New Jersey Judiciary
Superior Court - Appellate Division
NOTICE OF MOTION

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DOCKET NO: **A-003938-25**

NEW BRUNSWICK BOARD OF EDUCATION,
V.
NEW BRUNSWICK TODAY

Notice of Motion:

MOTION TO APPEAR AS AMICUS CURIAE

PLEASE TAKE NOTICE that the undersigned hereby moves before the Superior Court of New Jersey, Appellate Division, for an Order granting the above relief:

In support of this motion, I shall rely on the accompanying brief or certification.

I hereby certify that I am submitting the original of this notice of motion and accompanying brief or certification to the Clerk of the Appellate Division, and submitting same upon my adversary by email notification. If delivery by non-electronic means, two copies of same will be served upon the following:

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Trial court #: MID-C-85-26

Trial court disposition date: 07/09/2026 (*)
Category: CHANCERY
Type: CIVIL
County: MIDDLESEX (*)

Trial Court Judge name: THOMAS D. MCCLOSKEY (*)

For: MOVANT,
REPORTERS COMMITEE FOR FREEDOM OF THE PRESS

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New Jersey Judiciary
Superior Court - Appellate Division

NOTICE OF MOTION

Below are the additional trial court orders added by all parties.

Trial Court Docket #	Disposition Date	Trial Court County	Trial Court Judge
MID-C-85-26	05/29/2026	MIDDLESEX	THOMAS D. MCCLOSKEY

NEW BRUNSWICK BOARD OF EDUCATION, Plaintiff-Appellee, v. NEW BRUNSWICK TODAY, Defendant-Appellant.	SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION DOCKET NO. A-003938-25 On Appeal from a Final Order of the Superior Court of New Jersey, Middlesex County, Chancery Division, Docket No. MID-C-85-26 Sat below: Hon. Thomas Daniel McCloskey, J.S.C. **PARTICIPATION IN ORAL ARGUMENT REQUESTED**

BRIEF OF PROPOSED AMICI CURIAE THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND OTHER MEDIA ORGANIZATIONS IN SUPPORT OF DEFENDANT-APPELLANT SEEKING REVERSAL

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TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

PRELIMINARY STATEMENT 1

STATEMENT OF FACTS AND PROCEDURAL HISTORY 3

ARGUMENT 3

I. The prior restraints are presumptively unconstitutional, restricting the press from publishing information in the public interest. 3

A. The government's interest is insufficient to justify the restraints imposed on NBT and the press. 3

B. The restraints, if not reversed, will stifle journalism in the public interest. 7

II. The restraints' application to "the press" at large does not pass constitutional muster. 12

CONCLUSION 14

Appendix A: Descriptions of Amici 16

TABLE OF AUTHORITIES

CASES

Brown v. Ent. Merchants Ass'n,
564 U.S. 786 (2011) 13

CBS, Inc. v. Davis,
510 U.S. 1315 (1994) 5

Connick v. Myers,
461 U.S. 138 (1983) 8

Gonzalez v. Nat'l Broad. Co.,
194 F.3d 29 (2d Cir. 1999) 11

In re Murphy-Brown, LLC,
907 F.3d 788 (4th Cir. 2018) 12, 13

Matter of Subpoena 2018R00776,
947 F.3d 148 (3d Cir. 2020) 12

McCullen v. Coakley,
573 U.S. 464 (2014) 13

Mills v. Alabama,
384 U.S. 214 (1966) 8

Minn. Star & Trib. Co. v. Minnesota Comm'r of Revenue,
460 U.S. 575 (1983) 14

N.Y. Times Co. v. Sullivan,
376 U.S. 254 (1964) 8

N.Y. Times Co. v. United States,
403 U.S. 713 (1971) 4, 5, 6, 8

Near v. Minnesota ex rel. Olson,
283 U.S. 697 (1931) 4, 5

Neb. Press Ass'n v. Stuart,
427 U.S. 539 (1976) 4, 5, 7

Reed v. Town of Gilbert, Ariz.,
576 U.S. 155 (2015) 12

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448 U.S. 555 (1980) 8

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The Fla. Star v. B.J.F.,
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Kendall Taggart, NYPD Discipline Needs More Transparency, A Panel of Experts Said, BuzzFeed News (Feb. 1, 2019), https://perma.cc/2MGV-ELUX.....11

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New Video Shows Inaction by Uvalde Officers During School Shooting, PBS NewsHour (July 12, 2022), https://bit.ly/4zUmBmY 9

Tony Plohetski, Exclusive: Watch Uvalde School Shooting Video Obtained by Statesman Showing Police Response, Austin Am.-Statesman (July 12, 2022), https://bit.ly/4ycfSD5 9

