

VIRTUA HEALTH, INC. and CAPITAL
HEALTH SYSTEM, INC.,

Plaintiffs-Respondents,

v.

STATE OF NEW JERSEY and
CHRISTOPHER J. CHRISTIE IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF
THE STATE OF NEW JERSEY

Defendants-Appellants.

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

Civil Action

DOCKET NO. A- -15-T
TRIAL COURT DOCKET:
MER-L-1720-15

ON EMERGENT MOTION FOR STAY
PENDING APPEAL

Sat Below:

Hon. Douglas H. Hurd, P.J. Cv.

PLAINTIFFS-RESPONDENTS' BRIEF IN OPPOSITION TO DEFENDANTS-
APPELLANTS' MOTION FOR A STAY PENDING APPEAL

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PRELIMINARY STATEMENT

The State's request for a stay pending appeal is based solely on its unsupported claim that basic life support services ("BLS")¹ in the City of Camden will be disrupted if P.L. 2015, c. 70 (the "Act"), held below to be unconstitutional "special" legislation, does not go into effect on January 2, 2016. The State has not demonstrated by clear and convincing evidence, however, that the services of the existing providers will be disrupted. Moreover, the undisputed record shows that Camden can employ emergency procedures to avoid any interruption of BLS services there by contracting with willing BLS providers.

For these reasons, immediately after declaring the Act unconstitutional, Judge Douglas Hurd denied (T2 24:5-20) the State's request for a stay, stating:

The fact is that a request for a stay, the burden of proof is on the person seeking the stay. I'm not satisfied in any way that you know, those standards have been satisfied. There's nothing put forth in front of me that indicates that you know, the number one issue, would patient care be compromised in any way. I think we would all agree that would be the central issue. And by continuing with Virtua there [for ALS services] we know that's not a problem because they're doing a good job, which is

¹ Emergency Medical Services are comprised of advanced life support ("ALS") and BLS services. Absent a stay, Virtua will simply continue to provide ALS services in Camden through its award-winning Mobile Intensive Care Units (MICU). In New Brunswick and Newark, denial of a stay preserves the status quo.

undisputed. And with respect to BLS services you know, the City of Camden can you know -- I'm not satisfied that there's been any showing in front of me that the City of Camden can't you know, have some type of emergency ordinance or resolution to provide a contract to provide those services.

In its papers before this Court, the State has conceded, through the declaration of Camden's Mayor Redd, that Camden has emergency contracting procedures available to it, permitting Camden to contract with Cooper University Hospital for the same services Cooper would have provided under the Act. In addition, three separate BLS providers delivered letters to Mayor Redd on December 24, 2015, offering to provide BLS services to Camden *at no cost to Camden taxpayers* pending this appeal or until Camden selects a new provider. Thus, the State has absolutely no basis to argue, as it has, that "the citizens of Camden are in jeopardy of being left without BLS services" if the Act does not go into effect.

Although state regulations make no mention of trauma centers as EMS providers, the Act awards the three Level I trauma centers in New Jersey (Cooper University Hospital in Camden, University Hospital in Newark, and Robert Wood Johnson Hospital in New Brunswick) rights to operate EMS services not available under the Act to the seven Level II trauma centers or to acute care hospitals in New Jersey: specifically, (i) the exclusive right to provide ALS in their respective

municipalities; (ii) a right of first refusal to also provide BLS in those cities; and (iii) an abbreviated certificate of need ("CN") process to provide ALS in cities where they already operate non-trauma center acute care hospitals. The purpose of the Act was ostensibly to (1) centralize EMS; (2) improve the quality of pre-hospital services; and (3) contain EMS costs.

On the merits, the trial court correctly considered the plaintiffs' submissions against the high burden required to show that an act is unconstitutional, and concluded after thorough review of the record, particularly the detailed certifications submitted by plaintiffs, that "the rationale of limiting this legislation to Level I Trauma Centers bears no relationship to the purpose that is expressed in the Act. The conclusory statements put forth by the defendants are just that, and they do not provide a rational basis as required by the case law." T2 14:6-11. Before this Court, the State has simply repeated its arguments submitted below and therefore has not shown the reasonable likelihood of success on the merits that would justify a stay.

The State thus argues that the status quo should be upset by a stay permitting implementation of an unconstitutional statute, without any realistic threat of irreparable harm. That result would be unjust, illogical, and unsupported as a matter of law. The State's motion should therefore be denied.

PROCEDURAL HISTORY

Plaintiffs filed a single-count Verified Complaint on July 27, 2015, in the Law Division, Mercer County, seeking a declaratory ruling that the Act is unconstitutional. (Da1). Plaintiffs simultaneously filed a Motion to Proceed Summarily. The court entered a consent order on the Motion to Proceed Summarily, which granted the motion and set a briefing schedule. On September 14, 2015, the State moved to dismiss the complaint. The parties then agreed to a second order regarding a briefing schedule, which was entered by the court on October 6, 2015. Plaintiffs moved for summary judgment on November 6, 2015, and simultaneously opposed the State's motion to dismiss. (Da451). The State opposed plaintiffs' motion for summary judgment on November 20, 2015 (Da549), and plaintiffs filed a reply brief on November 24, 2015. (Da603).

