to rest on any laurels. We are going to keep building to remain number one. We set our testing goals just a few short weeks ago, and then we met and exceeded them, and now we lead the nation.

So here's the truth. Public health creates economic health, and data determines dates. And because we are following these guidelines today, I can announce that we are ready to move to stage two of our restart and recovery. And assuming that we do not see a precipitous backslide that would put the brakes to our plans, and we reserve that right, we will enter stage two on Monday, June 15, two weeks from today. And by the way, today's June 1st, Happy 19th birthday to my Charlie Murphy.

As we have looked to set dates, we have maintained close and regular contact with industry associations and individual industry leaders, small business owners and restaurateurs, as well as with our Restart and Recovery Commission, and our Advisory Councils. Almost invariably, we have heard this: give us guidance, then give us a week or so to prepare, and we'll be ready. That's a conversation we have had, almost literally, on countless occasions. So here we are. Later this week, Judy and her team at the Department of Health will have the necessary guidance ready. And once that guidance is ready, our businesses will have the time they need to prepare, to determine the staffing levels and to call back workers, or to stock up on inventories or whatever it might be.

As the first step of stage two, and let me remind everybody, look at stage one for a second. We didn't do all of that on one day. We did that in a range of days, and we're going to do something similar in stage two, and I would suspect as well in stage three. So as the first step in stage two, and in strict adherence with the guidance from the Department of Health, Judy and her team, our restaurants will be able to welcome diners to outdoor spaces, and our non-essential retail stores will be able to welcome customers back inside effective Monday, June 15.

Furthermore, our salons and barbershops can serve their clients again on Monday, June 22, and then in the period, I would hope sooner than later following those openings, our gyms and health clubs will again provide spaces for residents to work out, albeit at reduced capacity, so we're going to come back to you with a specific date soon on gyms and health clubs.

Again, repeating this statement I said a second ago, differently. Entering stage two does not mean, just as it didn't when we went into stage one, that we flick a light switch. This will continue to be a phased in restart based upon a careful analysis of inherent risks and the ability to safeguard public health. The easier it is to have strong protocols in place or to ensure reduced densities of customers, the sooner that business can reopen. The harder, on the other hand, the harder these metrics are to achieve, the more time we'll take to get it right, and to make sure everyone has it right before we give a green light. Again, it's public health creates economic health, not the other way around. And just because the calendar says June 15, doesn't mean that everyone should just go back to what they were doing and the way they were doing it pre-COVID. For example, those businesses whose workers can work from home will be expected to keep their workers at home, as one example.

Again, let's use common sense for the common good. Only a successful, by the way, an obvious point, only a successful stage two can get us to stage three. Social distancing will continue to be the watchwords of the day, as will face coverings, Judy, right? Those high-risk individuals and vulnerable communities, especially those with comorbidities and/or compromised immune systems, will still be asked to take extra precautions and to stay at home whenever possible. As I said before, the virus is among us and saving lives is still priority number one.

We still face challenges. We're now showing this data in a little bit of a different way. We're still seeing more people testing positive than many other states, though certainly this is a byproduct of our testing, more and more people per capita than, as I said, every other state in the nation. There are still more residents in our hospitals with COVID-19 per capita than any other state. We are still experiencing an outsized impact of lives lost. These are all data points that we continue to push hard against, and they are a reminder that while we are ready to move forward, we cannot do it blind of the reality around us. Stay with this, Mahen, if you can. Again, we're presenting this in a different way, and I'll just repeat it on this one particular day because it's a new look.

New cases per day among the 50 US states, we're number 14. Patients in the hospital -- again, these are per capita, by the way - we're number one. Deaths per day, thank God we've slipped to number four, and I hope it continues to slip. But overall, the public health metrics tell us we are ready to enter stage two of our restart, and ready to begin restoring our economic health. The data has determined that we can get doing so starting on June 15.

With that, let's turn to the overnight data. Yesterday we received an additional 509 positive test results, and a total now statewide cumulatively, 160,918. Here is the trend line of the new cases. Spot positivity from specimens collected May 28th was 3.5%. That, I think, is the lowest that's been, Judy. Looking to our long-term care facilities, 33,118 positive cases, and the numbers of lab-confirmed deaths associated with our long-term care facilities is 5,106 blessed souls lost. The only thing we'd say is that trend line continues to go in the right direction.

In our hospitals, we closed the weekend with 2,344 patients reported being treated for COVID-19. Our field medical stations had 21 patients. This is the breakdown of hospitalizations regionally. Number of patients reported in either critical or intensive care was 646. Ventilators in use was 469. There were 36 new hospitalizations yesterday, while 160 live patients left our hospitals. I would just call timeout on this, as we usually do on Mondays or Tuesdays after holidays and say, we'd love to think that it's going to be 36 and going down, but we know these numbers are usually distorted Friday through Sunday, so. But the most important thing is when you add it all up, distortion or not, more people left than went in.

Here are yesterday's numbers charted across regions. These are the numbers we will continue to watch. If you go over the next two weeks as we prepare to enter stage two of our restart and recovery, should we see current positive trends reversing, we will take corrective actions as necessary. However, given the course we've been on and our expectations of all of you to continue your extraordinary hard work and partnership in getting us to our goals, I firmly believe that we are going to stay on track.

Today as we do sadly every day, and I can't wait for the day when we don't do this, we have to report the loss of another 27 blessed souls from our New Jersey community to COVID-19 related complications. Our statewide total stands, look at that number, 11,721. May I say this folks, 11,721 in four years of fighting on two fronts in Europe and in the South Pacific, New Jersey lost 12,865 blessed souls in World War II. The toll of this virus is historic by any measure.

Let's remember several more of those we lost. I want to begin with, speaking of the Greatest Generation, Samuel Domenick. He was 94 years old, a Newark native originally, the son of immigrants and a proud member of our Greatest Generation. He joined the US Navy in October of 1943 and six months later, was shipped out to North Africa as a gunners assistant on the USS Catoctin. On June 6, 1944, a day that all of us know, D-Day, Sam was among the sixth wave of troops to storm Normandy Beach. Two months later, back aboard the Catoctin, Sam was part of the Allied invasion of Southern France. During the battle, the ship was hit by a German air raid, and Sam was injured. He survived, but always spoke of the 30 crewmates who were killed that day.

Upon returning from war, he met the love of his life, Honey, while in Asbury Park, and they married in October of 1949. They moved to Indiana so Sam could get a mechanical engineering degree, but they came home to New Jersey to raise their family, eventually settling in the Ford section in Woodbridge. He was active in the community and especially in the Ford's Clara Barton Boys Baseball League, coaching his son's teams. He was known by many, including our dear friend, the Speaker of the General Assembly, Craig Coughlin. He retired from his engineering career in 1983, but then started a limousine business that kept him busy for another two decades, Sam was an avid New York Yankees fan. He had met Yogi Berra during his war days. He also loved New York Giants football, horse racing and bowling. He is now reunited with his beloved Honey and their son Steven. He leaves his other son Jeff and his daughter Susie, and I had the great honor to speak with each of them and Jeff reminded me that we had met on December 7th last year at an arthritis run. Not just Jeff and Susie, but their families, including nine grandchildren and six great-grandchildren. May God bless Sam's memory, and we thank him for his service to our great nation.

Next up, we remember Linda Auman, and there she is with the love of her life, her husband, Jim. Linda was from Warren. Born in Morristown, Linda graduated from the Muhlenberg School of Nursing in 1966, becoming a registered nurse and would go on to earn her bachelor's degree from Uppsala College in East Orange. Linda dedicated her life to her profession and to helping others, especially the elderly. She spent many years as the Head Nurse within the adult medical daycare center at Plainfield Muhlenberg Hospital. Linda would pass on April 16 and sadly, only six days later, her husband Jim, right there to her left, a longtime ESL educator, passed away at home.

Linda's sister said it was, I think on the death certificate, cardiac arrest but, Judy, you won't be surprised by this, there was lots of speculation by her sister that he himself also had COVID positive, although he was not tested and that may well have contributed to his passing. They were a perfectly matched couple, as you can see, including a matched couple of opposites. Linda was short and outgoing with a confidence and self-assurance that few could challenge. Jim was the tall and quiet one, the gentle soul who realized early that it was best to follow his wife's advice. They never had kids who grew up, but they did have a young blessed gal, Sara Elizabeth, who only was with us for a few days. But they also reveled in the lives of their niece and their nephew and love being among family and friends.

Linda and Jim also shared a love of reading together and traveling together, especially to the family cabin in Maine. Linda was 74 years old, Jim was 73. They were together for 44 years. And again, they're survived by Linda's Sister Nancy, with whom I had the great honor of speaking. Nancy herself wants to get up to that cabin in Maine this summer. They're also survived by their niece, Lori and their nephew James and their families, which extends to several great nieces and great nephews. They are together forever. May their memories bring comfort to all who knew them. God bless you Linda and Jim.

And finally today, we honor another proud member of our Greatest Generation. Look at that smile. Armit Harrison, Sr. of Hamilton, right here in Mercer County. Armit was 99 years old. After Pearl Harbor, Armit enlisted in the United States Marine Corps. He was a forward scout observer for the Fourth Marine Division, meaning he was one of the troops taking on the dangerous work of going ahead to survey the enemy lines. He would see action in the Pacific Theater, in both the Marshall and Marianas Islands, and was awarded the Purple Heart after being wounded by Japanese small arms fire during the Tinian Invasion in the summer of 1944. Armit believed his injury saved his life, as the division's next mission was the invasion of Iwo Jima.

By the way, I spoke yesterday to his son and daughter-in-law, his knees were obliterated, and yet in his 40s he took up skiing, and he became a very good skier and skied until not that long ago, when folks thought he was more in danger not of a problem he would have engendered, but of getting hit by some knucklehead on a snowboard or something. After the war and after he had recovered from his injuries, Armit married his childhood sweetheart, Charlotte, and started a career in business, first taking over his father's retail milk distributorship. He and Charlotte would raise four sons together, Armit Jr., Christopher, Daniel and Brian, and again I had the great honor of speaking with Brian and his wife Angela. Brian recalled his father as, "Always the gentleman who retained his sense of humor even though he was a long suffering Phillies fan." At least he saw them win two World Series. Armit was a longtime member of the Hamilton Square Baptist Church, and a volunteer with Meals on Wheels in the Trenton area soup kitchen, among other organizations. He also took up traveling and was an accomplished Alpine skier, as I mentioned.

Charlotte passed away six-and-a-half years ago. They had been married for 68 years. Armand leaves his four sons and their families including seven grandchildren, and four great grandchildren. He's also survived by his sister Helen and several nieces and nephews. May God bless you, Armit, and may God thank you and bless you for your service to our great nation.

Three more of the nearly 12,000 New Jerseyans we have now lost to COVID-19. We honor their lives today and every day as our flags remain at half-staff. But even in our grief, we take tremendous pride and joy in the many New Jerseyans who continue to work every day to help us get through this emergency, and through whose commitment to getting the job done, we are now ready to move to stage two.

One of them is this guy right here. Take a good look. That's Matt Finn, Monmouth County. Matt's 34 years old, and one of our residents with special needs. He's worked at the Stop and Shop supermarket in my hometown, Middletown, for 13 years. If you go there, you probably know Matt. He's one of the workers out front corralling shopping carts and making sure they're properly taken care of for the next shopper. While wearing a mask and gloves presents some difficulties for Matt, he knows what he needs to do to keep the people who go to his store safe. He's proud to be among our essential workforce, and is just one in a family of nurses and police officers. So to you, Matt, and by the way, I'm surrounded by one of each when I say that, so to you, Matt, we're proud to have you on our front lines. Keep safe and keep being a leader in our community. And so everybody, be like Matt. Wear a face covering, just as he is. Be safe. But most importantly, remember, we can only get to stage two on June 15 if we continue to stand as one community.

The next big step in our restart and recovery is just two weeks away, and we're ready to begin moving forward. All the metrics we need to follow from our hospitals are where we need them to be and keep trending in the right way. We are ready because this progress is being seen across our state; we're ready because we are not just hitting, but exceeding our goals for the number of tests being recorded. We are ready because our positivity rate, as you can see, keeps falling. We are ready because the data says so and it's all because of you. Keep it up, folks. With that, please help me welcome the woman who needs no introduction, the Commissioner of our Department of Health, Judy Persichilli.

Commissioner of Health Judith Persichilli: Thank you, Governor and good afternoon. Well as the Governor shared, residents have done a really good job at social distancing, and this has helped reduce the spread of the virus in our state. As more of our state opens up, we must continue to take safeguarding precautions. So once again, I encourage you, stay home if you're sick. Wash your hands frequently during the day for 20 seconds. Avoid touching your eyes, your nose, your mouth, especially with unwashed hands and with unwashed gloves. Ensure you are safely distancing from others, at least six feet; 10 feet if someone is coughing; and if someone sneezes, just run in the other direction. Wear a face covering that covers your mouth and nose. Cover your mouth and nose with a tissue or sleeve when coughing or sneezing. Clean and disinfect frequently-touched surfaces. Keeping focused on safety will help us continue to make progress in the right direction.

As for my daily report, as the Governor shared, our hospitals reported 2,469 hospitalizations, with 522 individuals in critical care, of which 72% of them are on ventilators. There are a total of 31 cases reported now of multisystem inflammatory syndrome in children. No new cases were reported yesterday but since Friday, we're reporting five additional cases. There have been no deaths. The ages of the children affected range from 1 to 18; 21 out of the 31 have tested positive for COVID-19, six are still currently hospitalized. The breakdown of race and ethnicity of these cases are White 23%, Black 27%, Hispanic 39%, Asian 8% and other 4%.

The Governor shared the statistics on our new cases and deaths. In terms of deaths, the breakdown of deaths by race and ethnicity is as follows: White 53.3%, Black 18.5%, Hispanic 19.4%, Asian 5.4%, and other 3.4%. At the state's veterans homes, among a census of 652 residents, there have been 385 residents tested positive and one new death has been reported, for a total of 145 deaths. At our state psychiatric hospitals, the numbers remain the same.

The daily percent positivity as of May 28 for New Jersey overall is 3.53%. The North is 3.22%, Central New Jersey 2.98%, and Southern New Jersey 5.41%. I want to share some of our testing plan results with you. We are testing, as you know, the most vulnerable population, communities of color, the incarcerated, the uninsured, seasonal workers, those requiring longer term mental healthcare, the elderly and the frail. In the month of May, long-term care we tested 109,000 individuals; 44,000 residents and 65,000 staff. The residents have returned a positivity of 10%. The staff is 4%, with 14% still outstanding. The FQHCs have tested over 29,000 individuals, 29,068 tests were performed, of which 15,357 were uninsured. They're returning a 19.9% positivity. Our correctional facilities have tested 17,544 individuals, returning a 13% positivity. Our veteran homes have instituted universal testing of all three homes. The two homes of Menlo Park and Paramus have returned 16% positivity. 1,294 of our seasonal workers have been tested, returning an 11.6% positivity, and in our psych hospitals, 1,209 of our patients have been tested, returning a 17% positivity.

So that concludes my report. Thank you for your adherence to social distancing guidelines. It has helped slow the spread of COVID-19 in our state. So stay connected, stay safe and stay healthy. Thank you.