Unprepared and Overwhelmed, South Fla. Sun Sentinel (Dec. 28, 2018), https://perma.cc/W8VU-86KD.....9

PRELIMINARY STATEMENT

The Reporters Committee for Freedom of the Press (the "Reporters Committee"); Advance Publications, Inc.; The Associated Press; National Press Club Journalism Institute; The National Press Club; The New Jersey Center for Nonprofit Journalism; The New York Times Company; News/Media Alliance; and USA Today Co. seek leave to appear as amici curiae. Amici are news media organizations, publishers, and groups dedicated to protecting the freedom of information interests of the press and the public.[1] All amici share a strong interest in ensuring that journalists and news organizations remain free from unconstitutional restrictions on their ability to gather and publish newsworthy information. If the motion is granted, amici submit this brief in support of their position.

In May 2026, New Brunswick Today ("NBT"), a local New Jersey publication covering matters of concern to the New Brunswick community, obtained from a confidential source a newsworthy video of surveillance footage from New Brunswick High School ("NBHS"). Charlie Kratovil, After Lying About Lockdown, School District Sues New Brunswick Today, New Brunswick Today, July 10, 2026, https://bit.ly/4zOEp2G. That video depicted an incident in

[1] A full list of amici and their descriptions is provided in Appendix A to this brief.

which a student entered the school with a gun on his person, contradicting what NBHS had told parents—that the school lockdown implemented after the incident was actually a routine security drill. Ibid. To inform the public about the incident, NBT published the video on its YouTube channel on May 29, 2026. The student's conduct resulted in both school discipline and criminal juvenile court involvement. (Da34). After NBT refused to take down the video, the New Brunswick Board of Education ("BOE") sued NBT on May 29, 2026. (Da66–77).

The trial court quickly imposed temporary restraints that compelled NBT to remove the video from its YouTube channel and enjoined NBT from posting about the content of the video or about any confidential school security video from other schools in the district. (Da62). NBT complied. (Da124). After the Appellate Division denied interlocutory review, NBT moved to lift the restraints. (Da18, Da90–91). Both the Appellate Division and the Supreme Court refused to grant NBT's request to order the trial court to hear the motion "expeditiously" and refused to stay the restraints in the meantime. (Da93–94). Six weeks later, the trial court heard argument on NBT's motion and, on July 9, imposed permanent restraints, ruling that: (1) NBT "and the press" may write about the content of the video "so long as the name(s) and identity(ies) of the 16-year old juvenile/student, and of any and all other juvenile/students depicted in the video footage, is/are not revealed or identified in any way or manner whatsoever"; and (2) NBT "and the

press" may post the video footage "but only on the express condition that [NBT] and the press redact, blur, or otherwise obscure the face and identifying markers of the minors in the video footage." (Da4–Da5). While removing the restraints on NBT from posting or writing about the video, the court's modified order was no longer limited to the parties in the case, expanding the application of its new conditions to "the press" at large.

Amici write to emphasize the unconstitutionality of the restraints imposed on NBT and the press. The press plays an essential, constitutionally recognized role in ensuring the public is well informed about matters of public concern, and restraints like the court's order would suppress wide swaths of public interest reporting. Accordingly, amici respectfully urge the Court to reverse the decision of the Superior Court.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

For the purpose of this amicus brief, amici accept the statement of facts and procedural history set forth in Defendant-Appellant's brief.

ARGUMENT

I. The prior restraints are presumptively unconstitutional, restricting the press from publishing information in the public interest.

A. The government's interest is insufficient to justify the restraints imposed on NBT and the press.

The "chief purpose" of the First Amendment to the Constitution was "to prevent" the "previous restraints upon publications as had been practiced by other governments." Near v. Minnesota ex rel. Olson, 283 U.S. 697, 714 (1931) (citation omitted). As the U.S. Supreme Court has recognized, a prior restraint is "the most serious and least tolerable infringement on First Amendment rights." Neb. Press Ass'n v. Stuart, 427 U.S. 539, 559 (1976). This is because it is "by definition . . . an immediate and irreversible sanction," not only "'chill[ing]' speech" but "'freez[ing]' it at least for the time." Ibid. Accordingly, any prior restraint on speech or publication "bear[s] a heavy presumption against its constitutional validity," N.Y. Times Co. v. United States, 403 U.S. 713, 714 (1971) ("Pentagon Papers") (per curiam) (citation omitted), and is subject to "the most exacting scrutiny," Smith v. Daily Mail Publ'g Co., 443 U.S. 97, 102 (1979).

The trial court's July 9 order imposed restrictions on all reporting about the gun incident, barring NBT and other members of the press from posting the unredacted video or publishing identifying information about the student. (Da4–Da5). The order is a classic prior restraint that bars the publication of information before it can reach an audience.

