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Attorney for Plaintiff(s)

JASON BUIST and CHERYL MACKEY,
Individually and on behalf of
All persons similarly situated

Plaintiff(s),

vs

STATE OF NEW JERSEY, it’s employees
Agents and representatives, ALBERT B.
ARI, Director, New Jersey Division of
Motor Vehicles and CARSON J. DUNBAR,
Superintendent, Division of State Police,
Jointly, severally and in the alternative

Defendant(s).

: SUPERIOR COURT OF NEW JERSEY
: MONMOUTH COUNTY
: LAW DIVISION
:
: DOCKET NO. MON-L-3414-01
: CIVIL ACTION
:
: **ORDER**

THIS MATTER having been opened to the Court by Jerry Friedman, Esquire, attorney for Plaintiffs and Wanda Y. Ortiz, Deputy Attorney General, Appearing on behalf of Defendants and the Court having read the moving papers Submitted in support thereof and in opposition thereto and heard the argument of counsel and for the reasons stated on the record on October 26, 2001;

IT IS on this 5th day of November, 2001, **ORDERED** as follows:

- 1) The State of New Jersey and its political subdivisions be and are hereby Barred from processing Plaintiff Jason Buist on Summons No. M 000935 and Plaintiff Cheryl Mackey on Summons No. M 000936 issued in the Borough of Manasquan, County of Monmouth, State of New Jersey, on July 1, 2001, for Violations of N.J.S.A. 39:3-76.7;
- 2) The State of New Jersey and its political subdivisions be and are hereby Enjoined from enforcing N.J.S.A. 39:3-76.7, pending adoption by Defendant Director of the New

Jersey Division of Motor Vehicles of revised regulations pursuant to said Statute consistent with motorcycle helmet standards adopted by the U.S. Department of Transportation pursuant to the National Traffic and Motor Vehicle Safety Act of 1996 (49 U.S.C. sec. 30101). **The injunction herein shall become void immediately upon the adoption of the revised regulations as stated herein.** This provision of the Order shall be self-executing;

- 3) Defendants shall provide notice of the injunction referred to in Paragraph No. 2 herein to the State Police, Municipal Courts and Police Departments Throughout the State of New Jersey within five (5) days of service of this Order;

IT IS FURTHER ORDERED that a copy of the within Order be served upon all parties of record within seven (7) days of the date hereof.

IT IS FURTHER ORDERED that Plaintiff's application for attorneys fees is denied.

William P. Gilroy
WILLIAM P. GILROY, P.J.C.

**Findings of the Court were set
Forth on the record this date of
October 26, 2001**

This is a Final Order and closes the file.