Governor Phil Murphy: Judy, just to reiterate something I referred to earlier, whether it's the metric through the tragic killing of George Floyd or whether it's through the disparate health data that you report every day along racial lines, we may have made a lot of progress; as a nation and as a state we have a long way to go. Thank you very much for that today and every day. Pat, this is not a normal Monday, given that we had, I think 30 different, overwhelmingly peaceful protests in the state over the weekend, a couple of exceptions. But those truly were exceptions. I think you gave me a list of at least another nine that were announced today. We'd love to get both your quick sense of COVID compliance, but maybe focus if you could, for a minute, on those weekend, largely really moving and peaceful protests. And also, any reflections you have as a senior leader of law enforcement, not just in our state but in our country. Thank you.

State Police Superintendent Col. Patrick Callahan: Thank you so much, Governor. Good afternoon. The compliance with regards to the Executive Order was really overwhelming, again. Rather than go through the handful of those, I think speaking to the events in New Jersey over the weekend, to the Governor's point, there were more than 30 organized protests, only two of which did not end peacefully and those were in Atlantic City, where the ROIC received reports of 12 arrests from yesterday. And in Trenton, right here in Trenton, where 27 arrests were reported to the ROIC.

But I think it's important to point out that throughout all of those events, the close collaboration between the organizers, between clergy throughout the state, between law enforcement, the Governor pointed out the collaboration of Chief Wysocki down in Camden who I spoke with Saturday prior to that march. And he pointed to what he thought was going to be successful, and he was right because he had the clergy, the organizers and law enforcement meet out ahead of that, and his leading by example and standing in solidarity with his communion, I think resonated not only throughout New Jersey but throughout the country with those faith-based leaders that I had the honor of speaking with throughout the weekend.

With regard to the weekend phone calls, I probably couldn't even count, maybe upwards of 100 calls over Saturday and Sunday, a lot with our faith-based communities, National Action Network representatives, NAACP, law enforcement, of course. I think with the goal of one, and our communication has been phenomenal about just letting them talk and offer me their perspective. One of the most powerful calls I got was from one of our African American Commanders in the New Jersey State Police, who was honestly struggling with being black and being in law enforcement, was a perspective that I hadn't really been in tune to,

and how does he explain to his wife and his teenage children? And not only him, but other black troopers in law enforcement? How do they explain to their children what's going on? And what he explained is that struggle to sometimes feel the need to choose between your race and your profession, which I hope that their race and their profession both serve as a tremendous source of pride for them.

So this afternoon, after this press conference, I am meeting with African American troopers from various ranks throughout the division, just to one, to listen to them more than anything else. I could probably never offer a perspective that comes close to theirs, but I think keeping that line of communication and having them to the extent they can, explain what they are experiencing both at work and at home, I trust will make us all better for it. Thank you, Governor.

Governor Phil Murphy: Thank you, Pat and thanks for your -- I know you didn't get much sleep this weekend, and thank you for everything. I mentioned three young stars -- Justin, Diana and Jerrel -- who are on the ascent, in the early stages of the ascent of their career, and I don't know where we'd be without them. And again, our job is to make sure they have extraordinary futures as wide open potential as any in our country. But we've also got some folks who have been in there and are now, Reverend Derrick Green example recalled to us this morning, speaking, giving a lecture right after the Rodney King reality in 1992. I don't know where we'd be without him, particularly as it relates to our faith communities. Deb Cornavaca, another veteran in so many respects in our state, and I can't thank you all enough, the leadership on either side of me who shows up every day as we find our way through seemingly one evolving crisis or challenge into another. So thank you all.

I think let's start here if that's okay, because Matt, you're there and I don't want you to injure yourself going across the room. Mahen, are we at one o'clock tomorrow, is that right? So unless you hear otherwise, we've got a fair amount of moving parts this week, it feels like maybe a little bit more than normal, so we've got a lot of stuff that we're juggling. I've already mentioned that I'm not going to marry to a particular day, but guidance on a lot of what I announced is coming later in this week, so bear with us. And when we have that guidance, we will probably speak to it, I would guess Judy, not just post it but we'll speak to it, at least the highlights. So if you could give us a little bit of a break in terms of the specifics on some of this until we have that guidance. But you heard the dates that we're putting out there, the markers. And we're, you know, this is non-essential retail, outdoor dining, June 15th; salons, barbershops, June 22; and I hope gyms and health clubs very soon, either in that window or shortly thereafter. So we'll start over here. Dustin, is that you? Good afternoon.

Q&A Session

Dustin Racioppi, Bergen Record: That's me. Good afternoon. Understanding that you're going to put out the guidance, can you give any sense of what these businesses can expect in terms of social distancing, capacity limits, that sort of thing?

What's your reaction to President Trump calling Governors weak in their handling of protests that broke out over the weekend, and is urging that Governors dominate or you're going to look like a bunch of jerks? Did you or any of the other Governors pushback and suggest there might be another way to deal with protesters, without further inflaming the anger? What do you consider the appropriate approach? And will you send in the National Guard to places like Trenton and Atlantic City tonight?

Has anybody filled Chris Neuwirth's position? And have you learned if anyone else in your administration has a second job? And can someone, maybe Matt Platkin, explain what the rules are about state workers holding outside employment?

Governor Phil Murphy: I know for sure, just to answer one question, Matt does not have a second job. He has no time for that, so. Listen, we'll come to guidance. Judy may I say the following? It's going to look a lot, I would suspect, like the guidance for essential retail, right? So it's going to be capacity, social distancing, markers on the ground, maybe some plexiglass stuff, and I would think restaurants with outdoor dining will have some of the elements that we've spoken to. Social distancing, the distance between tables, pardon me, probably temperature checks or something like that on the way in, masks, gloves of employees. My guess is more paper menus than not, but I'll leave that -- that's to come.

Listen, I think as it relates to your question about weak versus dominate, all I'll say is this. It was a call that was very heavy, if not entirely, about law enforcement and dealing with the vast minority of the folks who have been out there protesting. I would have liked to have seen a lot more about social injustice and systemic racism in America and how we got to this point, and where do we go from here? I actually reiterated what Pat said a few minutes ago, and spoke with great pride about what we had seen to date in New Jersey. And for anyone to think that this is over at 3:20 on Monday, June 1 is kidding themselves.

But talking, you know, lifting up the moment, the extraordinary turnout of peaceful protesters, folks who are doing every responsible thing, who were in there for the right reasons, who are sick and tired and fed up, mad as hell and not going to take it anymore in that first year of the fifth century since slavery came to our shores, that we still see a black man basically murdered right before our eyes. And that's where I think our focus has to be.

I think any decision you make, I'll certainly speak for myself, as it relates to the National Guard is you make it if the case is compelling. And between the State Police, under Pat's extraordinary leadership, county and local, and also the cross-relationships, you know, Essex County when they knew they had the Newark protest on Saturday did what you would guess, and they alerted neighboring counties that they may need some help, which by the way, they did not. And so we think -- I don't want to put words in your mouth, but I think we think -- I'll say I think that we've got the capacities that we need right now.

I've got no comment one way or the other on the vacancy at the Department of Health, I assume a vacancy exists. I don't know. I don't have a good answer about anyone else who may have a second job. But there is a process, and I don't think I addressed it quite as crisply as I could have when you all asked me about at the end of the week. And Matt, you may want to go through

that, or I'm happy to go through it. But you basically, have to declare themselves and seek basically a waiver or an exemption for it, I think is the right way to put it.

Chief Counsel Matt Platkin: Yeah, that's correct. There are certain classes of employees that can't have any outside income. And then for others, they have to get Ethics approval as well as through the State Ethics Commission. And for employees who have to fill out financial disclosures, they would have to disclose that outside income, if approved, on their annual financial disclosure forms.

Governor Phil Murphy: And that's, I want to caution to say that's a general comment in terms of the rules of the road, not specific to any one individual. Thank you. Mike, is that you? For some reason, I think -- I don't know why. Maybe it's the mask. Nice to see you.

Mike Catalini, Associated Press: Good afternoon, Governor. You too. Can you address the fact that the protests that we saw over the weekend were unfolding at the same time that your Executive Order was in place, ordering people to stay home? Should people at home, should they be going to these protests? I mean, you spoke about how important they were? I wonder what your advice would be to people?

And do you have concerns that some of the vandalism that the state saw in Atlantic City and Trenton last night, do you have any indication that it will continue or that it will be unfolding in other places, and what will you do about it, if so?

Governor Phil Murphy: Yeah, I would say on your first couple of points, Mike. It's one thing to protest -- I don't want to make light of this and I'll probably get lit up by everybody who owns a nail salon in the state. But it's one thing to protest what day nail salons are opening, and it's another to come out in peaceful protest, overwhelmingly, about somebody who was murdered right before our eyes, and is yet, if that weren't enough, yet another data point of the trail of data points that highlights systemic racism and the stain that slavery still leaves in our country today. I put those into different orbits.

I will say this, there were a lot of masks being worn, which is encouraging. And I would say to anybody who goes out, you have the absolute right to go out peacefully and rightfully protest, but please be smart about your health. And I think, in some cases, masks, in fact, were distributed. I think, Matt, you said to me in Camden and Newark, I believe at least, and maybe others, masks were distributed. I'll leave it, the decision to go out or not go out, as long as you do it responsibly, safely and peacefully that's a decision I would say, in this particular instance, I would leave to the individuals.

I think of this less, and I'm not making light of so-called vandalism. I think of this, and this is a vast minority of actors, and a vast minority -- I think we had 30. Of the 30 protests, Pat, 28 of them came off literally without incident. I think I view those as attacks on our communities, and so it's not just a window or it's not just a door. A community is a living thing. People live there, they work there. They buy their groceries there, their neighbors are there. I think it's a real, living reality. I view the attacks less of material concerns and I don't make light of the material loss but more and frankly, in a bigger sense.

Whether or not there's more of it, we hope there isn't. Pat, the Attorney General and others have spent the past week, at this point, working their tails off toward that objective. Anything you want to add to that, Pat?

State Police Superintendent Col. Patrick Callahan: No, over the weekend. It was another that public safety, public health, I think those goals, never more did we see that over the weekend. And the law enforcement constantly exercising discretion, to the Governor's point. Although we would hope that people would stay home in this instance, if they come out and are peaceful, the discretion of law enforcement I think is key as we move forward throughout the days ahead.

Governor Phil Murphy: Thank you, Pat. Thank you, Mike. Can we come down to Elise. Is that all right?

Elise Young, Bloomberg: Hello. Is there any evidence that those who were involved in the weekend violence had ties to either Antifa or far right groups? Did the people who were arrested tend to live in the communities where the violence took place? And what are the charges they face? Thank you.

Governor Phil Murphy: Thank you, Elise. Pat, you've got some color on that. Do you want to jump in?

State Police Superintendent Col. Patrick Callahan: I do not. We will know that deeper dive into the arrests. I do know that most of them were from within, were local. I know there's a lot of stories out there from out of state, that was not the case for us over the weekend. We're drilling down into that data as well. But even the arrest in Atlantic City, if I'm not mistaken, just about all, if not all, were from Atlantic County, Elise. And as far as the charges, range from criminal mischief to, I think that was probably the overwhelming charge, but I could also have some more specific details from our County Prosecutor's office for you on that.

Governor Phil Murphy: Thanks, Elise. Do you have anything, sir? You're good? Matt, we'll come across, as I usually do when you're here, don't pull a hamstring coming in there. Ian.

Ian Elliott, NJTV News: Governor, can we get an update on the efforts to hire contact tracers, including the timing of the RFQ and number of individuals who responded online about these jobs? Have any of these individuals been hired and put to work yet?

Given the importance of isolation and quarantine, what facilities are now being considered for these purposes, and how many are currently operational?

Finally, how many active cases of COVID-19 are there? There are almost 161,000 total cases, but how many are out there now spreading that the public might need to worry about? Thank you.

Governor Phil Murphy: I'll leave the last one to the experts. I would just say if you could bear with us on contact tracing. This is, by the way, over and above the already contact tracing that exists in our county and local health organizations. So beyond that, I promised this on Friday, and I said give us around 10 days, I'll still stick with maybe a week or so, to answer, to address explicitly in the same level of robust detail as we did testing a couple of weeks ago. If you could bear with us on those, and that includes isolation and quarantining.

Judy or Ed, what's your guess on active positive cases today?

DOH Communicable Disease Service Medical Director Dr. Ed Lifshitz: I can't give you an exact number. I mean, that is not knowable. I feel very comfortable in saying that clearly there are a whole lot less now than there were two weeks or four weeks ago. There are all sorts of different things that go into trying to figure out that number but it is much lower than it has been, but it certainly isn't zero.

Governor Phil Murphy: Thank you. Why don't we stay in the back and then we'll come down front? Please.

Reporter: Good afternoon. Governor, I understand last week you and the Colonel said you were walled off from the investigation into the May 23rd officer-involved Parkway shooting of Maurice S. Gordon. However, it has now been more than a week since that Bass River shooting, and not even preliminary details have been released of the circumstances surrounding what happened to the vehicle Mr. Gordon was in and being pulled over, and him being shot by State Police. When can the public expect at least preliminary details of the shooting to be released?

And on the subject of the new law you signed directing the Attorney General's office to take over investigations of such officer-involved shootings, there are investigations, including one in the Sunbury Village section of Pemberton Township, that no OAG conclusion has been released for 11 months now. Is there a deadline for these investigations to conclude, and the results to be given to the public? And if so, what is it? And are you concerned at all about the vacuum created by the lack of info being released, allowing for, you know, rumor mills to go unimpeded? Thank you.

Governor Phil Murphy: Yeah, I'm going to probably disappoint you mightily with my answers here, because the Attorney General is overseeing this, and I'm not, nor is Pat, and so I apologize. I've got no good answer in terms of when. But I promise you, there's a commitment to sooner than later and transparency, for sure. I don't have any details on the Pemberton case, so if you can allow us to come back to you on that, I would appreciate it. Thank you.

And by the way, I'm not concerned about the vacuum being filled up, as long as the process is being followed. I should say this; I'm sure as heck glad that I signed that law and we worked with community leaders, faith-based leaders, leaders in law enforcement, to get to a really good place. And thank God we did, and we'll let the process run from there, if we can. I think we'll circle this way. So we'll go to Brent, and then Dave could take us out today.

Brent Johnson, Star-Ledger: Are you worried at all that these protests are going to cause a spike in cases? That's one thing I hear a lot of people concerned about? Do you have specific data for what makes all today's announcements safe? And what does this mean for the broader stay-at-home order? What happens if there's a spike in cases? Do you pull this stuff back? How do you know you're leading the country in testing, because John Hopkins' dashboard says we're still fourth? And what does stage two mean for motor vehicle commissions? I saw they were on the list, but with summer coming, teenagers want to know when they can start driving to work and things like that.

Governor Phil Murphy: I got some of them, by the way, at home. Let me start on that one, motor vehicle commissions, I don't we don't have any news for you, but that's something I would

Governor Phil Murphy: We start on that one, motor vehicle commission, we don't have any news for you, but that's something I would think we're going to be able to come to you soon. I would think that's -- that's part of stage two, and give us a couple of days on that. Go back up top, I mean, listen, we're concerned about people's health. Again, we're not out there protesting when the nail salon is going to open. Please, if you own a nail salon, don't come at me. Nothing personal, as compared to the death, tragic death in full daylight, a life loss that did not need to be, in any measure, lost. I think we have to respect the right for folks to peacefully protest, but I would say, I mentioned already, there were a fair amount of masks so I would ask folks, please cover your face and keep your distance as best you can. That still does matter and we want folks to do the best they can at that.