The government "carries a heavy burden of showing justification for the imposition of such a restraint." Pentagon Papers, 403 U.S. at 714 (internal quotation marks and citation omitted). Beginning in 1931, in Near, the U.S.

Supreme Court has without fail rejected requests to impose prior restraints on members of the media. 283 U.S. at 713; see also Pentagon Papers, 403 at 725 (Brennan, J., concurring) ("So far as I can determine, never before has the United States sought to enjoin a newspaper from publishing information in its possession."). The Court has said that prior restraints can be justified only in exceptional cases such as those involving war or incitement of imminent violence, see Near, 283 U.S. at 716, but has never found a prior restraint to meet that exceptionally high bar. The Court has struck down prior restraints in cases where the justifications claimed included the Sixth Amendment rights of criminal defendants, Neb. Press Ass'n, 427 U.S. at 570, and confidential or proprietary business information, CBS, Inc. v. Davis, 510 U.S. 1315, 1318 (1994). And, in 1971, the Court rejected a prior restraint preventing publication of the Pentagon Papers—a classified history of the Vietnam War—by The New York Times and The Washington Post despite the government's claims that an injunction preventing publication was necessary to protect national security. See Pentagon Papers, 403 U.S. at 714.

Here, this exacting constitutional standard is not satisfied. As the trial court acknowledged, "the apprehension of a juvenile student at a local high school for having set off metal detectors that revealed his having a gun on his person implicates, if not itself heightens, the public interest and need for public

disclosure." (Da47, see also Da52). But the court found that minor students' privacy interests nonetheless justified the restraints, citing BOE's statutory duties to prevent unauthorized disclosure of juveniles' confidential information. (Da43). Those interests cannot outweigh the presumption of invalidity afforded to prior restraints.[2]

In the Daily Mail case, which arose out of a shooting that occurred at a junior high school in West Virginia, the U.S. Supreme Court ruled that the state may not punish "the truthful publication of an alleged juvenile delinquent's name lawfully obtained by a newspaper" through the newspaper's interviews of eyewitnesses, even though publication of the information violated a state statute that made it a crime for the newspaper to publish, without the written approval of the juvenile court, the name of any youth charged as a juvenile offender. 443 U.S. at 105–06. In so doing, the Court held that the state's interest in protecting the minor's identity was not "a state interest of the highest order" and was insufficient to justify subjecting the press to criminal liability. Ibid. at 103. Applying these principles, the Court in The Fla. Star v. B.J.F. held that the First Amendment precluded a rape victim from recovering civil damages from a Jacksonville

[2] The court also cited potential safety consequences from the release of school surveillance video (Da43), but those interests don't justify the prior restraints, either. See, e.g., Pentagon Papers, 403 U.S. at 714 (holding national security interests were insufficient to prevent publication of material detailing the United States's military involvement in Vietnam).

newspaper for the publication of her name when the sheriff's department inadvertently released it in violation of a Florida statute. 491 U.S. 524, 526 (1989). While acknowledging that the privacy and physical safety of victims of sexual offenses are "highly significant interests," the Court concluded that imposing liability "is too precipitous a means of advancing these interests." Ibid. at 537.

The reasoning in these cases applies with even greater force here, since "[t]he presumption against prior restraints is heavier—and the degree of protection broader—than that against limits on expression imposed by criminal [or civil] penalties." Southeastern Promotions, Ltd. v. Conrad, 420 U.S. 546, 558–59 (1975); see also Neb. Press Ass'n, 427 U.S. at 589 (Brennan, J., concurring in the judgment) ("The First Amendment thus accords greater protection against prior restraints than it does against subsequent punishment for a particular speech." (citation omitted)). In short, NBT's right to publish information about the school district's coverup of a security incident at the public high school—information that is of great concern to the New Brunswick community—is not overcome by state-protected privacy interests.

B. The restraints, if not reversed, will stifle journalism in the public interest.

"The damage" wrought by a prior restraint "can be particularly great when [it] falls upon the communication of news and commentary on current events." Neb. Press Ass'n, 427 U.S. at 559. Indeed, a core purpose of the First Amendment

is to protect speech about matters of public concern from government interference. "[F]reedom to discuss public affairs and public officials is unquestionably . . . the kind of speech the First Amendment was primarily designed to keep within the area of free discussion." N.Y. Times Co. v. Sullivan, 376 U.S. 254, 296–97 (1964); see also Connick v. Myers, 461 U.S. 138, 146 (1983) ("speech on a matter of public concern" is that which can be "fairly considered as relating to any matter of political, social, or other concern to the community").

Journalists serve a vital function in fostering discussion and debate about matters of public concern. See Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 573 (1980). "The Constitution specifically selected the press . . . to play an important role in the discussion of public affairs." Mills v. Alabama, 384 U.S. 214, 219 (1966). "A press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people." Pentagon Papers, 403 U.S. at 728 (Stewart, J., concurring).

