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Attorneys for Defendant Kenneth J. Brown, Jr.
By: Paul L. LaSalle, Esq. (PLL-1394)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS R. ROGERS, and
ASSOCIATION OF NEW JERSEY
RIFLE & PISTOL CLUBS, INC.,

Plaintiffs,

v.

GRUBIR GREWAL, in his official
capacity as Attorney General of New
Jersey, PATRICK J. CALLAHAN, in
his official capacity as Acting
Superintendent of the New Jersey
Division of State Police, KENNETH J.
BROWN, JR., in his official capacity
as Chief of the Wall Township Police
Department, JOSEPH W. OXLEY, in
his official capacity as Judge of the
Superior Court of New Jersey, Law
Division, Monmouth County, and N.
PETER CONFORTI, in his official
capacity as Judge of the Superior Court
of New Jersey, Law Division, Sussex
County,

Defendants.

Case No.: 3:18-cv-01544-BRM-DEA

Civil Action

**NOTICE OF MOTION TO DISMISS
PLAINTIFFS' COMPLAINT**

TO: Daniel L. Schmutter, Esq.
Hartman & Winnicki, P.C.
74 Passaic Street
Ridgewood, NJ 07450

SIR:

PLEASE TAKE NOTICE that on May 7, 2018, or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendant Kenneth J. Brown, Jr., shall move before the above-named Court for an Order dismissing Plaintiffs' Complaint, pursuant to Fed.R.Civ.P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE the undersigned shall rely upon the attached Brief, as well as the Brief filed the State Defendants, in support of this application.

PLEASE TAKE FURTHER NOTICE that the undersigned respectfully requests that the Court rule upon the moving papers submitted, without requiring the appearance of counsel, pursuant to Fed.R.Civ.P. 78.

CLEARY GIACOBBE ALFIERI JACOBS, LLC
Attorneys for Defendant
Defendant Kenneth J. Brown, Jr.

By: /s/ Paul L. LaSalle
PAUL L. LASALLE

Dated: April 9, 2018

CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

PAUL L. LASALLE, Counsel
plasalle@cgajlaw.com

Reply to: Matawan Office

VIA ECF FILING

April 9, 2018

Hon. Brian R. Martinotti, U.S.D.J.
United States District Court for the
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: Rogers, et al. v. Grewal, et al.
Civil Case No.: 3:18-cv-01544-BRM-DEA
Motion Returnable: May 7, 2018

Dear Judge Martinotti:

Please be advised this office represents Defendant Kenneth J. Brown, Jr. in the above-matter. On today's date, Chief Brown filed a Motion to Dismiss Plaintiffs' Complaint. On April 3, 2018, Defendants Gurbir S. Grewal, Patrick J. Callahan, Joseph W. Oxley and N. Peter Conforti (collectively referred to as the "State Defendants") filed a Motion to Dismiss. (Document No. 16). Please be advised that Chief Brown shall rely upon the Brief filed by the State Defendants in

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support of their Motion to Dismiss (Document No. 16-3), as a dismissal of Plaintiffs' Complaint as to Chief Brown is warranted for the same reasons as the State Defendants. In that regard, it bears noting that the only allegation within the Complaint as to Chief Brown is that he properly denied Plaintiff Thomas R. Rogers's application for a Handgun Carry Permit for failure to show a "justifiable need," as New Jersey law mandates.

Respectfully submitted,
CLEARY GIACOBBE ALFIERI JACOBS, LLC

By: /s/ Paul L. LaSalle
PAUL L. LASALLE

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Defendants.

Case No.: 3:18-cv-01544-BRM-DEA

Civil Action

ORDER

THIS MATTER having been opened to the Court upon the application of Paul L. LaSalle, Esq. of Cleary Giacobbe Alfieri Jacobs, LLC, attorneys for Defendant Kenneth J. Brown, Jr., for an Order dismissing Plaintiffs' Complaint; and the Court having reviewed the moving papers, and any opposition thereto, and for good cause having been shown;

IT IS on this _____ day of _____, 2018:

ORDERED that the Complaint of Plaintiffs be and hereby is dismissed, with prejudice, as to Defendant Kenneth J. Brown, Jr.; and

IT IS FURTHER ORDERED that this civil action be and hereby is terminated.

HON. BRIAN R. MARTINOTTI, U.S.D.J.