Just the continued reduction, Brent, in the data. The metrics that we look at, that Judy and her team look at, have been going in the right direction. They continue to go in the right direction. You know, we want to be safe, more safe than sorry. I can't hang my hat on one number or a particular benchmark other than the fact we've made, when you look and you're 70%, 80% off of peaks, you have confidence that you can move forward, particularly for things that you can either indoors manage capacity, or outdoors, period.

Would we pull back or what would that look like? Yeah, we would. I just hope we don't have to. As I've said, we've driven, we're going through hell and back here. We're driving down a one-way street. I don't want to put the car and bring it back up that street. But what would it look like? It would sadly look like what it looked like a while ago. You know, not that many weeks ago. It's part of the reason why, and I think Judy and Ed and Tina Tan have made this point. I know I have. If you bat 1,000 and you do everything right, this is the sort of virus that is going to come back at us. The question is, do you have the testing, tracing, isolation trifecta in place to contain it, to basically put a wall around it? And the answer is, we believe by June 15, the answer is going to be affirmatively and resoundingly yes. And that's an important sort of insurance plan, if you will, that we do.

Mahen has sent me the answer on your testing questions, I will read the answer to the tests. Johns Hopkins website is based on total tests of all time; the ranking that we share today is on a rolling seven-day average, and we are number one, and I intend to stay number one, by the way. Thank you, Mahen. Thank you, Brent. You good on that, or anything you want to add? You all right? Dave, today you get to take us out.

David Matthau, NJ 101.5: Thanks, Governor. So, here we go into stage two in a couple of weeks. You've mentioned that we're going to have more testing, more contact tracers are continuing to be hired. Can you give us even a conceptual idea? Perhaps you and the Commissioner who needs no introduction could discuss what is going to, if this inevitable spike takes place, which you have said even if we bat 1,000 it's probable. What is this going to look like? Is this going to be, I know we broke down the hospital's North, Central, South? Is this going to be breaking down the state this way? Will it be by region? Will it be in a particular neighborhood? Do we have any idea how this is going to play out? Will you have to issue an Executive Order do you suppose, Governor, about if there needs to be a pullback in a specific area, how this is going to be handled?

And then second and final question, some are already saying that the stage two entry is too slow. Senator O'Scanlon put something out minutes ago, complaining about this. What's your reaction to that?

Governor Phil Murphy: I already, I beat you to the punch on the second one. I said, some people think literally, we're going too slow. And there's another group that thinks we're going too fast. Declan is a good man. We're doing it the way we're doing it. And it's based, I believe, very responsibly on the data. And we're trying both to get the economy on its feet and to keep people alive. That's the balance that we try to achieve every day.

I'm not sure there's a specific, I mentioned this a second ago. It's part of the reason why resiliency is the sixth mile marker, and that includes not just addressing the racial inequities that we discuss almost every day, but it's also the bed capacity, ventilator capacity, healthcare worker capacity, medicine capacity, PPE capacity. We still today don't have enough PPE as a state or as a country; we've come from nowhere to probably as good a place as any state in America, but it's still not where we need. I don't know, Judy or Ed, if you had, maybe more to the point, so we know if there is a flare up, we know what we need to do to surround it. We also know what we need to do if it gets into the patients, get into the healthcare system so we need capacities in there. And you've seen a chart we've started to show the past few days, where we're going to be vigilant about keeping those capacities. But Judy or Ed, what's a flare up look like? And what are the early sort of moves on the chessboard we make?

DOH Communicable Disease Service Medical Director Dr. Ed Lifshitz: I always start with when you talk about having spikes, you know, we expect to have spikes, but spikes aren't what we had back in March and April. I mean, those were floods. So certainly the hope is that as these spikes happen, we can react faster, we can do better testing, we can do that contact tracing around it, and you could prevent those spikes from becoming these huge forest fires that envelop the whole state. So basically, that's the general conceptualization is, you know, you find it faster, and rather than spread spreading throughout a town or county, yes, you may get the family members, you may get a few people around them. But very quickly, you can circle around, separate those people out, isolate them, and so forth.

And exactly what would then trigger shutdowns in different areas? I think it would depend, is the answer. It would depend on how big these spikes were, it would depend on where they were at. It would depend on whether it was going through a school versus a hospital versus a long-term care facility. I don't think there's a single one size fits all answer.

Governor Phil Murphy: Thank you. I normally would be saying I'm going to mask up, which I will do in a second. But I want to underscore one more time a point that I made earlier and that your questions, not all of you but many of you, have addressed. And that is, not surprising, I don't begrudge the interest in questions along the lines of community destruction, acts of violence, the small number so far, knock on wood, of bad apples and their behavior. I don't begrudge that at all. I can understand it.

But I do want to plead with you all, both in the press, our colleagues, and most importantly, everybody listening, this has been overwhelmingly, as it should be in New Jersey outrageous in terms of the death of this man, outrageous as yet another data point that screams out the systemic racism that remains in this country, but also an embrace, almost by everyone, that peaceful protesting is the way ultimately we get to the better place, and that we work together, we find common ground. We do it in the memory of those who have been lost, and also for the futures of those, for the Justin's, Diana's, Jerrel's and others like them in the younger generation that's on the rise. I would just say, let's focus on the overwhelming amount of folks who are doing the right thing.

And again, if you are going to protest, I do want you to be healthy. And I know Judy would want me to say that, so with that, I will lead by example, as will Judy. We've said it, I think every day since we've been at this table, we thank you for everything you've done, each and every one of you Without the extraordinary efforts on behalf of millions of folks in this state, we would not be able to be making the further set of announcements today. Keep doing a great job and be safe, be careful. If you keep it up, there are many more steps yet to come.

Again, I want to thank Judy and Ed to my right; Pat, Jared and Matt and the team. We'll be back with you at 1:00 p.m. unless you hear otherwise tomorrow. Godspeed, God bless.

Governor Phil Murphy

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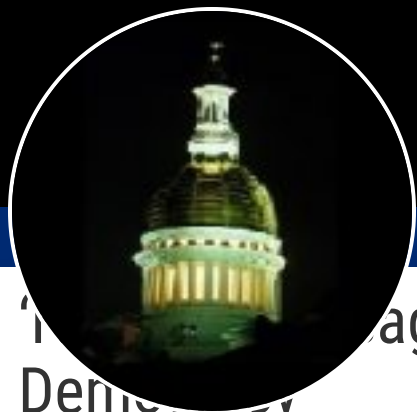
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CAUCUS ROOM

'Message is Made' Integral to Information Flow in Democracy

By Fred Snowflack | June 1, 2020, 2:17 pm | in [Caucus Room](#), [The Diner Booth](#)





The last thing Phil Murphy should be worrying about is who's telling the public what's going on.

Yet, in the midst of the ongoing pandemic, that seems to be the case. He's hardly unique. It's not unusual for elected officials of all political stripes to use a crisis to clamp down on information.

The governor at one of his daily briefings last week complained about "leaks" and how he has no time for those who disclose "some sense of how the sausage is made."

The governor often uses cliches, so he probably didn't give this one much thought.

The phrase about "sausage being made" traditionally is used to describe the messy way legislation develops. Now, that messy way often includes various political deals and trade-offs. Or in other words, details some members of the public would like to know.

The comment at hand dealt with a developing controversy about "leaks," – a term old-timers will recall as coming out of the Nixon White House – involving the state Health Department. Both the Star-Ledger and Bergen Record have reported on this



But further reports say he and perhaps other officials in the department are being investigated for leaking information. The governor declined to specifically discuss this last week, noting that people are always coming and going and that the state has 64,000 employees. O.K., but how many of them have key jobs in the health department in the middle of a pandemic?

Any discontent in the health department can be disconcerting considering the pandemic and the fact the governor effusively praises Commissioner Judith Persichilli every day as “the woman who needs no introduction.” On balance, Murphy has been transparent during this crisis. He holds press briefings five days a week – he recently stopped holding one on Saturday.

He patiently allows reporters to ask multiple questions, keeps track of them, and addresses every one. Early in the crisis, the governor even answered questions from a gun-rights representative who Murphy said lacked official state press credentials.

So, why make such a big deal over so-called leaks? This is presumably information related to COVID-19, not a CIA plot to overthrow a foreign government.

And it happens in government all the time. Murphy really does have bigger concerns. Unfortunately, this is not the only instance since the pandemic began where we see state officials seeking to limit the release of information. Back more than two months ago, a key part of the state’s Open Public Records Act was suspended, essentially allowing all levels of government not to respond to records requests during a state of emergency.

The average guy or gal may not care about what is called “OPRA,” in a vacuum, but they may like hearing about the info OPRA provides. This would be such things as how public money is spent and who gets patronage jobs.

Or put another way, they may enjoy eating the sausage.



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Scathing letter from health department insiders says N.J.'s pandemic failures led to 'preventable deaths'

Updated Jun 02, 2020; Posted Jun 01, 2020



State Health Commissioner Judith Persichilli and Gov. Phil Murphy. Michael Mancuso | NJ Advance Media for NJ.com

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New Jersey's response to [the coronavirus](#) inside nursing homes was "an unmitigated failure" that led to "preventable deaths," a group of anonymous state health department employees charged in a letter to lawmakers Monday. Moreover, Gov.

[Phil Murphy](#)'s administration "is making things up as they proceed" in order to reopen the economy, the writers also allege.

The letter, sent to state Senate President [Stephen Sweeney](#), D-Gloucester, and Senate Minority Leader Tom Kean Jr., R-Union and obtained by NJ Advance Media, also calls for the resignation of state Health Commissioner Judith Persichilli and an investigation into other top administration officials who they said have mishandled the state's response.

Murphy spokesman Mahen Gunaratna declined to comment, adding, "We're not going to dignify anonymous allegations with a response."

NJ Advance Media knows the identity of three of the employees, who asked not to be named because of fears of retaliation. They say other staffers joined them, but they would not disclose who they are, but they have been involved in internal discussions within the health department.

The letter lays out a searing indictment of the state's handling of the public health crisis, from its lack of transparency on how decisions are being made in reopening the economy, to the failure to devote enough testing and personal protective equipment to protect the most vulnerable — the elderly in long-term care facilities.

It claimed Murphy's administration hired consultants to complete tasks the state Health Department could not handle because of a lack of leadership.

The writers allege that since there was not enough personal protective equipment staffers were pressured to relax minimum standards to allow testing to proceed in nursing homes, psychiatric hospitals, centers for the developmentally disabled, and prisons.

This combination of a lack of action and "a willful desire to focus only on where most media attention was afforded, such as public testing and hospitals" led to unnecessary deaths, the writers allege.

"In other words, we believe the leadership failures of Commissioner Persichilli led to preventable deaths," the letter said.

The group also questioned whether the administration in an effort to reopen the economy was "making things up as they proceed, or making decisions and justifying them on the back end. That is both dangerous and the worst type of cynical politics — right smack in the middle of the worst pandemic in modern history."

Sweeney and Kean, the recipients of the letter, are Murphy's political adversaries. In the coming weeks, [a committee](#) will examine how the administration responded to a swath of problems that affected different communities across New Jersey, including [deaths at the state's long-term care facilities](#) and [prisons](#), the [breakdown of the aging unemployment system](#), the [disproportionate impact on minorities](#).

The authors said they are not "political animals by any stretch of the imagination," and tend to lean Democratic. They say they felt the need to come forward because the situation is untenable.

"Despite the governor's slogans, there are, in fact, no established thresholds to this effect that came from the public health experts in his state government," they wrote. "In reality, his own public health officials in the health department have no idea what inputs he is using to make opening decisions."

The accusations by the group come as the state Ethics Commission has opened an investigation into leaks, after NJ Advance Media informed the Department of Health on May 6 it had internal documents identifying the number of nursing homes with a shortage of personal protective equipment, sources within the group said. They spoke to NJ Advance Media on condition of anonymity out of fear of losing their jobs because they were not authorized to speak to the press.

The group claimed they were told "to avoid putting any concerns into email" as they were cut off from meetings and discussions.

The governor acknowledged the leak investigation when he was asked about it during his daily coronavirus briefing with the media Friday in Trenton.

"People leaking things and giving the outside world some sense of how the sausage is made, as it were, you know, I've got no time for that and that's got to stop. The fact of the matter is Judy, and I and (State Police Col.) Pat (Callahan) are up here literally every day," Murphy said.

A New Jersey Health Department official fired last week for allegedly failing to disclose a side job — former assistant commissioner Christopher Neuwirth, whose role included emergency preparedness — [was also was the target of that investigation](#), three sources told NJ Advance Media.

The anonymous authors call not only the resignation of Persichilli, but an investigation into State Police Col. Patrick J. Callahan “for neglect and failure to respond to health officials’ concerns around fair PPE allocation and other matters;” and also Human Services Commissioner Carole Johnson, who recommended Manatt for the consulting job and knows its senior officials because they worked together during the Obama administration.

The letters ends with a plea for help.

“We beg for your help. We come with training, experience, and a motivation only to help the residents of this state whether the crisis. But we have found a Commissioner, and an administration, that seems to care more about prevailing in their own childish war gaming than they do about protecting the public’s health. We need and deserve better in New Jersey,” the letter said.

Through his spokesman, Sweeney declined to comment.

Two state Republican lawmakers expressed alarm at the contents of the anonymous letter and urged the bipartisan committee to convene soon.

State Sen. Declan O’Scanlon, R-Monmouth, called the letter “the single most concerning leak-letter from sitting public employees that I’ve ever seen.”

State Assemblywoman Serena DiMaso, R-Monmouth added: “We vocally expressed concern about how long-term care was being handled, but this letter goes beyond what we even thought.”

The latest public opinion polls released in early May say the vast majority of residents support the governor and his handling of the pandemic.

“All of this jockeying and petty infighting has distracted from the real task at hand: finalizing a widespread testing and contact tracing plan that will allow New Jersey to open up safely again. As we have been seeing, the Governor has the right talking points around ‘data determines dates,’ but it is still unclear to us what data that is, and when or how it will trigger opening,” according to the letter. “And if it is elusive to us as public health officials in the state, it is certainly elusive to you as lawmakers, and by extension, the general public in New Jersey.”