The constitutional right of journalists to gather and publish newsworthy information is not merely an abstract legal principle; it is vital to the press's ability to inform the public. Without access to, or the freedom to publish, information like the kind at issue here—information arising from school surveillance video or that

is claimed to implicate privacy interests—many important news stories simply will not be told, to the detriment of the public.

Several examples from other jurisdictions illustrate this fact. School surveillance video was vital to the South Florida Sun Sentinel's reporting on the shooting at Marjory Stoneman Douglas High School in 2018. The newspaper relied on surveillance video to expose shortcomings in school safety, analyzing how various lapses by school and law enforcement officials enabled the teenage gunman to kill a number of people before he was apprehended. Unprepared and Overwhelmed, South Fla. Sun Sentinel (Dec. 28, 2018), https://perma.cc/W8VU-86KD. Similarly, after the 2022 school shooting in Uvalde, Texas, surveillance footage revealed the police's delay in confronting the shooter. Tony Plohetski, Exclusive: Watch Uvalde School Shooting Video Obtained by Statesman Showing Police Response, Austin Am.-Statesman (July 12, 2022), https://bit.ly/4ycfSD5; see also New Video Shows Inaction by Uvalde Officers During School Shooting, PBS NewsHour (July 12, 2022), https://bit.ly/4zUmBmY.

Other examples show the significance of surveillance video in assessing the accuracy of government accounts—just as the video obtained by NBT revealed that the lockdown was due to a real security threat, contrary to what the school district told parents. In Georgia, a middle school student had to have his leg amputated after he was body-slammed three times by a school contractor and

former college linebacker; school surveillance footage contradicted the school's official account that the student could walk and was not in distress. EXCLUSIVE: Surveillance Video Shows Student Being Carried Out, All On Georgia (Oct. 23, 2016), https://perma.cc/L7YS-KMWP. In Connecticut, surveillance video obtained by the press showed a school employee using force against a student that a subsequent investigation deemed "not reasonable or necessary." Mario Boone, Video Shows New Haven School Employee Fighting with Student, WTNH News 8 (Oct. 2, 2018), https://bit.ly/4yfHI1i. And in Illinois, surveillance video revealed that a school officer slammed a student to the ground, fracturing his skull, after his family was initially told that his injuries were due to a slip-and-fall. Dave Savini & Michele Youngerman, CBS 2 Investigators Reveal a Student Was Body-Slammed by a School Resource Officer, and Family Says Police, School Tried to Cover It Up, CBS News (Oct. 8, 2022), https://perma.cc/TYK6-YT5P.

Still more examples illustrate the importance of insulating reporting from prior restraints, even when public officials or courts claim a privacy interest in the relevant information. In 2018, to give one example, BuzzFeed News published and analyzed a collection of disciplinary findings for approximately 1,800 New York Police Department ("NYPD") officers previously shielded by the state public records law that an anonymous source provided. Kendall Taggart & Mike Hayes, Here's Why BuzzFeed News Is Publishing Thousands of Secret NYPD

Documents, BuzzFeed News (Apr. 16, 2018), https://perma.cc/XK2L-9NZB. Because the records included disciplined officers' names, BuzzFeed's reporting could reveal for the first time which officers had been charged with misconduct and what punishment, if any, they received—thus allowing New Yorkers who are charged with a crime to "find out if the officer who arrested them has a misconduct record that might affect their credibility with a jury." Ibid. BuzzFeed's reporting also revealed unequal, inconsistent application of NYPD disciplinary policies, prompting the commission of an independent panel to investigate the NYPD's disciplinary system. Kendall Taggart, NYPD Discipline Needs More Transparency, A Panel of Experts Said, BuzzFeed News (Feb. 1, 2019), https://perma.cc/2MGV-ELUX.

These are just a few examples of important journalism that relied on journalists' ability to obtain and publish information based on surveillance video or information that contained identifying information about individuals. When a publication is barred from publishing newsworthy information obtained through lawful means, ultimately the public suffers. See Gonzalez v. Nat'l Broad. Co., 194 F.3d 29, 33 (2d Cir. 1999) (acknowledging a "paramount public interest in the maintenance of a vigorous, aggressive and independent press capable of participating in robust, unfettered debate over controversial matters" (internal

citation omitted)). If the restraints imposed by the trial court are sustained, such reporting in the public interest will suffer in New Jersey.

II. The restraints' application to "the press" at large does not pass constitutional muster.

The trial court's July 9 order is unconstitutional for an independent reason: it expanded the restraints to apply not just to NBT but also to other members of the press. The trial court committed error by failing to analyze whether the modified restraints survive strict scrutiny, and the restraints discriminate against the press vis-à-vis other speakers.

