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* ADMITTED IN NEW JERSEY



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February 8, 2019

Via Electronic Filing and Regular Mail

Hon. John E. Harrington J.S.C.
 Burlington County Courthouse
 49 Rancocas Road, Chambers 303
 Mt. Holly, NJ 08060

Re: Siegle v. Martin/Snapp
Docket No.: BUR-L-2674-18

Your Honor:

Please accept this letter brief in reply to the opposition filed by the Plaintiff in response to the Motion for Reconsideration pending before Your Honor to be heard on February 15, 2019 seeking Reconsideration of the Order entered following the January 15, 2019 Order to Show Cause teleconference in this matter. As was detailed in the Motion, although it would appear my adversary was not clear on the issues of fact and/or law seeking to be reconsidered, the Defendants Motion is completely based upon issues of free speech governed by the First Amendment to the United States Constitution. Further, Plaintiff is clearly unaware of the litany of cases cited in this regard and further, to take the position that a tortious interference with a prospective business relationship claim can only be rectified with an injunction further demonstrates a lack of awareness of the issues before the Court. In fact, during our initial teleconference on January 9, 2019, Your Honor referred to the "Harrington Opinion" which in so many words made it clear that a business interference claim can continue to accrue over time and damages would continue to accrue accordingly. As such, it is by this very statement and these legal/factual issues, impossible to address this matter with an injunction as continuing damages is the trump card to such an action.

Further, to be clear, the Defendants are a gay couple (they are engaged and reside together); however, at no point in this matter or when questioned by the Evesham Police Department or the Burlington County Prosecutor's Office have they alleged that the heinous actions of their neighbor were because they were gay or referenced any hate crime allegation. In fact, when questioned about this motive by the Prosecutor's Office, they specifically stated that they did not believe it was a hate crime.

Similarly, Defendants have never in writing nor verbally expressed to anyone that the motives of the Plaintiff were anything other than the acts of a horrible neighbor. The website they were required to take down only included facts and actual publicly accessible written reports intended to bring to light the actions of the Plaintiff – not to allege some anti-gay motive. In fact, it appears that the Plaintiff has

attempted to hijack the narrative at play here to appear a victim in a matter he started with the childish act of throwing a rock threw the window of his neighbor. To be clear, the narrative is simple, my clients are the victims, not because they are gay but because they chose to purchase the home they live in and a particular vehicle.

The Defendants herein, Larry Martin, Jr. and Michael Snapp, have brought this Motion for Reconsideration in response to the Plaintiff, William Siegle, obtaining a preliminary injunction, despite the fact that he failed to make the requisite showing to obtain this extraordinary relief in direct violation of the Defendants' First Amendment rights and the Court's failure to consider these rights when granting the temporary (January 9, 2019) and ultimately the ongoing/permanent restraints (January 15, 2019). It is clear that, in order to obtain injunctive relief, Plaintiff would have to demonstrate a reasonable probability of ultimate success on the claims asserted in the Verified Complaint, which is predicated here on allegedly libelous or defamatory statements made by the Defendants.

Whether the focus is on either Defamation (which requires publication of a false and defamatory statement concerning another) or Tortious Interference (which requires a showing of wrongful conduct and malice), Plaintiff must show, in addition to all of the other elements required by Crowe v. De Gioia, 90 N.J. 126, (1982), that the Defendants made some false, wrongful statement. Plaintiff's application fails to establish that even a single statement made by the Defendants was false; instead, the Plaintiff merely concludes that the Defendants were defamatory without providing factual support.

Respectfully submitted,



ARI D. LINDEN, ESQUIRE

Cc: Drew Parker, Esquire