READ THE LETTER FROM THE HEALTH DEPARTMENT EMPLOYEES

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EXHIBIT 10

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NEW JERSEY

Murphy administration's failures led to 'preventable deaths' in pandemic, response team says

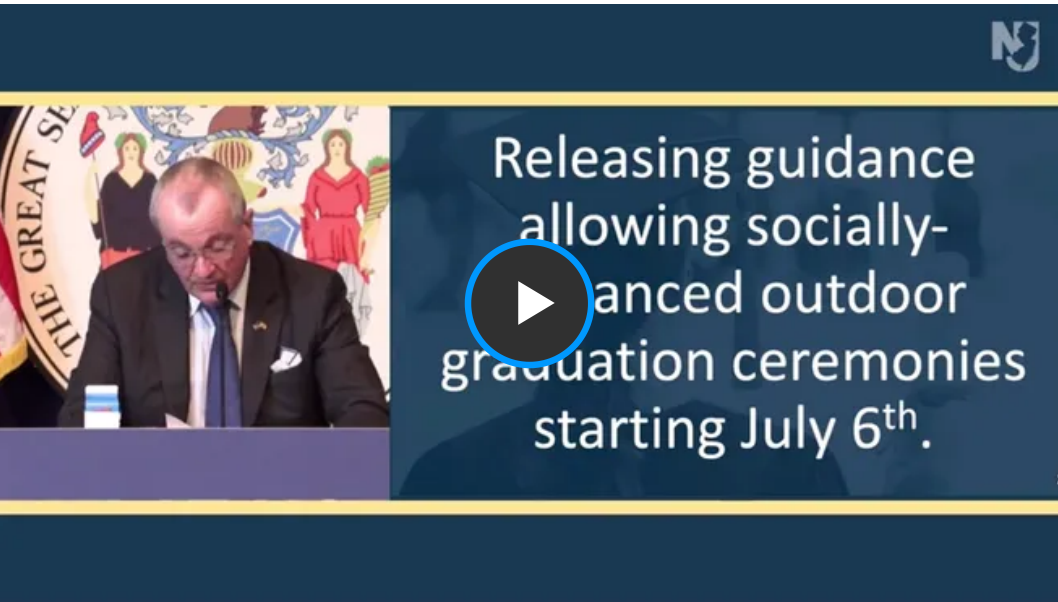
Dustin Racioppi Trenton Bureau

Published 5:00 a.m. ET Jun. 2, 2020 | Updated 3:28 p.m. ET Jun. 2, 2020

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NJ graduation 2020: Governor Murphy OKs traditional graduation

New Jersey grads will get their pomp and circumstance after all this year, with Gov. Phil Murphy announcing Tuesday that he will relax his stay-at-home order to allow for in-person, outdoor graduations ceremonies starting July 6. *Paul Wood Jr, NorthJersey*

New Jersey Health Commissioner Judith Persichilli's "failures" to heed the advice of public health experts led to "preventable deaths" at nursing homes and Gov. Phil Murphy is "making things up" with no transparency about reopening in the

aid in a letter to lawmakers

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Those officials, identifying only as members of the NJ Pandemic Response Team, also claimed that as the coronavirus spread they were told by "top brass" not to put concerns in email, which would be subject to state disclosure laws. And since news outlets have [reported the missteps and infighting](#) in the administration, they said, there has been a "disturbing trend of retaliation."

Murphy's office declined to comment. The Department of Health did not respond to a request for comment on the allegations made against Persichilli.

The Trenton Bureau of the USA TODAY NETWORK Atlantic Group has confirmed the identities of three of the people involved in the letter and their employment in the Health Department and the COVID-19 response.

New Jersey Health Commissioner Judy Persichilli speaks during Governor Phil Murphy's Friday, May 29, 2020, press conference at War Memorial in Trenton, NJ, on the State's response to the coronavirus. *Thomas P. Costello*

They called for Persichilli's resignation and pleaded with lawmakers for an investigation.

"We believe that the combination of a lack of action where we should have seen it, and a willful desire to focus only on where most media attention was afforded during the peak of the crisis (the general public and hospitals), led to preventable deaths in long-term care, prisons, and other institutions," said the letter, a copy of which was obtained by the Network.

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They did not sign their names because they fear retaliation, according to one of the officials.

"In other words, we believe the leadership failures of Commissioner Persichilli led to preventable deaths," it said.

The letter, first reported by [NJ Advance Media](#), was sent to state Senate President Stephen Sweeney, D-Gloucester, and the minority leader, Sen. Tom Kean, R-Union. Neither office commented on the letter, but a Republican official in the Senate said the office is looking into how a review committee those two lawmakers established will handle the letter's contents.

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The letter comes several days after the administration fired an assistant commissioner in charge of the department's emergency preparedness, Chris Neuwirth, for reasons that have not been made public. Murphy did not say Monday whether the position had been filled. It also comes as Murphy's office is interviewing people in the Health Department to root out insiders talking to the media, as [first reported by the Network on Friday](#).

The letter is a lengthy and detailed document of grievances the officials have with

The officials said in the letter that they had advocated in late March for testing and distribution of personal protective equipment, or PPE, at the state's long-term care

facilities because they were "alarmed" by the deaths and infections at such facilities in Washington and New York states.

Reopening: [These are the NJ businesses and services that can reopen in the coming weeks](#)

The officials said that without adequate testing and PPE, places like nursing homes and assisted living facilities "would face devastating outcomes." And since the outbreak hit New Jersey on March 4, that's just what has happened. Deaths from long-term care facilities account for about 40% of the state's nearly 12,000 deaths.

Lawmakers are planning hearings into the administration's preparedness and response. And on Monday, Republican State Committee Chairman Doug Steinhardt wrote to U.S. Attorney General William Barr and U.S. Attorney for New Jersey Craig Carpenito asking for a federal investigation into the administration's oversight of long-term care facilities.

The officials said they believe Persichilli, a former nurse and hospital executive, placed too much emphasis on hospitals rather than long-term care facilities at the start of the outbreak.

The officials claim that to meet Murphy's "arbitrary goals" on testing — he had wanted to double capacity by the end of May to 20,000 tests a day — Persichilli pressured some people to relax the PPE standards for testing, which put health care workers in danger.

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Like other states, New Jersey lacked — and still lacks — enough testing to get a comprehensive view of the virus's reach. But the officials said there was enough capability to set up drive-thru sites for symptomatic residents and some of those kits could have been distributed to long-term care facilities. The state did not start

ast the peak of the disease.



 101 Photos



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NJ adapts to 'new normal' prompted by coronavirus pandemic

Scenes from New Jersey as the coronavirus pandemic continues to shut down the state.

New Jersey is not the only state that has struggled with nursing homes, but it has the highest death toll in the country, according to data released Monday by the [Centers for Medicare and Medicaid Services](#).

Nearly 26,000 residents of long-term care facilities have died since the outbreak, according to the federal data. But that figure grows to 40,600 when factoring in staff of those facilities who have died, according to a [USA TODAY analysis](#).

Some of the blame is put on other administration members. Col. Patrick Callahan, superintendent of the state police and the head of the state's emergency management, failed to listen to public health experts and distribute PPE to nursing homes, the officials said in the letter. And the Office of Emergency Management used "arbitrary" guidelines for how to distribute the PPE, they said.

The Network sought records of the state's PPE supply, but the administration denied the request.

Another Cabinet member, Department of Human Services Commissioner Carole Johnson, "seems to have convinced" Murphy's deputies to hire a consultant, for \$500,000, to conduct a "rapid review" of how the state handled long-term care.

The officials also asked for inquiries into Callahan and Johnson.

"We raised literally every one of these concerns to our leadership in the Department of Health, and all of them not only went unaddressed, but in many cases, people were punished, suppressed, or otherwise reprimanded for using their public health expertise to recommend the right course of action," the letter said.



review, Manatt Health, is well-respected and has expertise on long-term care issues.

"Commissioner Johnson did not make the final selection of the vendor nor was she involved in the negotiation of the fees associated with the contract," Hester said.

The state police did not respond to a request for comment.

As for Murphy, he has made decisions to reopen the economy "without the data to back it up" and without the resources to conduct adequate contact tracing for future illnesses, the officials said. He has been criticized by state lawmakers for similar reasons.

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Murphy [announced Monday](#) that he is prepared to enter the second stage of three in the reopening in two weeks, allowing places like salons to open and restaurants to allow outdoor dining. He has declined to discuss the data behind his decisions, but often says "data determines dates" for reopening.

"Despite the governor's slogans, there are, in fact, no established thresholds to this effect that came from the public health experts in his state government," the letter said. It went on: "In reality, his own public health officials in the health department have no idea what inputs he is using to make opening decisions."

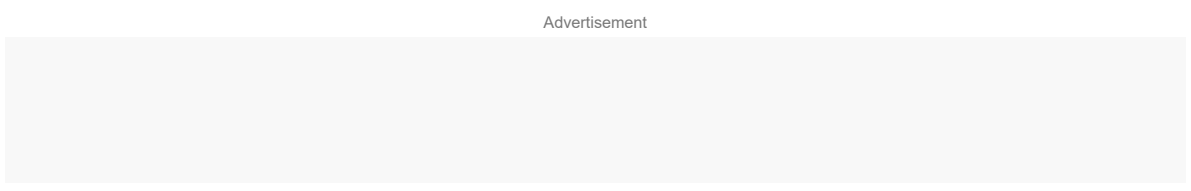
The health officials said in the letter that they are "not political animals" but most of them, like Murphy, are Democrats. They said they have training, experience and motivation to help weather the pandemic, but have found an administration "that seems to care more about prevailing in their own childish war gaming than they do about protecting the public's health."

"And worse, it is clear that we have leadership that does not respect the truth, and does not respect propriety to the mission," they said.

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EXHIBIT 11

Home > Governor > DePhillips: Neuwirth Firing Not Just A Personnel Issue



Assemblyman Chris DePhillips. (Photo: Kevin Sanders for New Jersey Globe)

DePhillips: Neuwirth firing not just a personnel issue

Assemblyman concerned former assistant commissioner's side-jobs may be an ethics breach

By Nikita Biryukov, June 02 2020 5:13 pm

Assemblyman Christopher DePhillips (R-Wyckoff) doesn't think the firing of an assistant commissioner in the Department of Health during a pandemic is just a personnel issue.

"My concern is that this is not a simple process issue. It's not just a simple personnel matter," he told the New Jersey Globe. "I think the controversy goes to the heart of the Department of Health's response to the pandemic — how the commissioner is handling the crisis and the management and oversight of the department's staff."

Gov. **Phil Murphy** has repeatedly declined to say why Chris Neuwirth was fired from his post at the Department of Health, citing a policy that bars comment on personnel issues.

The former assistant commissioner of Public Health Infrastructure, Laboratories and Emergency Preparedness was abruptly fired from his \$127,386-a-year job on May 28.

So far, Murphy's administration has declined to identify the reason for his termination.

The New Jersey Globe **first reported Neuwirth's ouster** last week.

There is speculation – backed up by several sources – that Neuwirth's firing was related to a part-time job he held with Margolis Healy & Associates, a national emergency management consulting firm that is affiliated with the Cozen O'Connor law firm and was not noted on Neuwirth's financial disclosure.

Per the firm's website, Neuwirth was employed there for two years. His financial disclosure lists him as an owner of Emergency Manager Project LLC, which provides training classes for EMS professionals who are licensed and regulated by the office he ran.

"I think everyone agrees that it's not appropriate for a fulltime assistant commissioner to have two side jobs," DePhillips said. "And it's apparent that his side jobs implicated his own management of his own responsibilities and certainly calls into question whether those side jobs, in and of themselves, were ethical violations."

Separately, Neuwirth is one of several officials suspected of leaking embarrassing details about the department's inner workings to the press, sources confirmed to the New Jersey Globe.

Neuwirth's inclusion on that list was **first reported** by the (Bergen) Record.

Those leaks, which, among other things, called into question how closely Murphy was following the advice of Health Commissioner Judy Persichilli, have become something of a headache for Murphy.

"The bottom line is we can't just simply ignore what we're learning and what we're hearing through these leaks and what feedback we're apparently receiving from department employees," DePhillips said. "We sort of can't unwind what we've now learned."

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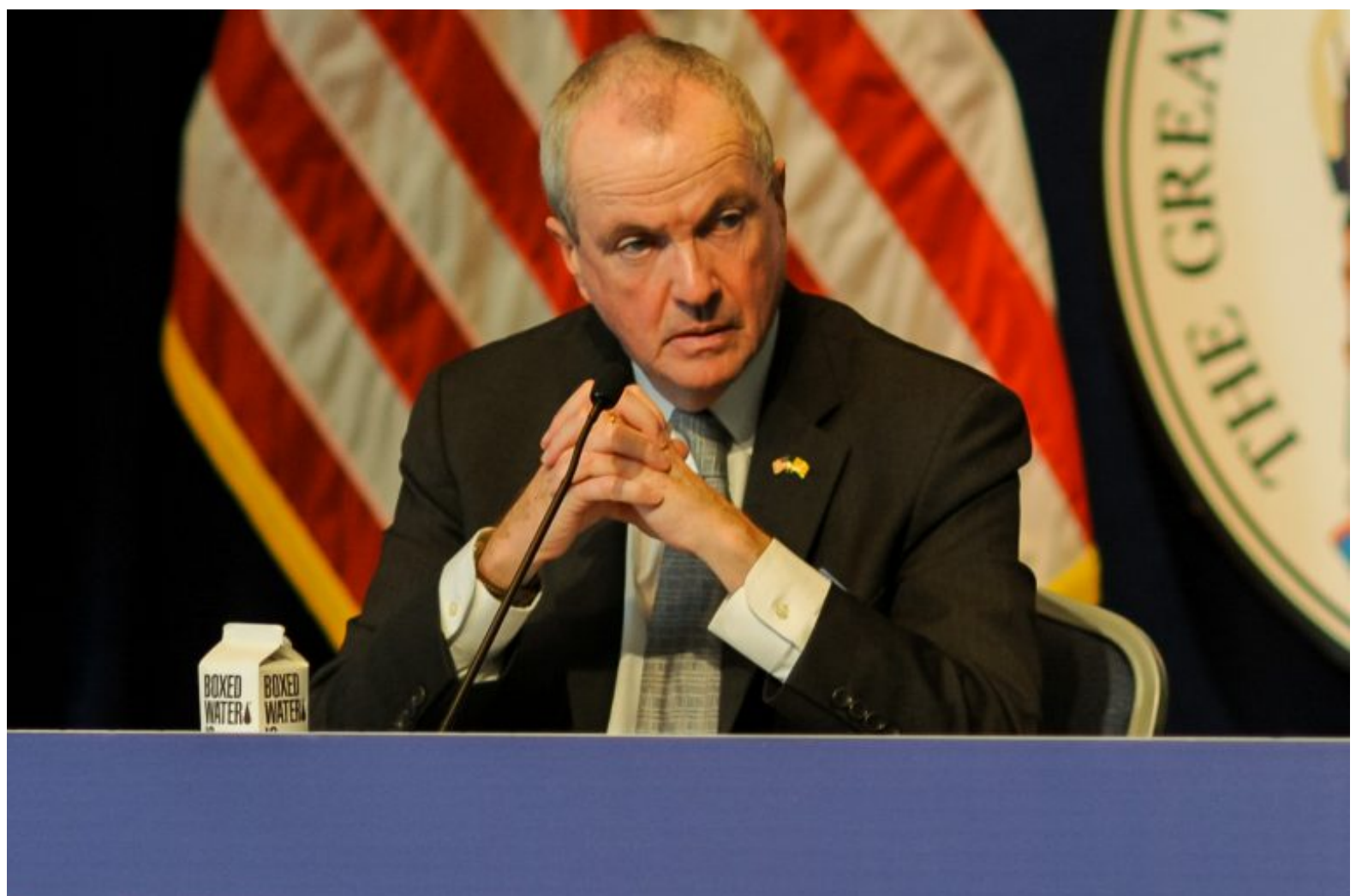
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EXHIBIT 12



Home > Governor > Murphy Won't Say If Neuwirth Put New Jerseyans At Risk



Gov. Phil Murphy. (Photo: Kevin Sanders for New Jersey Globe)

Murphy won't say if Neuwirth put New Jerseyans at risk

Governor's reticence on senior Department of Health official's ouster continues

By Nikita Biryukov, June 02 2020 3:26 pm

Gov. Phil Murphy refused to say whether he fired a top advisor in charge of the state's emergency response to the coronavirus pandemic because he endangered the lives of New Jersey residents.

"I hate to disappoint you: we don't comment on personnel matters," Murphy said.