The modified restraints cannot survive strict scrutiny because they are not narrowly tailored. As stated, prior restraints must be subject to "the most exacting scrutiny." Daily Mail, 443 U.S. at 102; see also Matter of Subpoena 2018R00776, 947 F.3d 148, 155–59 (3d Cir. 2020) (applying strict scrutiny standard to prior restraints). The restraints are also subject to strict scrutiny because they are content-based, since they pertain to the security incident depicted in the video. See Reed v. Town of Gilbert, Ariz., 576 U.S. 155, 162–63 (2015) (content-based restrictions "appl[y] to particular speech because of the topic discussed" and are "presumptively unconstitutional"); see also In re Murphy-Brown, LLC, 907 F.3d 788, 796–97 (4th Cir. 2018) (court applied strict scrutiny to gag order because it "rest[ed] at the intersection of two disfavored forms of expressive limitations: prior restraints and content-based restrictions"). Under strict scrutiny, this Court may

sustain the order only if it is "the least restrictive means of achieving a compelling state interest." McCullen v. Coakley, 573 U.S. 464, 478 (2014).

The trial court erred by failing to engage in a strict scrutiny analysis: it did not evaluate whether the restraints, including their application to the press at large, are the least restrictive means of protecting minors' privacy interests. See, e.g., Murphy-Brown, 907 F.3d at 799–800 (gag order that "included no findings specific to the various individuals it restricted" was not narrowly tailored). The court noted that the injunction was "narrowly tailored" because "[i]t targets only confidential footage, not broader reporting or commentary" (Da38), but it did not analyze whether that was the least restrictive means of protecting juveniles' privacy, relying instead on a vague balancing of the interests at play. See Brown v. Ent. Merchants Ass'n, 564 U.S. 786, 799 (2011) (state must "identify an actual problem in need of solving" and demonstrate that "the curtailment of free speech is actually necessary to the solution" (internal quotation marks omitted)). And, critically, the court never explained why applying the injunction to "the press" satisfied the narrowly tailored prong, let alone the less restrictive means requirement. Even if the state interest were compelling enough to justify a prior restraint, a blanket injunction against all members of the press is overbroad.

At the same time, the modified restraints are under-inclusive because they discriminate against the press. A regulation that "single[s] out the press for special

treatment" without adequate justification violates the First Amendment. Minn. Star & Trib. Co. v. Minnesota Comm'r of Revenue, 460 U.S. 575, 582 (1983). "[D]ifferential treatment, unless justified by some special characteristic of the press, suggests that the goal of the regulation is not unrelated to suppression of expression, and such a goal is presumptively unconstitutional." Ibid. at 585. Here, the court's order imposes restrictions on NBT "and the press" regarding coverage of the NBHS incident—but does not impose similar restrictions on students, parents, government entities, non-press companies, or anyone else. Singling out the press is not necessary to achieve the court's stated purpose of protecting juveniles' privacy, when anyone else could publicly share the identities of the students if they wanted to. See, e.g., Daily Mail, 443 U.S. at 105 (statute criminalizing publication of juvenile offenders' names that applied only to newspapers and not "the electronic media" or other forms of media "[did] not accomplish its stated purpose").

CONCLUSION

For the foregoing reasons, amici respectfully urge the Court to reverse the decision below.

Dated: September 4, 2026

Respectfully submitted,

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Appendix A: Descriptions of Amici

The Reporters Committee for Freedom of the Press is an unincorporated nonprofit association founded by leading journalists and media lawyers in 1970, when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

Advance Publications, Inc. is a diversified privately-held company that operates and invests in a broad range of media, communications and technology businesses. Its operating businesses include Conde Nast's global magazine and digital brand portfolio, including titles such as Vogue, Vanity Fair, The New Yorker, Wired, and GQ, local news media companies producing newspapers and digital properties in 10 different metro areas and states, and American City Business Journals, publisher of business journals in over 40 cities.

The Associated Press ("AP") is a news cooperative organized under the Not-for-Profit Corporation Law of New York. The AP's members and subscribers include the nation's newspapers, magazines, broadcasters, cable news services and Internet content providers. The AP operates from 280 locations in more than 100

countries. On any given day, AP's content can reach more than half of the world's population.

National Press Club Journalism Institute is the non-profit affiliate of the National Press Club, founded to advance journalistic excellence for a transparent society. A free and independent press is the cornerstone of public life, empowering engaged citizens to shape democracy. The Institute promotes and defends press freedom worldwide, while training journalists in best practices, professional standards and ethical conduct to foster credibility and integrity.

