

**FILED**

**September 20, 2023**

**Hon. Thomas Daniel McCloskey, J.S.C.**

**The Hon. Thomas Daniel McCloskey, J.S.C.**

Superior Court of New Jersey  
Chancery Division, General Equity Part  
Middlesex County  
Middlesex County Courthouse  
56 Paterson Street, 3<sup>rd</sup> Floor  
Chambers/Courtroom 306  
New Brunswick, New Jersey 08903-0964

**PREPARED BY THE COURT:**

**ROBERT WOOD JOHNSON  
UNIVERSITY HOSPITAL,**

Plaintiff,

v.

**USW LOCAL 4-200; JUDY  
DANELLA, individually and as  
President of USW Local 4-200, JOHN  
DOE and MARY DOE, said names  
being fictitious, their true names being  
unknown to plaintiff, such person being  
officers, agents, representatives and/or  
employees of the above-named and  
allied labor organizations and others in  
active concert or participation with  
them,**

Defendants.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
GENERAL EQUITY PART  
MIDDLESEX COUNTY  
DOCKET NO. MID-C-120-23

Civil Action

**LABOR DISPUTE INJUNCTIVE  
CONSENT ORDER**

**THIS MATTER** has come before the Court on the joint application (“Joint Application”) of H. Thomas Clarke, Esq. of the law firm of Apruzzese, McDermott, Mastro & Murphy, P.C., attorneys for and on behalf of the Plaintiff, **ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL** (“Plaintiff” or “Hospital”) and Matthew D. Areman, Esq. of the law firm of

Markowitz and Richman, Esqs., as attorneys for Defendants, **USW LOCAL 4-200** (“USW LOCAL 4-200”), **JUDY DANELLA**, as President of USW LOCAL 2-400, **JOHN DOE and MARY DOE**, said names being fictitious, their true names being unknown to plaintiff, such person being officers, agents, representatives and/or employees of the above-named and allied labor organizations and others in active concert or participation with them (collectively, the “Defendants”), in the above-captioned matter seeking the entry of a Labor Dispute Injunctive Consent Order in lieu of a hearing on the scheduled Return Date of the “*Order to Show Cause With Temporary Restraints*” entered by the Court on September 18, 2023 (the “September 18<sup>th</sup> OTSC”) and the Plaintiff’s application for a preliminary injunction and other related relief (the “Plaintiff’s Application”) sought under Verified Complaint filed on September 18, 2023 (Trans. ID: CHC2023257030), as amended by Amended Verified Complaint filed on September 20, 2023 (Trans. ID: CHC2023261689);

**AND THE COURT**, having reviewed and considered the status of the matter, having been advised of the parties’ consent to the relief sought to the form and entry of the within Order pursuant to R. 4:42-1(d), and, for good cause having otherwise been shown:

**IT IS** on this **20<sup>th</sup>** day of **SEPTEMBER 2023**,

**ORDERED**, the Joint Application, be, and hereby is **GRANTED**; and, more specifically, it is further

**ORDERED**, that until the further Order of this Court or the conclusion of the labor dispute that precipitated Plaintiff’s Application, the Defendants and its/their respective officers, agents, representatives and servants and all persons and organizations associated with or acting in concert or combination with it/them, be, and hereby are **ENJOINED AND RESTRAINED** as follows:

1. Collecting or gathering or attempting to collect or gather in the streets or sidewalks, or other public places at or near Plaintiff's said Hospital or in the parking lots, parking garages, parking garage entrance/exits or at or near the entrances of said Hospital for the purpose of intimidating or threatening Plaintiff's employees<sup>1</sup> who desire to work, or any of them or any patient or person having business with the Plaintiff, provided that nothing in this paragraph or any other provision of this Consent Order shall enjoin, impair or interfere with any peaceful gathering and/or picketing by the Defendants on sidewalks, or other public places at or near Plaintiff's said Hospital, as set forth herein.

2. Preventing, hindering, blockading or obstructing Plaintiff's employees or any patient or other person from approaching, entering or leaving Plaintiff's Hospital and parking garages for the purpose of rendering their services to Plaintiff or doing business with Plaintiff; and by coercing any persons to refrain from Plaintiff's employment or from availing themselves of Plaintiff's services or otherwise doing business with Plaintiff at its Hospital.