Murphy has steadfastly refused to comment on why Christopher Neuwirth, the former assistant commissioner of Public Health Infrastructure, Laboratories and Emergency Preparedness was abruptly fired from his \$127,386-a-year job on May 28.

So far, his administration has declined to identify the reason for his termination.

The New Jersey Globe first reported Neuwirth's ouster last week.

Murphy also refused to comment on a hypothetical posed to him by the Globe about whether he would have accepted a "we don't comment on personnel matters" response from former Gov. Chris Christie during a similar health crisis in 2017, when he was campaigning for governor.

"You'll have to ask Governor Christie," Murphy said.

Neuwirth also oversaw emergency medical services and the state office of Disaster Resilience and appeared alongside Murphy at several of the governor's early COVID-19 briefings in March.

His portfolio in handling critical components to Murphy's bid to slow the spread of the coronavirus could allow some residents to wonder if Neuwirth's firing was related to the bungling of life and death issues.

Murphy refused to say.

Neuwirth was senior enough to be seated with Murphy at early press briefings on the pandemic.

There is speculation – backed up by several sources – that Neuwirth's firing was related to a side-job he held with Margolis Healy & Associates, a national emergency management consulting firm that is affiliated with the Cozen O'Connor law firm and was not noted on Neuwirth's financial disclosure.

Neuwirth has been an employee there for two years, according to the Margolis Neuwirth website.

Sources have told the New Jersey Globe that the consulting firm saw an influx of business amid the pandemic that forced Neuwirth to devote greater time to his private-sector job.

Two sources who spoke on the condition of anonymity told the New Jersey Globe that Neuwirth was terminated for cause.

While Neuwirth faced some criticism for poor attendance at the Department of Health post, it's not clear that's why he was fired.

Neuwirth says he was scapegoated



The former assistant commissioner was among the officials Murphy's administration suspected of leaking embarrassing information about the inner workings of the administration during the pandemic, two sources confirmed to the New Jersey Globe.

Neuwirth's inclusion on that list was **first reported** by the (Bergen) Record.

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EXHIBIT 13

[Home](#) > [Governor](#) > **Bramnick: Murphy Should Say Why Neuwirth Was Fired Unless Barred By Law**



Bramnick: Murphy should say why Neuwirth was fired unless barred by law

'A government should be 100% transparent unless there's a legal reason not to answer a question,' minority leader says

By [Nikita Biryukov](#), June 04 2020 10:59 am

Assembly Minority Leader Jon Bramnick said Gov. **Phil Murphy** should disclose the reasons for the firing of a senior Department of Health official unless specifically barred by law from doing so.

“Assuming there’s no prohibition under the law, then of course. A government should be 100% transparent unless there’s a legal reason not to answer a question,” Bramnick said. “So, the answer is yes unless an attorney can argue to me, based on employment law, that there’s a prohibition on releasing that information.”

Christopher Neuwirth, the former assistant commissioner of Public Health Infrastructure, Laboratories and Emergency Preparedness, was abruptly fired from his \$127,386-a-year job on May 28.

Murphy has, so far, repeatedly declined to say why Neuwirth was fired, citing a policy that bars comment on personnel issues.

The New Jersey Globe **first reported Neuwirth’s ouster** last week.

There’s been some speculation—backed up by several sources—that Neuwirth was separated from his public-sector position because of a side job at Margolis Healy & Associates, a national emergency management consulting firm that is affiliated with the Cozen O’Connor law firm and was not noted on Neuwirth’s financial disclosure.

Sources have told the New Jersey Globe that the firm took up a growing share of Neuwirth’s time as the COVID-19 crisis worsened, and he faced some criticism over attendance at his government job.

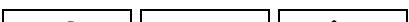
He was also on a list of officials suspected of leaking embarrassing information about the inner workings of the department to the press.

Neuwirth’s inclusion on that list was **first reported** by the (Bergen) Record.

There’s been no indication on either charge from the administration, though Murphy has confirmed an investigation into leaks at the department of health.

The governor on Tuesday even **declined to say whether** Neuwirth put New Jerseyans in harms way before he was terminated.

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EXHIBIT B

August 17, 2020

Via Email Only (rsolano@fklaw.com)

Ricardo Solano, Jr.
Friedman Kaplan Seiler & Adelman LLP
One Gateway Center
25th Floor
Newark, NJ 07102-5311

**Re: Christopher Neuwirth v. State of New Jersey
Docket No.: MER-L-001083-20**

Dear Mr. Solano:

As you know, this office represents Plaintiff Christopher Neuwirth in the above referenced matter. Attached hereto is a copy of a Tort Claims Notice that is being submitted to the Department of the Treasury, Division of Risk Management. We ask that you provide a copy of this letter and attached Tort Claims Notice to Governor Murphy and Mr. Platkin. If you are unable to do so, please so advise.

As set forth in detail in the Tort Claims Notice, Governor Murphy, Matthew Platkin and other anonymous sources within the Governor's Office and/or the State have made numerous defamatory and misleading statements concerning Mr. Neuwirth's former employment with the State and his outside employment consulting work with Margolis Healy & Associates (MHA). Contrary to the public and "anonymous" statements made by the State, Governor Murphy and Mr. Platkin concerning Mr. Neuwirth's termination, the State was fully aware and approved Plaintiff to engage in consulting work with MHA prior to him doing so.

At no time during his employment did anyone ever discuss any purported concerns about Mr. Neuwirth's outside employment consulting with MHA. Mr. Neuwirth was also never told this was the reason for his termination. It was only after his termination that two (2) anonymous sources began informing the news media that Mr. Neuwirth had been terminated for cause, including poor attendance and neglect of duties stemming from his outside work with MHA. Mr. Neuwirth was told his termination was not for cause and was not told of any specific reason for the no-cause termination.

During his daily Coronavirus briefing on May 29, 2020, Governor Murphy publicly addressed Mr. Neuwirth's termination and circulating media reporting that Mr. Neuwirth had been terminated for neglecting his employment with the State and failing to disclose his outside employment consulting work with MHA. Instead of correcting the record, or at minimum, stating that he had no comment, Governor Murphy validated the false accusations in response to a reporter's specific question concerning Plaintiff's termination. Specifically, Governor Murphy stated, "I've got no comment on Chris's situation. But I will say this, that folks are not – it's par for the course that you're not supposed to have another source of income, that's just a general matter. We'll leave it there."

The Governor's public validation of the false allegations concerning Mr. Neuwirth's outside employment with MHA has severely harmed Plaintiff and his ability to secure new employment. No one from the State ever directly accused Mr. Neuwirth of failing to fully disclose his outside consultant work with MHA during his employment. If they had, Mr. Neuwirth would easily have exonerated himself by pointing to the State's approval of the updated Outside Activity Questionnaire ("OAQ"). Governor Murphy's action to validate the false statements, and then to "leave it there" has caused Mr. Neuwirth irreparable harm to his reputation and ability to secure new employment.

Demand is hereby made that Governor Murphy, Matthew Platkin and the State take immediate efforts to retract all the false statements and other information disseminated by the Governor's office concerning Mr. Neuwirth, his termination and his outside consulting services with MHA. At minimum, Mr. Neuwirth demands that Governor Murphy make a public statement during his next press conference that he incorrectly suggested that Mr. Neuwirth's termination was because he had "another source of income" stemming from his MHA consulting work and that Mr. Neuwirth did not violate any laws or policies regarding his outside consulting work with MHA or anyone else.

Please provide your client's response to the aforesaid demand no later than close of business, **Friday, August 21, 2020**. Mr. Neuwirth reserves all his legal rights and remedies.

Very truly yours,

SMITH EIBELER, LLC

/s/ Christopher J. Eibeler

CHRISTOPHER J. EIBELER

CJE/nk

Encls.

EXHIBIT C



Christopher J. Eibeler
Attorney At Law
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tel. 732.444.1300
facsimile. 732.444.1096

May 19, 2021

VIA EMAIL AND REGULAR MAIL

Christopher P. DePhillips
201C Franklin Ave.
Midland Park, NJ 07432

**Re: Christopher Neuwirth v. State of New Jersey
Docket No.: MER-L 001083-20**

Dear Assemblyman DePhillips:

This office represents Christopher Neuwirth in the above referenced matter. As you are aware, Mr. Neuwirth was terminated from his position of Assistant Commissioner of the New Jersey Department of Health on May 28, 2020. After his termination, anonymous sources made numerous false accusations about Mr. Neuwirth in connection with his employment with the State. False accusations included that Mr. Neuwirth was terminated “for cause”, became “overloaded” with work at his “other job” at Margolis Healy and Associates, LLC (“MHA”), faced criticism for poor attendance and that he did not obtain the proper approvals to work at MHA and/or Emergency Management Project, LLC (“EMP”). After these false accusations began circulating through news outlets, You, Governor Murphy and other state political officials publicly endorsed them and made further defamatory statements concerning Mr. Neuwirth and his termination of employment. For example, you published and/or caused to publish all the following false statements concerning Mr. Neuwirth:

“A troubling pattern of ethics breaches has been emerging from the Department of Health, and it calls for a thorough and swift investigation. The people of our state deserve to know if their State Health Department has been abusing ethical and transparency protocols, especially during the ongoing pandemic.”

“As this pandemic pushed New Jersey’s healthcare infrastructure past the brink of capacity, the person we had in charge was pre-occupied with two other private business interests.”

“However, as New Jersey endures a COVID-19 death count that has now surpassed 10,000 people, it is horrifying to think that this (Department of Health) Assistant Commissioner was engaged in private business dealings while New Jerseyans suffered.”

“I think everyone agrees that it’s not appropriate for a fulltime assistant commissioner to have two side jobs. And it’s apparent that his side jobs implicated his own management of his own responsibilities and certainly calls into question whether those side jobs, in and of themselves, were ethical violations.”

You further called for the State Commission of Investigation and the State Controller to launch investigations into Mr. Neuwirth, all based upon these false allegations. Prior to taking these defamatory actions, you conducted no due diligence into the accusations to determine whether they were in fact true. If you had, you would easily have discovered that all of the aforementioned accusations, including your own statements regarding Mr. Neuwirth, were demonstrably false.

On June 16, 2020 Mr. Neuwirth filed a lawsuit against the State as a result of the unlawful termination. A copy of the filed First Amended Complaint is annexed hereto for your easy review. The allegations contained in the Complaint detail the relevant facts concerning Mr. Neuwirth’s employment and unlawful termination. The lawsuit also goes into detail concerning all the proper actions Mr. Neuwirth took to obtain proper approvals to engage in unrelated work and the fact that Mr. Neuwirth regularly worked 16+ hour days from January 24, 2020 through the peak period of the pandemic in April, 2020. On August 17, 2020, Mr. Neuwirth served a Notice of Tort Claim upon the State, which provided notice of his intention to amend his Complaint to bring additional claims of defamation. The Notice of Tort Claims specifically identifies you and the false accusations you made concerning Mr. Neuwirth and the same give rise to claims of defamation. Both of these documents should make clear to you that your statements were false and should have been retracted a long time ago.

To date, you have not apologized to Mr. Neuwirth or retracted any of the false allegations you made about him. Demand is hereby made that you immediately publicly retract all false statements and other defamatory information you personally disseminated concerning Mr. Neuwirth. At minimum, Mr. Neuwirth demands that you make a public statement that you incorrectly suggested that Mr. Neuwirth’s termination was because of his consulting work and Mr. Neuwirth did not violate any laws or policies regarding his outside consulting work.

If we do not receive assurances that you will do so by no later than **Tuesday, May 25, 2021**, my client intends to name you individually, and in your capacity as an Assemblyman, for defamation in the pending lawsuit. We hope this is not necessary and that you will admit your mistake and do your part in helping Mr. Neuwirth repair all the damage caused to him by the State.

Mr. Neuwirth reserves all of his legal rights and remedies. I look forward to your response.

Very truly yours,

SMITH EIBELER, LLC

/s/ Christopher J. Eibeler

CHRISTOPHER J. EIBELER

CJE/nk

Encls.

cc: Christopher Neuwirth
Ricardo Solano, Esq.
Raymond Cottiers

EXHIBIT D

SMITH EIBELER, LLC
 Christopher J. Eibeler, Esq. ID# 031772004
 Kathryn K. McClure, Esq. ID# 037462004
 Robert W. Smith, Esq. ID# 044341987
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 101 Crawfords Corner Road, Suite 1-105R
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 Attorneys for Plaintiff

-----X
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 : SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION: MERCER COUNTY
 Plaintiff, : DOCKET NO.: MER-L-001083-20
 :
 v. : Civil Action
 :
 STATE OF NEW JERSEY, GOVERNOR : SECOND AMENDED COMPLAINT
 PHILIP D. MURPHY, in his official and :
 Individual capacities, ASSEMBLYMAN :
 CHRISTOPHER DePHILLIPS, in his official :
 and individual capacities, :
 ABC COMPANIES (1-10) :
 (fictitious names of unknown entities :
 and JOHN/JANE DOES (1-10) :
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 Defendants. :
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Plaintiff, Christopher Neuwirth, having an address of 152 Old Clinton Road, Flemington, New Jersey 08822 (hereafter "Plaintiff"), by way of Second Amended Complaint against Defendants, State of New Jersey, Governor Philip D. Murphy, in his official and individual capacity, Assemblyman Christopher DePhillips, in his official and individual capacity, ABC Companies (1-10) (fictitious names of unknown entities) and John/Jane Does (1-10) (fictitious names of unknown individuals), says as follows:

FACTS COMMON TO ALL COUNTS

A. Parties and Relevant Individuals

1. Defendant State of New Jersey (the “State”) is a state within the United States of America that makes and enforces laws via its local government.

2. State of New Jersey Department of Health (“DOH”) is a branch of the state government and is responsible for formulating and managing the state’s health infrastructure by providing statewide support services to state and local government agencies as well as the citizens of New Jersey.

3. Defendant Governor Philip D. Murphy (“Murphy”), at times relevant herein, is a New Jersey resident and the Governor of the State of New Jersey.

4. Defendant Assemblyman Christopher DePhillips (“DePhillips”), at times relevant herein, is a New Jersey resident and Assemblyman for the 40th District of the State of New Jersey.

5. Colonel Patrick J. Callahan (“Callahan”), at times relevant herein, is an individual employed by the State in the position of Acting Superintendent.

6. George Halmy (“Halmy”), at times relevant herein, is an individual employed by the State in the position of Chief of Staff to the Governor.

7. Matt Platkin (“Platkin”), at times relevant herein, is an individual employed by the State in the position of the Chief Counsel to the Governor.

8. Heather Taylor, Esq. (“Taylor”) at times relevant herein, is an individual employed by the State as the Chief Ethics Officer for the Office of the Governor.

9. Judith Persichilli (“Persichilli”), at times relevant herein, is an individual employed by the State in the position of Commissioner of the DOH.

10. Andrea Martinez-Mejia (Martinez-Mejia”), at times relevant herein, is an

individual employed by the State in the position of Chief of Staff of the DOH.

11. Joy Lindo (“Lindo”), at times relevant herein, is an individual employed by the State in the position of Division Director of the Office of Legal and Regulatory Compliance.

12. Lubna Qazi-Chowdhry (“Qazi-Chowdhry”), at times relevant herein, is an individual employed by the State in the position of Ethics Liaison Officer for the DOH.

13. Kaitlyn Woolford (“Woolford”), at times relevant herein, is an individual employed by the State in the position of Executive Assistant to the Deputy Commissioner of the Public Health Services Branch of the DOH.