The National Press Club is the world's leading professional organization for journalists. Founded in 1908, the Club has 3,100 members representing most major news organizations. The Club defends a free press worldwide. Each year, the Club holds over 2,000 events, including news conferences, luncheons and panels, and more than 250,000 guests come through its doors.

The New Jersey Center for Nonprofit Journalism publishes The Jersey Vindicator, an independent, nonprofit newsroom that investigates government, policy, and power in New Jersey, and explains how decisions made in Trenton, state agencies, and local communities affect the people who live here.

The New York Times Company is the publisher of The New York Times and operates the news website nytimes.com.

News/Media Alliance represents the newspaper, magazine, and digital media industries, including over 2000 news and magazine publishers in the United States and internationally. It is a nonprofit, non-stock corporation organized under the laws of the commonwealth of Virginia. It has no parent company.

USA Today Co. (formerly Gannett) is the largest local newspaper company in the United States. Its 200 local daily brands in 46 states—together with the iconic USA TODAY—reach an estimated digital audience of 180 million each month. In New Jersey, USA Today Co. publishes The Record (Woodland Park), The New Jersey Herald (Newton), Burlington County Times (Willingboro), Courier Post (Cherry Hill), Daily Journal (Vineland), Asbury Park Press (Neptune), Home News Tribune (Middlesex County), Courier News (Somerville), and the Daily Record (Parsippany).

NEW BRUNSWICK BOARD OF EDUCATION, Plaintiff-Appellee, v. NEW BRUNSWICK TODAY, Defendant-Appellant.	SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION DOCKET NO. A-003938-25 On Appeal from a Final Order of the Superior Court of New Jersey, Middlesex County, Chancery Division, Docket No. MID-C-85-26 Sat Below: Hon. Thomas Daniel McCloskey, J.S.C. **PARTICIPATION IN ORAL ARGUMENT REQUESTED**

BRIEF OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND OTHER MEDIA ORGANIZATIONS IN SUPPORT OF MOTION FOR LEAVE TO APPEAR AS AMICI CURIAE

PRELIMINARY STATEMENT

New Jersey Court Rule 1:13-9 requires that a party seeking leave to appear as amicus curiae do so by motion "stating with specificity the identity of the applicant, the issue intended to be addressed, the nature of the public interest therein and the nature of the applicant's special interest, involvement or expertise in respect thereof." The Court "shall grant the motion" if it is satisfied that "the motion is timely, the applicant's participation will assist in the resolution of an issue of public importance, and no party to litigation will be unduly prejudiced thereby." *Id.* The role of amicus curiae is to "assist in the resolution of an issue of

public importance." *Id.* As explained below, the Reporters Committee for Freedom of the Press ("Reporters Committee"), joined by media and news organizations working in New Jersey and nationwide, satisfy the requirements for participation as amici and respectfully ask the Court to grant leave to appear.

IDENTITIES OF PROPOSED AMICI

Amici are the Reporters Committee for Freedom of the Press ("Reporters Committee"); Advance Publications, Inc.; The Associated Press; National Press Club Journalism Institute; The National Press Club; The New Jersey Center for Nonprofit Journalism; The New York Times Company; News/Media Alliance; and USA Today Co.

Lead amicus the **Reporters Committee** is an unincorporated nonprofit association dedicated to defending the First Amendment and newsgathering rights of the press. It was founded by leading journalists and media lawyers in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists. As a representative of the news media, the Reporters Committee has a strong interest in ensuring that journalists and news organizations remain free from

unconstitutional restrictions on their ability to gather and publish newsworthy information.

Other amici share the Reporters Committee's interest:

Advance Publications, Inc. is a diversified privately-held company that operates and invests in a broad range of media, communications and technology businesses. Its operating businesses include Conde Nast's global magazine and digital brand portfolio, including titles such as Vogue, Vanity Fair, The New Yorker, Wired, and GQ, local news media companies producing newspapers and digital properties in 10 different metro areas and states, and American City Business Journals, publisher of business journals in over 40 cities.

The Associated Press ("AP") is a news cooperative organized under the Not-for-Profit Corporation Law of New York. The AP's members and subscribers include the nation's newspapers, magazines, broadcasters, cable news services and Internet content providers. The AP operates from 280 locations in more than 100 countries. On any given day, AP's content can reach more than half of the world's population.

National Press Club Journalism Institute is the non-profit affiliate of the National Press Club, founded to advance journalistic excellence for a transparent society. A free and independent press is the cornerstone of public life, empowering engaged citizens to shape democracy. The Institute promotes and

defends press freedom worldwide, while training journalists in best practices, professional standards and ethical conduct to foster credibility and integrity.

The National Press Club is the world's leading professional organization for journalists. Founded in 1908, the Club has 3,100 members representing most major news organizations. The Club defends a free press worldwide. Each year, the Club holds over 2,000 events, including news conferences, luncheons and panels, and more than 250,000 guests come through its doors.