3. From using noise makers and instruments, such as megaphones, drums, air horns and noise amplifiers on the sidewalks or entrances adjacent to the Plaintiff's facility.

4. Inducing, intimidating, or coercing Plaintiff's employees who desire to work at its Hospital, by threats of force or violence, to leave its employ or deny their services, and by like means from preventing, hindering or obstructing Plaintiff's employees or any of them from rendering their services to Plaintiff.

5. Parading or patrolling, gathering, loitering or picketing about the entrances or premises of the Hospital or public streets or sidewalks approaching thereto or in the vicinity thereof, except in such numbers so as not to exceed 15 individuals at any single location.

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<sup>1</sup> For the purposes of this Order, "employees" includes replacement registered nurses working at the Hospital and employed by agencies.

6. From violence or threats of violence practiced upon any person now employed, or hereafter employed, or who is willing to be employed by Plaintiff at its Hospital or upon patients or other persons desiring to conduct business with Plaintiff at its Hospital.

7. From obstructing in any manner whatsoever the premises of Plaintiff so as to prevent the delivery of goods, wares, or merchandise or other personal property of Plaintiff or goods consigned to Plaintiff or the shipment of goods, wares, or merchandise from the Plaintiff's Hospital.

8. From cutting off or stopping Plaintiff's vehicles, buses transporting replacement nurses, or the automobiles of Plaintiff's employees or of patients or other persons doing business with the Plaintiff upon the public streets and parking garages.

9. From threatening damage to or inflicting damage upon any property of Plaintiff or that of its employees or committing in any manner whatsoever damage to personal or real property of either Plaintiff or its employees or patients or others doing business with Plaintiff.

10. From ordering, commanding, directing or abetting in any manner whatever any person or persons who attempt to commit or who commit any of the aforesaid acts; and

11. Plaintiff will promptly notify Defendant, **USW LOCAL 2-400**, or its representatives, of any purported violation of this Order; and

**IT IS FURTHER ORDRED** that, by reason of the Court's entry of this Consent Order, the "BOND ON RESTRAINT" entered by the Court on September 18, 2023 (*see* Trans. ID: CHC2034258889) in conjunction with the September 18<sup>th</sup> OTSC (*see* Trans. ID: CHC2034258889), be, and the same is hereby **RESCINDED** and of no further force or effect; and

**IT IS FURTHER ORDERED**, that a copy of this Order which need not be certified, be served by Plaintiff's attorneys upon Markowitz and Richman, Esqs., attorneys for the Defendants, immediately upon its posting to the eCourts case jacket for this matter; and

**IT IS FURTHER ORDERED**, that the Plaintiff shall have leave to serve additional copies of this Order, which need not be certified, personally or by certified mail, return receipt requested, upon any persons acting in concert or combination with the Defendants; and

**IT IS FURTHER ORDERED**, that the Defendants are required to provide notice of this Order to their officers, agents, representatives, members, and person action in concert with them; and

**IT IS FURTHER ORDERED**, that the Defendants shall conspicuously post a copy of this Order on the homepage of the website of the Defendant, **USW LOCAL 4-200**, from the date hereof through the duration of the labor dispute or until further Order of this Court; and

**IT IS FURTHER ORDERED**, that any of the parties shall have leave, upon new matter, to move to dissolve enlarge or modify the restraints herein contained upon two (2) days' notice served upon the attorneys for the parties or upon such other notice as the Court may direct.

**IT IS FURTHER ORDERED**, that a copy of this Order shall be deemed served on all counsel of record upon its posting by the Court to the eCourts case jacket for this matter.

SO ORDERED:



**HON. THOMAS DANIEL McCLOSKEY, J.S.C.**

(X) By Consent.

We hereby consent to the form, substance, and entry of the within Order:<sup>2</sup>

**APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C.**

*Attorneys for Plaintiff*

By: /s/ H. Thomas Clarke, Esq.  
H. Thomas Clarke, Esq.

Dated: September 20, 2023.

**MARKOWITZ AND RICHMAN, ESQS.**

*Attorneys for Defendants*

By: /s/ Matthew D. Areman, Esq.  
Matthew D. Areman, Esq.

Dated: September 20, 2023.

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<sup>2</sup> Note: The original facsimile signatures of the undersigned counsel have been separately provided to the Court this date by way of email of a .pdf copy of the same.