B. Plaintiff’s Employment/Consulting History

14. From 2011 through 2013, Plaintiff was employed as the State Homeland Security Exercise Coordinator (Government Representative 2) for the New Jersey Office of Homeland Security and Preparedness.

15. From 2013 through 2016, Plaintiff worked for the DOH in the position of Director of Public Health Recovery (Government Representative 1) and then as an Information Security Officer (Information Technology Specialist).

16. From 2013 through 2015, Plaintiff also worked for Margolis Healy and Associates, LLC. Plaintiff fully disclosed his business activities with MHA to the State and obtained the State’s express approval to engage with MHA outside his job duties, responsibilities and hours working for the State.

17. From 2016 through 2018, Plaintiff was employed in the position of Manager of the Emergency Management and Enterprise Resilience for New York University Langone Health.

C. Plaintiff’s Employment as DOH Assistant Commissioner

18. In or about October 29, 2018, Plaintiff commenced employment with the DOH as

Assistant Commissioner.

19. In the position of Assistant Commissioner of DOH, Plaintiff was responsible for providing strategic leadership and guidance to the Division of Public Health Infrastructure, Laboratories and Emergency Preparedness which included approximately 250 staff across the Offices of Disaster Resilience, Emergency Medical Services and the Public Health and Environmental Laboratories.

20. Plaintiff was also responsible for managing an operational budget of approximately \$57 million, including more than \$28 million in federal grants from ASPR and the CDC for the Hospital Preparedness Program and the Public Health Emergency Preparedness program, respectively.

21. Plaintiff participated in cybersecurity threat identification and business continuity activities to strengthen enterprise resilience and ensure continuity of government during a disaster.

22. Plaintiff also partnered with the New Jersey Office of Homeland Security and Preparedness to complete the statewide threat and hazard identification risk assessment for the healthcare and public health sectors.

23. Plaintiff also conducted preparedness activities for numerous ongoing incidents, crises, and pre-planned large-scale events across the State of New Jersey and/or impacting the northeast United States.

D. Plaintiff's Consulting Services with Margolis Healy and Associates

24. At the time he began his employment as Assistant Commissioner, Plaintiff disclosed to the State his own company, Emergency Manager Project, LLC, ("EMP") which administered the Emergency Manager 1 and 2 courses.

25. Plaintiff licensed both courses to Crossroads Education, LLC prior to beginning his employment with the DOH.

26. At no time after starting his employment with the DOH in 2018 did Plaintiff administer any courses.

27. Plaintiff disclosed the EMP outside activity in his 2019 Financial Disclosure Statement form and the Outside Activity Questionnaire (“OAQ”) he submitted at the onset of his employment.

28. State employees are required to complete the Financial Disclosure Statement on an annual basis and disclose, *inter alia*, all sources of income for the 12-month period prior to the filing.

29. State employees are required to complete the OAQ (1) when they commence State employment; (2) whenever there is a change in the employee’s outside activity; and (3) at a minimum every three years.

30. In or about August 2019, Plaintiff was contacted by Margolis Healy and Associates, LLC (who is now owned by Cozen O’Connor, P.C.) (collectively herein referred to as “MHA”) regarding a Request for Proposal (“RFP”) they were responding to on behalf of an out-of-state university client of the firm.

31. At the time of Plaintiff’s hiring in October 2018, Plaintiff did not identify MHA on his Financial Disclosure Form because he did not currently work for MHA, and had not received any income from MHA in the calendar year preceding the commencement of his employment.

32. Contrary to recent media reports caused by the false dissemination of information of the State, Plaintiff had not worked for, or provided any consulting services to, MHA since 2016.

33. The RFP for the out-of-state university was in response to a highly complex, large-

scale cybersecurity exercise it was interested in conducting in early 2020.

34. Based upon Plaintiff's education, training and experience, MHA expressed an interest in including Plaintiff as the lead exercise designer/facilitator for this particular RFP.

35. Plaintiff was not to receive any compensation for being included in the RFP or by providing his input to MHA on their draft proposal prior to submission.

36. Because the opportunity with MHA would constitute an outside activity and could result in future engagements, Plaintiff believed he should disclose the opportunity to the State pursuant to N.J.A.C. 19:61-5.9(c).

37. In connection therewith, prior to working on any project with MHA in 2019, Plaintiff disclosed the specific opportunity with MHA to Ethics Liaison Officer of the DOH, Nancy Kelly-Goodstein.

38. Plaintiff further submitted an updated OAQ in or about October 2019 to further disclose the opportunity.

39. After initially disclosing the opportunity, Plaintiff and Ms. Kelly-Goodstein had additional conversations concerning the opportunity during which Plaintiff provided additional clarifications on his relationship with both his own company, EMP, and MHA.

40. After discussing the opportunity with Plaintiff and reviewing the OAQ, Ms. Kelly-Goodstein informed Plaintiff that there was no conflict of interest.

41. Specifically, the State determined that because neither the DOH nor Plaintiff had any regulatory oversight of institutions of higher education (i.e. colleges and universities), there was no conflict of interest.

42. The State and Plaintiff's immediate supervisor, Andrea Martinez-Mejia, approved

the QAQ on or about December 5, 2019.

43. Relevant portions of the updated OAQ screenshot and the State's approval are as follows:

6/13/2020 Reusable Workflow

Item 5601, Outside Activity Questionnaire (PER-18) | Stage: Completed | Outside Activity Questionnaire Workflow

History Approval(s) Duplicate

Form Documents Notes

General Information

Division
Public Health Infrastructure, Laboratories and Emergency Response

Employee Name:
Neuwirth, Christopher

Primary Work Address:
369 South Warren Street (H&A)

Office Email Address:
Christopher.Neuwirth@doh.nj.gov

Other Work Address:

Office Telephone:
908-605-0321

Employee Title:
ASSISTANT COMMISSIONER

Functional Title: (If different)

Employee Supervisor:
Martinez-Mejia, Andrea

<https://wms.nj.gov/Pages/Common/Item.aspx?i=5601&show=1> 1/14

Questionnaire

The Automated Default For Responses Is "No". Please Change to "Yes" As Appropriate.

1) Are you currently engaged in, or planning to engage in, any business, trade, profession and/or part-time or full-time employment, paid or unpaid, outside of or in addition to your State employment?

6/13/2020

Reusable Workflow

Yes No

If you choose no, skip to question #6.

2) Name of Outside Employer(s) or Business(es). Please indicate if you are an owner, partner, or corporate officer.

Margolis Healy and Associates, LLC (Senior Associate); Emergency Manager Project, LLC (Owner)

Owner Partner Corporate Officer

Address:

Margolis Healy and Associates, LLC
Maple Tree Place
Suite #255
121 Connor Way
Williston, VT 05495

Emergency Manager Project, LLC
152 Old Clinton Road
Flemington, NJ 08822

Type of Business:

6/13/2020

Reusable Workflow

Margolis Healy and Associates, LLC: A professional services firm specializing in campus safety, security, and regulatory compliance for higher education and K-12.

Emergency Manager Project, LLC: a professional services firm specializing in emergency management training, education, and planning.

Description of responsibilities:

Development and conduct of exercises for cybersecurity and emergency management; review of related plans; emergency management education; assessment of physical security infrastructure; consultation of emergency preparedness activities.

All activities are on a per diem basis; dates and times of work are variable but generally occur during evening and weekends. Below are the usual days and times for recurring emergency management training conducted throughout the year.

6/13/2020 Reusable Workflow

Position Held:

I certify that this questionnaire contains no willful misstatement of fact or omission of a material fact. I understand that should my State employment and/or outside activity change, I am required to promptly submit a new Outside Activity Questionnaire.

Understand

Decision of Immediate Supervisor

Approve Disapprove

Supervisor's Comments:

Notification of decision was provided to employee on:

<https://wms.nj.gov/Pages/CommonItem.aspx?i=5601&show=1> 12/14

44. Thereafter, it was widely known among state employees, including DOH leadership and Plaintiff's staff, that Plaintiff provided outside consulting services to MHA.

45. In fact, Plaintiff listed his work with MHA on his resume, LinkedIn page and openly discussed his work with MHA to DOH leadership.

46. At no time did anyone from the DOH question Plaintiff's outside consulting services with MHA during his employment with the State.

47. After providing consulting services to MHA for the university's RFP submission, MHA provided Plaintiff other projects for higher education clients in which he was paid for his services.

48. The work Plaintiff performed for MHA after the initial RFP submission included projects that only involved institutions of higher education and therefore, consistent with Plaintiff's disclosures and the approved OAQ, no conflict of interest ever arose.

49. In or about December 2019, Plaintiff requested permission to use accrued and available vacation days during which time off Plaintiff planned to perform some projects for MHA.

50. Ms. Woolford, Plaintiff's supervisor at the time, approved Plaintiff's request.

51. At the time, Ms. Woolford was employed in the position of Executive Assistant to the Deputy Commissioner of the Public Health Services Branch.

52. Ms. Woolford was considered DOH leadership and currently serves as the Commissioner-appointed New Jersey "COVID-19 Testing Czar" responsible for coordinating all aspects of COVID-19 testing across New Jersey.

53. Plaintiff was compensated less than \$2,000 during calendar year 2019 from MHA.

54. Plaintiff would have disclosed all outside income he earned from consulting with MHA on his 2020 Financial Disclosure Form, which would have been due by July 31, 2020.

55. Plaintiff did not perform any work for any MHA clients once the State's COVID-19 pandemic response began on January 24, 2020, other than some remote spreadsheet work and attending a in person table top exercise at a higher education MHA client on February 28.

E. COVID-19 Pandemic

56. New Jersey's response to the novel coronavirus ("COVID-19") pandemic began on January 24, 2020.

57. Plaintiff regularly worked sixteen (16) to twenty (20) hour days, with no days off from January 24, 2020 through the peak period of the pandemic in April.

58. On January 27, 2020, Plaintiff established the DOH Crisis Management Team, authorized the original Coronavirus Response Plan, and served as the initial Incident Commander for the state's pandemic response, coordinating all DOH activities related to COVID-19.

59. On February 3, 2020, Defendant Governor Murphy signed Executive Order 102,

creating a statewide Coronavirus Task Force.

60. On March 9, 2020, Governor Murphy declared a State of Emergency in response to the COVID-19 outbreak and Plaintiff served as the DOH representative to the State's Unified Command.

61. On March 10, 2020, Governor Murphy and Commissioner Persichilli agreed to have Plaintiff travel to Washington, D.C., to testify before the United States House of Representatives Homeland Security Subcommittee on Emergency Preparedness, Response and Recovery.

62. During the hearing, Plaintiff provided the committee with testimony concerning his experience and expertise and how New Jersey was preparing for and responding to the novel coronavirus public health crisis.

63. Plaintiff was also tasked to request additional funding from the federal government and distribution of items from the Strategic National Stockpile, and elsewhere, on behalf of New Jersey, which he did during his testimony.

64. Following the World Health Organization declaring COVID-19 a pandemic on March 11, 2020, Governor Murphy signed numerous Executive Orders, including a stay-at-home order, the closure of non-essential businesses, retail and schools, and prohibiting all social gatherings and mandating work from home arrangements.

65. There were widespread shortages of PPE and molecular testing supplies as the COVID-19 pandemic hit New Jersey.

66. Because of the shortage of testing, it was New Jersey's public policy that individuals who do not have any symptoms not be tested and that individuals with mild symptoms stay home while they are sick and follow the guidance of their health care provider.

67. Testing was prioritized for individuals with symptoms of fever, cough and shortness of breath severe enough to require hospitalization, those who were in close contact with confirmed COVID-19 cases and individuals who traveled to/from highly affected areas.

68. Testing was specifically not recommended for persons who did not have symptoms.

69. On or about April 8, 2020, it was reported that Mr. Platkin had tested positive for COVID-19.

70. It was reported at that time, consistent with New Jersey's clear mandate of public policy, that Governor Murphy had twice stated in the weeks before April 8, 2020 that he had not been tested because he was not experiencing any COVID-19 symptoms and because of a lack of testing supplies.

71. On April 9, 2020, Governor Murphy confirmed that he had not been tested at that time and that he did not plan on getting tested in light of Mr. Platkin's positive test.

72. Governor Murphy reasoned that he did not have any symptoms and that he did not go near people.

73. When pressed by a reporter as to why Mr. Platkin was able to obtain a test when he was not symptomatic per public policy, Governor Murphy asked, "Why does he get a free pass to do that? We need this guy."

74. On April 10, 2020, Governor Murphy announced the acquisition of 15 point-of-care ID NOW testing instruments from the federal government to expand access to COVID-19 testing in New Jersey.

75. The portable, rapid testing machines were dispersed to health care systems throughout the state in an effort to assist New Jersey to meet the high demand for testing.

76. On May 13, 2020, the State announced that it would be investing hundreds of millions of dollars to expand COVID-19 testing and that the tests would be prioritized for vulnerable populations, their caregivers and frontline workers.

77. At this time, Governor Murphy said that he directed \$6 billion in federal funding to Rutgers University to help them scale up -- as much as five-fold -- production of a saliva-based test kit, allowing it to reach as many as 50,000 people daily.

78. Governor Murphy further publicly stated that there was a need to double the state's testing capacity so that it could screen 20,000 people a day for COVID-19 by the end of May, and that he wanted to see 25,000 tests done daily by the end of June.

79. Governor Murphy was quoted as saying, "Every day we take another step forward to ramp up our testing abilities. But we know that even this jump in testing is not enough. We need to have an even more robust testing program that is engrained throughout our communities and which go out to the people as much as the people can go to it."

F. Plaintiff's Ethics Complaint

80. On April 24, 2020, Plaintiff received a missed telephone call to his cellphone from Colonel Callahan.

81. A few minutes later, Plaintiff returned Callahan's phone call.

82. During the call, Callahan informed Plaintiff that he "needs a favor".

83. The "favor" was for Plaintiff or a member of his staff to go to the home of one of Helmy's relatives that weekend to collect specimens from two relatives for testing of SARS-COV-2 to be performed at DOH's Public Health and Environmental Laboratories.

84. Plaintiff did not want to participate in this request because, in his reasonable belief, the actions were unethical, unlawful, incompatible with public policy, a misuse of

governmental resources and/or misuse of power.

85. However, fully understanding that the request for the “favor” was coming from top-level people within the Governor’s inner circle, Plaintiff responded to Callahan that he would look into it and check to see if he had staff available.

86. Callahan instructed Plaintiff that the testing could occur anytime over the weekend, either Saturday or Sunday.

87. At the end of the conversation, Plaintiff requested Callahan to text him the details, which he did.

88. Shortly after the phone call ended, Callahan sent the text message to Plaintiff confirming the instruction.

89. The following day on April 25, 2020, Callahan called Plaintiff and angrily demanded why no one had contacted Helmy’s relatives and performed the tests yet.

90. Plaintiff responded that he had no staff available.

91. Callahan then asked, “So then, this is something you are going to do?”

92. Plaintiff responded, “Yea, I don’t have a choice.”

93. Callahan responded, “Thanks Chris. I will let her know.”

94. Following his communications with Callahan, Plaintiff wrote an email to DOH Chief of Staff, Andrea Meija-Martinez, to disclose the improper request and complain that he was being instructed to perform a private COVID-19 test on relatives of a Governor’s Office employee as “a favor”.