The New Jersey Center for Nonprofit Journalism publishes The Jersey Vindicator, an independent, nonprofit newsroom that investigates government, policy, and power in New Jersey, and explains how decisions made in Trenton, state agencies, and local communities affect the people who live here.

The New York Times Company is the publisher of The New York Times and operates the news website nytimes.com.

News/Media Alliance represents the newspaper, magazine, and digital media industries, including over 2000 news and magazine publishers in the United States and internationally. It is a nonprofit, non-stock corporation organized under the laws of the commonwealth of Virginia. It has no parent company.

USA Today Co. (formerly Gannett) is the largest local newspaper company in the United States. Its 200 local daily brands in 46 states—together with the iconic USA TODAY—reach an estimated digital audience of 180 million each

month. In New Jersey, USA Today Co. publishes The Record (Woodland Park), The New Jersey Herald (Newton), Burlington County Times (Willingboro), Courier Post (Cherry Hill), Daily Journal (Vineland), Asbury Park Press (Neptune), Home News Tribune (Middlesex County), Courier News (Somerville), and the Daily Record (Parsippany).

ISSUES TO BE ADDRESSED

The media coalition's proposed brief addresses the constitutional infirmities of the restraints imposed on Defendant-Appellant New Brunswick Today and the press at large in the above-captioned case. Here the trial court erred by imposing restraints—first temporary, then permanent—to prohibit not only Defendant-Appellant, but the press at large, from publishing the names and identities of minor students in written content and the faces and identifying markers of minor students in the video footage.

The brief will address the following issues. Prior restraints are the least tolerable infringement on First Amendment rights and presumptively unconstitutional. The government's interest—to protect the identities of New Brunswick High School's minor students in Defendant-Appellant's coverage of newsworthy surveillance footage from a school lockdown—is insufficient to justify the restraints. That a minor student entered a school with a gun on his person and that the school misled parents into believing the subsequent lockdown

was a routine security drill are newsworthy matters and reporting on them is protected by the First Amendment to the U.S. Constitution. If the restraints were allowed to stand, they would chill important reporting in the public interest. Moreover, the restraints do not pass constitutional muster because they both reach too broadly by applying to "the press" at large and impermissibly single out the press vis-à-vis other speakers.

THE NATURE OF THE PUBLIC INTEREST

The press plays an essential role in ensuring the public is well informed about the activities of government, including public schools. Application of the restraints to Defendant-Appellant and to the press at large would cause significant public interest reporting to suffer in New Jersey. If not reversed, the trial court's unconstitutional prior restraints threaten a free press and, accordingly, an informed citizenry.

THE APPLICANT'S EXPERTISE

The Reporters Committee regularly provides its expertise to courts on matters of state and federal law pertaining to freedom of the press and access to information. For example, it has filed amicus briefs in numerous cases in New Jersey courts, including *Gannett Satellite Info. Network, LLC d/b/a Asbury Park Press v. Township of Neptune,* No. 085719 (filed in New Jersey Supreme Court Sept. 16, 2022); *Libertarians for Transparent Government v. Cumberland Cnty.*

and Blake Hetherington, No. 084956 (filed in New Jersey Supreme Court Apr. 2, 2021); *21st Century Media LLC v. Ewing Township*, A-00178-22T4 (filed in Superior Court, Appellate Division Apr. 27, 2023); *Kratovil v. City of New Brunswick*, No. A-000216-23 (filed in Superior Court, Appellate Division Dec. 19, 2023).

TIMELINESS

Under Rule l:13-9(c), an amicus curiae may file a motion for leave to appear before the Appellate Division on or before the day when the last brief is due from any party. The last brief from any party is due September 4, 2026. This motion is therefore timely.

FACILITATING RESOLUTION OF THE DISPUTE

Amici will provide information about why the application of the restraints to Defendant-Appellant and the press are unconstitutional. The participation of this prospective amici coalition, consisting of news media organizations, publishers, and groups dedicated to protecting the freedom of information interests of the press and the public, will assist the Court by providing helpful discussion of the relevant law under the First Amendment to the U.S. Constitution and examples of the types of important stories that would be chilled if the restraints were allowed to stand.

NO UNDUE PREJUDICE

No party to the litigation will be unduly prejudiced by the appearance of this

prospective amici.

CONCLUSION

For the reasons set forth above, the proposed amici curiae should be granted leave to appear and file a brief.

Dated: September 4, 2026

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**Pro hac vice motions forthcoming*

NEW BRUNSWICK BOARD OF EDUCATION, Plaintiff-Appellee, v. NEW BRUNSWICK TODAY, Defendant-Appellant.	SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION DOCKET NO. A-003938-25 On Appeal from a Final Order of the Superior Court of New Jersey, Middlesex County, Chancery Division, Docket No. MID-C-85-26 Sat Below: Hon. Thomas Daniel McCloskey, J.S.C. **PARTICIPATION IN ORAL ARGUMENT REQUESTED**

NOTICE OF MOTION TO APPEAR AS AMICI CURIAE ON BEHALF OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND OTHER MEDIA ORGANIZATIONS

1. PLEASE TAKE NOTICE that the Reporters Committee for Freedom of the Press ("Reporters Committee"), joined by Advance Publications, Inc.; The Associated Press; National Press Club Journalism Institute; The National Press Club; The New Jersey Center for Nonprofit Journalism; The New York Times Company; News/Media Alliance; and USA Today Co., hereby moves for leave to appear as amici curiae in the above-captioned action, currently pending before the Superior Court of New Jersey, Appellate Division, and to file the annexed brief.

2. In support of this motion, the Reporters Committee relies on the attached Brief in Support of Motion for Leave to Appear as Amici Curiae.

3. A proposed form of Order is attached.

Dated: September 4, 2026

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[PROPOSED] ORDER GRANTING MOTION TO APPEAR AS AMICI CURIAE ON BEHALF OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND OTHER MEDIA ORGANIZATIONS

Upon this Court's review and full consideration of the Motion to Appear as Amici Curiae on Behalf of the Reporters Committee for Freedom of the Press and Other Media Organizations, it is hereby

ORDERED that the Motion is GRANTED, and

ORDERED that the attached brief of the Reporters Committee for Freedom of the Press and other media organizations as amici curiae is hereby deemed filed in the above-captioned case.

Dated: _____ _____

SUPERIOR COURT OF NEW JERSEY,
APPELLATE DIVISION

Certification that Submission Contains No Confidential Information or Confidential Personal Identifiers

This form shall be completed by any party who files a document in a public court matter in the Supreme Court or in the Appellate Division of the Superior Court.

1. **Confidential information / confidential personal identifiers** (must select one):
   I certify that I have reviewed Rules 1:38-3, 1:38-5, and 1:38-7 and:
   - ■ This document does not contain any confidential information or any confidential personal identifiers; **OR**
   - ☐ This document; previously contained confidential information or confidential personal identifiers, which have been redacted (meaning removed or made anonymous by using fictitious first names or initials, where applicable). The cover of the redacted version of the document contains the word "REDACTED." I acknowledge that a non-redacted version must be filed simultaneously with the redacted version in matters where the confidential information is necessary to the disposition of the matter: **OR**
   - ☐ This document contains confidential information, but redaction is not required because the document is excluded from public access pursuant to court order, Rule, statute, or other authority. If applicable, skip paragraphs 2 and 3.

2. **Return and resubmission:**
   I certify that if any confidential information is discovered in this submission and brought to the court's attention, the court will return the document to me, and I will be responsible to redact or remove the confidential information before resubmission. I understand the court could impose sanctions, including suppression of the brief, dismissal in extraordinary cases, and other measures for a failure to accurately make this certification or for the discovery of confidential information in a document that has been filed.

3. **Briefs posted online:**
   I understand that the presence of confidential information or confidential personal identifiers in a document that has been posted on the Judiciary's public website will be grounds for the removal of such online posting, pending correction by the filing party, on an expedited timeline. The court in its discretion could postpone further proceedings pending the resubmission of the document.

This certification pertains to the following documents included in this filing:

MOTION TO APPEAR AS AMICUS CURIAE, MOTION- BRIEF, MOTION- BRIEF, Motion Supporting Document, MOTION CERTIFICATION/SUPPORTING DOCUMENT

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

09/04/2026
Date

S/ FRANK L CORRADO, Esq.
Signature of Attorney or Pro Se Litigant

(*) truncated due to space limit. Please find full information in the additional pages of the form.

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Before Appellate Division,
Superior Court of New Jersey
DOCKET NO. **A-003938-25**

CIVIL

NEW BRUNSWICK BOARD OF EDUCATION,
V.
NEW BRUNSWICK TODAY

PROOF OF SERVICE

I hereby certify that an original of the following documents, **CERTIFICATION OF CONFIDENTIAL IDENTIFIERS, CERTIFICATION OF CONFIDENTIAL IDENTIFIERS, MOTION TO APPEAR AS AMICUS CURIAE, MOTION- BRIEF, MOTION- BRIEF, PROOF OF SERVICE, Motion Supporting Document, MOTION CERTIFICATION/SUPPORTING DOCUMENT** were submitted and transmitted to the parties listed below in the following format:

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BY MAIL:

I certify that the forgoing 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.

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Dated: **09/04/2026**

By: **S/ FRANK L CORRADO, Esq.**