95. The April 25, 2020 email to Ms. Martinez-Mejia reads, in relevant part:

Clearly, we cannot say no, or advise them that this test doesn’t matter, and it’s a complete waste of an AC’s time to spend literally 6-hours collecting one specimen.

I'm sharing this with you simply for documentation and, in case, this continues to spiral out of control.

96. On April 26, 2020, at 9:00 a.m. Plaintiff received a text message from Callahan with further instructions concerning the "favor."

97. On April 26 at 10:53 a.m., Ms. Martinez-Mejia responded to Plaintiff's email as follows, "Thank you Chris. I will discuss this with Commissioner."

98. On April 26, Plaintiff travelled from his home to the Public Health and Environmental Laboratories in West Trenton to obtain specimen collection tubes.

99. Thereafter, Plaintiff drove to the Health and Agriculture Building in Trenton to retrieve his state vehicle.

100. A few minutes later at 11:02 a.m., Plaintiff responded to Ms. Martinez-Mejia's email and stated, "I'm driving up there now."

101. While Plaintiff was in the process of obtaining his state vehicle, Plaintiff called Joy Lindo from the DOH Office of Legal and Regulatory Compliance to complain and disclose to her that he had been instructed to perform private COVID-19 tests on relatives of a Governor's Office employee as "a favor", which he reasonably believed was unethical, unlawful, incompatible with public policy, a misuse of governmental resources and/or misuse of power.

102. Ms. Lindo agreed with Plaintiff.

103. Specifically, Ms. Lindo concluded to Plaintiff that, "[t]his is a textbook ethics violation."

104. Ms. Lindo further directed Plaintiff to pull over on the side of the road, while she called Commissioner Persichilli to discuss his complaints and disclosures concerning the situation directly with her.

105. Soon thereafter, Ms. Lindo called Plaintiff and informed him that she relayed his complaints to Commissioner Persichilli.

106. Ms. Linda also informed Plaintiff that Commissioner Persichilli told her that Ms. Martinez-Mejia never sent Plaintiff's email to Commissioner Persichilli, nor did Ms. Martinez-Mejia ever speak with Commissioner Persichilli about Plaintiff's complaints and disclosures concerning the situation.

107. Ms. Lindo instructed Plaintiff to not proceed with the specimen collection and to go home.

108. While en route back to Trenton, Plaintiff dropped off his state vehicle and called Commissioner Persichilli to discuss the situation.

109. Plaintiff told the Commissioner about his conversation with Ms. Lindo and Commissioner Persichilli confirmed her instruction for Plaintiff to go home and not perform the test on the relatives.

110. On April 27, Plaintiff called the State Ethics hotline to formally lodge an ethical complaint concerning the situation.

111. However, no one from the State Ethics hotline answered the call and it went to a voicemail.

112. Thereafter, Plaintiff spoke to Ms. Lindo about the best method of contact for the State Ethics Commission as he had previously attempted to make contact on April 27.

113. Plaintiff informed Ms. Lindo that there was no answer at the State Ethics hotline and did not feel comfortable leaving a message on an unidentified voicemail.

114. In response, Ms. Lindo suggested that Plaintiff contact the DOH's internal ethics officer, Lubna Qazi-Chowdhry.

115. Thereafter, a telephone meeting between Ms. Qazi-Chowdhry and Plaintiff was scheduled for May 14 to discuss his ethics complaint.

116. In preparation for the meeting on May 14, Plaintiff attached screenshots of Callahan's text message to the meeting invitation.

117. During the call, Plaintiff complained to Ms. Qazi-Chowdhry that he had been instructed to perform private COVID-19 tests on relatives of a Governor's Office employee as "a favor", which he reasonably believed was unethical, unlawful, incompatible with public policy, a misuse of governmental resources and/or misuse of power.

118. After listening to Plaintiff's complaint, Ms. Qazi-Chowdhry responded to Plaintiff's complaint by stating that she would not be the person to handle it because the situation involved misconduct of high ranking individuals within the Governor's Office.

119. Ms. Qazi-Chowdhry further told Plaintiff that she would have to speak with the State Ethics Commission to determine the best way to handle the complaint, and that she would contact Plaintiff by the end of the day with further instruction on how he should proceed.

120. Later that day, Ms. Qazi-Chowdhry called Plaintiff.

121. During this call, Ms. Qazi-Chowdhry informed Plaintiff that she had spoken to the State Ethics Commission and instructed Plaintiff that "you need to have a consultation with a lawyer" before proceeding with processing the complaint.

122. Plaintiff was completely taken aback by Ms. Qazi-Chowdhry's direction and response to her complaints.

123. Plaintiff responded, "okay", and the conversation then ended.

124. The following day, Plaintiff called Ms. Qazi-Chowdhry to ask two questions to clarify her instructions from the day prior.

125. The first question Plaintiff asked: “what kind of lawyer were you suggesting I consult with” and the second: “what am I supposed to tell them?”

126. Ms. Qazi-Chowdhry responded to the first question, a “criminal defense lawyer.”

127. Ms. Qazi-Chowdhry responded to the second question by instructing Plaintiff have the criminal defense lawyer explain the “consequences of submitting the ethics complaint.”

128. Based upon Ms. Qazi-Chowdhry’s implication of criminal repercussions if Plaintiff went forward with the complaint, Plaintiff asked Ms. Qazi-Chowdhry whether “this [his complaint] is dead in the water?”

129. Addressing the threat of criminal repercussions, Plaintiff further stated that he had small children and may not want to proceed with the complaint if he was going to be criminally prosecuted because of it.

130. Ms. Qazi-Chowdhry responded by assuring Plaintiff that she would not process the complaint until after he spoke with a criminal defense lawyer.

131. This conversation confirmed Plaintiff’s initial concern that he was being threatening with criminal repercussions should he go forward with the ethics complaint.

132. The following week, Ms. Qazi-Chowdhry and Plaintiff had another communication about the processing of the complaint.

133. During the conversation, Ms. Qazi-Chowdhry asked Plaintiff if he had the opportunity to meet with a criminal defense lawyer.

134. Plaintiff responded affirmatively and that after speaking with the criminal attorney, he was comfortable that he did not do anything wrong and certainly nothing criminal.

135. Ms. Qazi-Chowdhry responded, “Okay, good.”

136. Plaintiff asked Ms. Qazi-Chowdhry for further clarification about his complaint and

how it would proceed.

137. Ms. Qazi-Chowdhry responded that she would not be handling his ethics complaint and would not provide a direct answer to any of his questions about the next steps in processing the complaint.

138. Following this last communication with Ms. Qazi-Chowdry, senior staff removed scheduled meetings with Plaintiff from his calendar, refused to share information with him, would not respond to his emails and would not participate in scheduled meetings with him.

139. Plaintiff was no longer consulted on important matters, including the receipt and distribution of remdesivir to hospitals and the \$613 million Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) cooperative agreement grant.

140. Additionally, Plaintiff stopped receiving communications from other senior staff members including, but not limited to, Commissioner Persichilli, Ms. Martinez-Mejia and Ms. Woolford.

141. On May 19, 2020, Plaintiff received an email meeting invitation from the Commissioner's Executive Assistant, Dee Morris, to meet with the "staff from the Governor's Office" scheduled for May 20, 2020 from 3:30 p.m. to 4:30 p.m.

142. Plaintiff responded to Ms. Morris' email and asked which staff would be attending the meeting.

143. Plaintiff received no response to this email.

144. On May 20, 2020, Plaintiff attended a meeting with two attorneys from the office of the Governor, one of whom was the Chief Ethics Officer, Heather Taylor.

145. During the meeting, the attorneys asked Plaintiff if he was aware of a news article

citing to anonymous sources, about recording the Commissioner in meetings and leaking confidential information to the media.

146. Specifically, Plaintiff was asked if he knew of the news reporter and/or if he had any contact with the news reporter.

147. Plaintiff stated that he did not speak or provide any information to any media member and that he did not know who was doing so.

148. The purported investigation taken into the alleged leaks from within the DOH to the media was not completed fairly, thoroughly or completely as required by state law and regulations.

149. On May 28, 2020 at 10:30 a.m., Plaintiff was informed by the Director of Human Resources that he was terminated.

150. When Plaintiff asked if his termination was for cause or no-cause, Plaintiff was informed it was a “no-cause termination” and that his “services were no longer needed.”

151. As a result of the harassing and discriminatory conduct, Plaintiff has suffered emotional distress and continues to experience ongoing emotional distress and significant economic damages.

F. Plaintiff’s Due Process Rights

152. Contrary to what he was told as the reason for his termination, the public position being taken by the State is that the reason for Plaintiff’s termination was because he failed to properly disclose his consulting work for MHA and that he did not obtain appropriate approval to do so.

153. This position is demonstrably false and easily verifiable by State records.

154. At no time prior to his termination, or during his termination discussions, did

anyone from the State ever accuse Plaintiff of failing to disclose his outside employment relationship with MHA.

155. Plaintiff was never informed of any ethics investigation being conducted concerning Plaintiff's outside business activities.

156. Plaintiff's termination has been the subject of numerous media reports in which anonymous persons associated with the State and/or Governor's Office began disclosing false and defamatory information concerning Plaintiff, Plaintiff's employment with the State and the purported reasons for his termination.

157. In these reports, anonymous sources of the State claim that Plaintiff was terminated "for cause."

158. Anonymous sources of the State further told news outlets that Plaintiff became "overloaded" with work at his "other job" at MHA.

159. The allegation that Plaintiff was ever "overloaded" with his work at his "other job" at MHA is false and defamatory.

160. Another news story reported that anonymous sources have stated that Plaintiff faced criticism for poor attendance at the DOH post.

161. The allegation that Plaintiff faced criticism for poor attendance at the DOH post is also false and defamatory.

162. Upon information and belief, the State has not conducted any investigation into the identification of any of the anonymous sources who have been leaking false and defamatory information about Plaintiff to the media.

163. Instead, the State has publicly made general comments about Plaintiff's termination that essentially endorse the defamatory statements.

164. The statements have caused the public to believe the leaks about Plaintiff are credible.

165. For example, during his May 29, 2020 Coronavirus Press Briefing in Trenton, New Jersey, when asked by reporter Nikita Biryukov of the New Jersey Globe about Plaintiff's termination, Defendant Governor Murphy perpetuated the falsehoods being disseminated by "anonymous" sources by stating, "folks are not – it's par for the course that you're not supposed to have another source of income..."

166. A few days later on June 1, 2020, again during his Coronavirus Press Briefing in Trenton, when asked by reporter Dustin Racioppi of the Bergen Record about Plaintiff's termination, Governor Murphy was again quoted in response to questions about Plaintiff's termination, "I don't have a good answer about anyone else who may have a second job. But there is a process, and I don't think I addressed it quite as crisply as I could have. . ."

167. During the same Press Briefing and in response to the same question posed to him by Mr. Racioppi, Defendant Governor Murphy further stated, "someone has to declare themselves and seek basically a waiver or an exemption for it..."

168. Governor's Murphy's statements were then republished by the news media in their respective online publications.

169. Governor Murphy's public adoption of the falsehoods being pushed by "anonymous sources" have severely damaged Plaintiff's once stellar professional reputation.

170. Mr. Platkin has also been attributed to false reports that Plaintiff violated ethical rules by failing to disclose his consulting services to MHA.

171. For example, during the June 1, 2020 Coronavirus Press Briefing and also in response to the same question posed by Mr. Racioppi, Mr. Platkin stated, "There are certain

classes of employees who can't have any outside income. And then for others, they have to get Ethics approval as well as through the State Ethics Commission. And for employees who have to fill out financial disclosures, they would have to disclose that outside income, if approved, on their annual financial disclosure forms.”

172. Mr. Platkin’s public endorsement of the falsehoods against Plaintiff were also republished by local media news outlets.

173. The misrepresentations of the anonymous sources, and endorsement of same by state employees, including Governor Murphy and Mr. Platkin, have caused other politicians to call for an investigation into Plaintiff and the relationship between the DOH and MHA.

174. Defendant DePhillips, who asked the State Commission of Investigation and the State Controller to launch an investigation, was quoted, “A troubling pattern of ethics breaches has been emerging from the Department of Health, and it calls for a thorough and swift investigation. The people of our state deserve to know if their State Health Department has been abusing ethical and transparency protocols, especially during the ongoing pandemic.”

175. Defendant DePhillips further stated “As this pandemic pushed New Jersey’s healthcare infrastructure past the brink of capacity, the person we had in charge was pre-occupied with two other private business interests.”

176. Defendant DePhillips went also stated “However, as New Jersey endures a COVID-19 death count that has now surpassed 10,000 people, it is horrifying to think that this (Department of Health) Assistant Commissioner was engaged in private business dealings while New Jerseyans suffered.”

177. Defendant DePhillips further stated “I think everyone agrees that it’s not appropriate for a fulltime assistant commissioner to have two side jobs. And it’s apparent that

his side jobs implicated his own management of his own responsibilities and certainly calls into question whether those side jobs, in and of themselves, were ethical violations.”

178. Defendant DePhillips’ public endorsement of the falsehoods against Plaintiff were also republished by local media news outlets.

179. Plaintiff’s reputation has been and continues to be severely damaged by the Defendants’ defamatory and retaliatory conduct.

180. Prior to his termination, no one from the Governor’s Office or the State ever confronted Plaintiff regarding any accusation of impropriety concerning his association with MHA.

181. No investigation was ever conducted into Plaintiff’s disclosures of his association with MHA.

182. Plaintiff was told that his termination was not for cause and was never provided any opportunity to defend himself against these false allegations.

183. If the State had afforded Plaintiff his due process rights under applicable state regulations, the facts surrounding his work with MHA would have been fully known and the State would have cleared Plaintiff of any suspected wrongdoing.

184. Plaintiff would have also been able to explain that MHA erroneously kept his profile page posted, which stated that he worked for them for “two years.”

185. In fact, a simple “Way Back Machine” internet archive search of the MHA website reflects that as of December 31, 2015, Plaintiff’s profile reads, “Chris as [sic] a Manager of Emergency Management Services at Margolis Healy for two years.”

186. The information that Plaintiff was a Manager at MHA for “two years” was true when it was first published in or about mid to late 2015, but is obviously untrue five (5) years

later in May 2020.

187. Upon information and belief, MHA's profile link of Plaintiff was leaked to the media to support the false assertion that Plaintiff has been working at MHA for the immediate preceding two years.

188. Contrary to the news reports, anonymous sources and calls for investigations from political foes of Governor Murphy, Plaintiff's prior profile page that identified him as working for MHA as a "Manager of Emergency Management Services at Margolis Healy for two years" was mistakenly never updated or removed from MHA's website.

189. The Plaintiff's due process rights in the face of an allegation of an ethics violation are described in detail in the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. (Conflicts Law) and on the State Ethics Commission's website.

190. Allegations of wrongdoing are received by the Ethics Commission from many sources, including State employees or members of the public, and can be made via a phone call to the Ethics Commission hotline or in writing.

191. Complaints to the Ethics Commission can be made anonymous.

192. Allegations of wrongdoing may also be filed with the State agency employing the State officer or employee in accordance with procedures established by the agency.

193. As it relates to Plaintiff, an allegation would properly be filed with the Ethics Commission or the DOH.

194. Upon receipt of an allegation, the DOH is required to file the allegation with the Ethics Commission.

195. All determinations by the DOH with respect to the Conflicts Law which involve the removal of a State officer or employee or any other disciplinary actions are effective only when

approved by the Ethics Commission.

196. When the Ethics Commission receives an allegation, the staff first reviews it for an initial determination as to whether the alleged conduct falls within the jurisdiction of the Commission.

197. Upon information and belief, no allegations of wrongdoing have been made to either the Ethics Commission or the DOH regarding Plaintiff.

198. If the Ethics Commission determines that it has jurisdiction over an allegation, the Commission initiates a preliminary investigation, which may include a review of documents, interviews of the complainant, the State officer or employee involved, and any other individuals who possess knowledge of the circumstances surrounding the alleged conduct.

199. Any interviews conducted are under oath and recorded, and the interviewee has the right to be accompanied by an attorney.

200. Upon information and belief, no preliminary investigation was conducted by the Ethics Commission or the DOH in regards to Plaintiff's work with MHA.

201. Upon the conclusion of a preliminary investigation, a written report of the investigation is presented at an Ethics Commission meeting.

202. The subject of an investigation is notified, in writing, of the date that the matter will be presented to and considered by the Ethics Commission.

203. The subject and his/her attorney have the right to be present at the Commission meeting.

204. Plaintiff never received notice of an Ethics Commission meeting at which any allegations against him would be reviewed.

205. If the Ethics Commission determines that there are indications of a violation

meriting further proceedings, a complaint is issued and the case is referred to the Office of Administrative Law (“OAL”) for a full due process hearing pursuant to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

206. After the OAL hearing is concluded, the Administrative Law Judge (“ALJ”) issues an initial decision in accordance with the time frame set forth in the Administrative Procedure Act.

207. The Ethics Commission ultimately issues a Final Order, in which the Commission may accept, reject or modify the ALJ’s initial decision.

208. The subject of the complaint has the right to appeal Final Orders of the Commission to the Superior Court, Appellate Division.

209. Plaintiff never received notice of any OAL hearing, ALJ decision or Final Order of the Ethics Commission regarding any alleged violations.

210. Alternatively, the Ethics Commission may permit the subject of an ethics investigation to enter into a consent agreement with the Commission either prior to or after the issuance of a complaint.

211. Consent orders are retained in an individual’s personnel file.

212. Consent orders, complaints and answers are public records.

213. Consent orders and other final agency decisions are posted on the Ethics Commission’s website.

214. Nothing has been posted to the Ethics Commission’s website in reference to Plaintiff.

215. Despite the foregoing, Defendants continue to disseminate false and defamatory information concerning Plaintiff to the public and through anonymous sources to damage

Plaintiff and further retaliate against him for engaging in protected activity.

216. As a result of the foregoing, Plaintiff has been denied his right to due process and has suffered severe reputational, economic and emotional distress damages.

FIRST COUNT

CONSCIENTIOUS EMPLOYEE PROTECTION ACT (“CEPA”)

N.J.S.A. 34:19-1 et seq.

217. Plaintiff repeats and realleges each of the prior allegations of the within First Amended Complaint as if set forth at length herein.

218. Plaintiff’s disclosures, complaints and/or objections to the State concerning being instructed to perform a private COVID-19 test on relatives of a Governor’s Office employee as “a favor” constitutes protected activity under CEPA.

219. Plaintiff reasonably believed such conduct was unethical, unlawful, incompatible with public policy, a misuse of governmental resources and/or misuse of power.

220. The adverse employment actions taken against Plaintiff, including the termination of Plaintiff’s employment and denial of his due process rights under applicable state law and regulation, was in retaliation for Plaintiff’s complaints, disclosures and objections to conduct he reasonably believed was unethical, unlawful, incompatible with public policy, a misuse of governmental resources and/or misuse of power.

221. The State’s conduct was in violation of CEPA.

222. The State engaged in, participated in, condoned, ratified, perpetuated and/or aided and abetted the CEPA violations.

223. Defendants, JOHN/JANE DOES (1-10) participated in, condoned, ratified,

perpetuated, conspired, incited, coerced, induced and/or aided and abetted the CEPA violations.

224. The State's conduct and actions were malicious and/or undertaken with a wanton and willful disregard of and for Plaintiff.

225. As a result of the State's conduct, Plaintiff has suffered emotional distress, compensatory and other damages.

WHEREFORE, Plaintiff demands judgment against the State, jointly and severally, for harm suffered as a result of the violations of CEPA, N.J.S.A. 34:19-1, et seq., as follows:

- A. Reinstatement;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Punitive damages;
- G. Equitable relief;
- H. Declaring that Defendants have violated CEPA and requiring Defendants to take appropriate corrective action to end unlawful retaliation in the workplace;
- I. Pre-judgment interest and enhancements to off-set negative tax consequences;
- J. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law); and

K. Such other relief as may be available and which the Court deems just and equitable.

SECOND COUNT

DEFAMATION
(AGAINST ALL DEFENDANTS)

226. Plaintiff repeats and realleges each of the prior allegations of the within Second Amended Complaint as if set forth at length herein.

227. The State, through anonymous sources, and Governor Murphy, made false and defamatory statements, knowing them not to be true, to the news media and the entire public of New Jersey during public Coronavirus Press Briefings.

228. The false and defamatory statements made by “anonymous sources” of the Governor’s office to media outlets include, but are not limited to:

- a) Plaintiff failed to properly disclose his consulting work for MHA;
- b) Plaintiff did not obtain appropriate approval to perform consulting services for MHA;
- c) Plaintiff was terminated “for cause.”
- d) Plaintiff became “overloaded” with work at his “other job” at MHA.
- e) Plaintiff faced criticism for poor attendance at the DOH post.

229. The aforesaid false statements were widely published by numerous news reports.

230. Upon information and belief, the aforesaid statements were made by state employees and/or representatives at the direction and/or knowledge of State officials, including State officials who were involved in the termination of Plaintiff’s employment.

231. Governor Murphy publicly endorsed the aforementioned statements, including

by making further false statements concerning Plaintiff and his termination.

232. During his May 29, 2020 Coronavirus Press Briefing in Trenton, New Jersey, when asked by reporter Nikita Biryukov of the New Jersey Globe about Plaintiff's termination, Defendant Governor Murphy made the statement: folks are not – it's par for the course that you're not supposed to have another source of income..."

233. On June 1, 2020, when asked by reporter Dustin Racioppi of the Bergen Record about Plaintiff and his termination, Governor Murphy stated, "I don't have a good answer about anyone else who may have a second job. But there is a process, and I don't think I addressed it quite as crisply as I could have. . ."

234. During the same Press Briefing and in response to the same question posed to him by Mr. Racioppi, Governor Murphy further stated, "someone has to declare themselves and seek basically a waiver or an exemption for it..."

235. At no time did Governor Murphy disclose to the media the fact that Plaintiff had fully disclosed and obtained written approval to perform consulting services for MHA.

236. Governor's Murphy's statements were then republished by the news media in their respective online publications.

237. Governor Murphy's public endorsement of falsehoods concerning Plaintiff's termination have severely damaged Plaintiff's once stellar professional reputation.

238. Mr. Platkin also validated false reports that Plaintiff violated ethical rules by failing to disclose his consulting services to MHA.

239. For example, during the June 1, 2020 Coronavirus Press Briefing and also in response to the same question posed by Mr. Racioppi, Mr. Platkin stated, "There are certain

classes of employees who can't have any outside income. And then for others, they have to get Ethics approval as well as through the State Ethics Commission. And for employees who have to fill out financial disclosures, they would have to disclose that outside income, if approved, on their annual financial disclosure forms.”

240. At no time did Mr. Platkin disclose to the media the fact that Plaintiff had fully disclosed and obtained written approval to perform consulting services for MHA.

241. Mr. Platkin's public endorsement of the falsehoods against Plaintiff were also republished by local media news outlets.

242. The misrepresentations of the anonymous sources, and endorsement of same by state employees, including Governor Murphy and Mr. Platkin, have caused other politicians to call for an investigation into Plaintiff and the relationship between the DOH and MHA.

243. Assemblyman Christopher DePhillips, who asked the State Commission of Investigation and the State Controller to launch an investigation, was quoted, “A troubling pattern of ethics breaches has been emerging from the Department of Health, and it calls for a thorough and swift investigation. The people of our state deserve to know if their State Health Department has been abusing ethical and transparency protocols, especially during the ongoing pandemic.”

244. Assemblyman DePhillips further stated “As this pandemic pushed New Jersey's healthcare infrastructure past the brink of capacity, the person we had in charge was pre-occupied with two other private business interests.”

245. Assemblyman DePhillips also stated “However, as New Jersey endures a COVID-19 death count that has now surpassed 10,000 people, it is horrifying to think that this (Department of Health) Assistant Commissioner was engaged in private business dealings while

New Jerseyans suffered.”

246. Assemblyman DePhillips further stated “I think everyone agrees that it’s not appropriate for a fulltime assistant commissioner to have two side jobs. And it’s apparent that his side jobs implicated his own management of his own responsibilities and certainly calls into question whether those side jobs, in and of themselves, were ethical violations.”

247. Plaintiff’s reputation has been and continues to be severely damaged by the State’s defamatory and retaliatory conduct.

248. The foregoing false and defamatory statements were intentional and made with actual malice.

249. After this lawsuit was filed, Plaintiff’s Counsel sent Defendants’ Counsel a letter on August 17, 2020 concerning the defamatory comments made by the State and Governor Murphy and to demand that they issue a retraction.

250. Specifically, Plaintiff’s Counsel wrote:

The Governor’s public validation of the false allegations concerning Mr. Neuwirth’s outside employment with MHA has severely harmed Plaintiff and his ability to secure new employment. No one from the State ever directly accused Mr. Neuwirth of failing to fully disclose his outside consultant work with MHA during his employment. If they had, Mr. Neuwirth would easily have exonerated himself by pointing to the State’s approval of the updated Outside Activity Questionnaire (“OAQ”). Governor Murphy’s action to validate the false statements, and then to “leave it there” has caused Mr. Neuwirth irreparable harm to his reputation and ability to secure new employment.

Demand is hereby made that Governor Murphy, Matthew Platkin and the State take immediate efforts to retract all the false statements and other information disseminated by the Governor’s office concerning Mr. Neuwirth, his termination and his outside consulting services with MHA. At minimum, Mr. Neuwirth demands that Governor Murphy make a public statement during his next press conference that he incorrectly suggested that Mr. Neuwirth’s termination was because he had “another source of income” stemming from his MHA consulting work and that Mr. Neuwirth did not violate any laws or policies regarding his outside consulting work with MHA or anyone else.

Please provide your client's response to the aforesaid demand no later than close of business, Friday, August 21, 2020.

251. Defendants never responded to Plaintiff's aforesaid request despite being fully aware of the falsity of the statements previously made and the damage they were continuing to cause Plaintiff.

252. Plaintiff likewise demanded an apology and retraction from Defendant DePhillips concerning the defamatory statements he made concerning Plaintiff.

253. Defendant DePhillips never responded to Plaintiff's request despite being fully aware of the falsity of the statements previously made and the damage they were continuing to cause Plaintiff.

254. Defendants' acts or omissions were the cause of Plaintiff's harm and were actuated by actual malice or accompanied by a wanton and willful disregard of Plaintiff who foreseeably might be harmed by those acts or omissions.

255. As a result of Defendants' conduct, Plaintiff's name and reputation have been damaged and Plaintiff has suffered financial loss, emotional distress, compensatory and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants for harm suffered due to the aforesaid violations as follows:

- A. Compensatory damages;
- B. Consequential damages;
- C. Damages to Plaintiff's reputation;
- D. Punitive damages;
- E. Prejudgment interest and enhancements to off-set negative tax consequences;

- F. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law); and
- G. Such other relief as may be available and which the Court deems just and equitable.

SMITH EIBELER, LLC

By: _____
CHRISTOPHER J. EIBELER
Attorneys for Plaintiff

Dated:

SMITH EIBELER, LLC
 Christopher J. Eibeler, Esq. ID# 031772004
 Robert W. Smith, Esq. ID# 044341987
 Lisa Ackerly Hernandez, Esq. ID# 018402005
 101 Crawfords Corner Road, Suite 1-126
 Holmdel, NJ 07733
 (732) 444-1300
 Attorneys for Plaintiff

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CHRISTOPHER NEUWIRTH,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: MERCER COUNTY
Plaintiff,	:	DOCKET NO.: MER-L-1083-20
	:	
	:	Civil Action
	:	
STATE OF NEW JERSEY,	:	
ABC COMPANIES (1-10) (fictitious names of	:	ORDER TO PERMIT PLAINTIFF LEAVE
unknown entities) and JOHN/JANE DOES	:	TO FILE AND SERVE A FIRST AMENDED
(1-10)(fictitious names of unknown entities):	:	COMPLAINT
	:	
Defendants.	:	
	:	
-----X		

This matter having been brought before the Court upon the motion of Plaintiff, Christopher Neuwirth, via counsel Smith Eibeler, LLC pursuant to R. 4:9-1, for an Order to Permit Plaintiff Leave to File a Second Amended Complaint, and the Court having considered the papers and argument in support and opposition thereto (if any), and for good cause having been shown:

IT IS on this _____ day of _____, 2021,

ORDERED as follows:

1. Plaintiff's Motion is granted;

2. Plaintiff shall be and is hereby permitted to file a Second Amended Complaint in substantially the form submitted with the Motion within fourteen (14) days of the date this Order is received by Plaintiff's counsel;

3. Upon filing of the First Amended Complaint via e-courts, e-courts notification shall constitute effective service upon Defendant State of New Jersey and it shall be deemed simultaneously served; and

4. A copy of this Order shall be served upon counsel for all parties within seven (7) days of receipt of same by Plaintiff's counsel.

J.S.C.

This Motion was:

_____ Opposed

_____ Unopposed

SMITH EIBELER, LLC
 Christopher J. Eibeler, Esq. ID# 031772004
 Kathryn K. McClure, Esq. ID# 037462004
 Robert W. Smith, Esq. ID# 044341987
 Meghan Chrisner-Keefe, Esq. ID# 21052011
 Lisa Ackerly Hernandez, Esq. ID# 018402005
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 101 Crawfords Corner Road, Suite 1-126
 Holmdel, NJ 07733
 (732) 444-1300
 Attorneys for Plaintiff

-----X
 :
 CHRISTOPHER NEUWIRTH, : SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION: MERCER COUNTY
 Plaintiff, : DOCKET NO.: MER-L-1083-20
 :
 : Civil Action
 :
 STATE OF NEW JERSEY, :
 ABC COMPANIES (1-10) (fictitious names of : CERTIFICATE OF SERVICE
 unknown entities) and JOHN/JANE DOES :
 (1-10)(fictitious names of unknown entities):
 :
 Defendants. :
 :
 -----X

I, Christopher J. Eibeler, Esq. counsel for Plaintiff, do hereby certify that on May 26, 2021,

I cause to be served true copies of the following:

- Notice of Motion for Leave to File and serve a Second Amended Complaint;
- Letter brief;
- Certification of Counsel; and
- Proposed form of Order.

Upon Defendants' counsel in this matter, via ECourts transmission and Email, as follows:

Ricardo Solano, Jr., Esq.
 Friedman Kaplan Seiler & Adelman LLP
 One Gateway Center
 Newark, NJ 07102-5311

I hereby 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.

SMITH EIBELER, LLC

Dated: May 26, 2021

By: /s/ Christopher J. Eibeler

CHRISTOPHER J. EIBELER
Attorney for Plaintiff