The trial court heard oral argument on both motions on December 16, 2015 and reserved decision (T1). The court issued an oral opinion on December 22, 2015, in which it granted the plaintiffs' motion for summary judgment, denied the State's motion to dismiss, and denied the State's motion for a stay pending appeal. (T2).

STATEMENT OF FACTS

EMS is comprised of ALS and BLS services, which are pre-hospital forms of care provided at the scene upon the occurrence of an "emergency medical condition," first by emergency medical technicians ("EMT") providing BLS in a responding ambulance, and subsequently if needed, by paramedics providing ALS in Mobile Intensive Care Units ("MICU"). T2 5:2-6. Any acute care hospital, whether or not a trauma center, may provide ALS services and operate a MICU, and the Department has promulgated regulations that ensure that ALS services are uniformly provided and MICUs are uniformly operated throughout the State, whether by a trauma center or an acute care hospital. T2 5:7-14.

In particular, the Department has adopted by regulation standing orders that all hospitals providing ALS must follow, and which are used for over 90% of the ALS services provided by a MICU. Id. For conditions for which there are no standing orders, a medical command physician in the hospital's ED will provide direction to the paramedic or EMT on the scene. T2 5:17-25. The medical command physician is not required to be a trauma surgeon or a certified trauma specialist, and medical command does not differ whether provided by a trauma center or acute care hospital. Id. The Department has also developed triage guidelines that all paramedics and EMT's must follow. T2 5:11-13.

Because of the uniformity in EMS services facilitated by the current regulatory structure with respect to ALS services and MICUs, Judge Hurd noted:

Treatment response by MICU is the same as whether the operator is a Level I or Level II or an acute care hospital... The trauma center is not involved in the pre-hospital treatment of the trauma patient by the MICU providing ALS services except in rare and extraordinary cases... There are trauma surgeons at trauma centers, but that has nothing to do with the quality, expense or coordination of ALS and BLS pre-hospital services since trauma centers do not get involved in pre-hospital services. The record before me indisputably shows that the differences between Level I and Level II and acute care centers with an emergency department has no bearing on the quality, expense, or coordination of ALS and BLS services because trauma surgeons are not involved in ALS or BLS services.

T2 5:14-16, 5:21-23, 6:13-16, 7:6-12.

A trauma center is a hospital that has been verified by the American College of Surgeons Committee on Trauma ("ASC-COT") as having the resources, e.g., a trauma surgeon, to provide in-hospital care to patients injured by violence or other forces. Plaintiffs' Statement of Undisputed Facts ("SUF"), ¶ 37 (Da496). The ACS-COT has developed standards to qualify hospitals as either Level I or Level II trauma centers, depending primarily on non-clinical factors, such as the size of the hospital and whether it is affiliated with a university. T2 7:1-6. The New Jersey Department of Health (the "Department") has incorporated the ACS-COT standards into the Department's regulations,

including its Certificate of Need ("CN") requirements, and has designated three hospitals as Level I trauma centers, and seven hospitals Level II trauma centers. T2 6:1-6, SUF ¶ 42 (Da497).

Cooper in Camden, University Hospital ("University") in Newark, and Robert Wood Johnson University Hospital ("RWJUH") in New Brunswick are the three hospitals² that have been certified by the Department as Level I trauma centers. T2 6:20-23. Cooper is the only one that does not currently provide ALS services. T2 6:17-19. The City of Newark has an arrangement with University also to provide BLS services there³, and RWJUH provides BLS services in New Brunswick. T2 6:22-23. The City of Camden has had an arrangement with University to provide its BLS services, which it apparently intends to cancel. T2 19:20-22; Db17.

Virtua is a hospital system with three acute care hospitals in southern New Jersey, including emergency departments in Camden and Berlin. It has been providing ALS services in all of Camden and Burlington Counties pursuant to a certificate of need

² Morristown Medical Center in Morristown meets the ACS-COT's criteria for a Level I trauma center, but has been certified by the Department as a Level II trauma center because the certificate of need regulations for new Level I trauma centers expired in 1997. T2 6:23-7:2 ("Morristown" incorrectly transcribed as "Moorestown").

³ Comments by Senator Rice indicate that Newark is considering terminating its relationship with University for BLS services. (Da108-9).

for 38 years. T2 7:13-22. On November 17, 2015, the Department and the New Jersey Emergency Medical Services Council recognized Virtua's EMS department as the Outstanding Private EMS Agency of the Year for the entire state of New Jersey, among other distinctions for which Virtua's EMS program was recognized. T2 7:23-8:1. Capital has been designated by the Department as a Level II trauma center, and has been awarded a CN to provide ALS services in Mercer County. T2 7:13-22. Virtua and Capital provide their EMS services without taxpayer funds. Id.

The Act⁴ provides three privileges applicable only to the three Level I trauma centers. First, it makes them the exclusive providers of ALS services in their respective municipalities. Second, it grants them each a right of first refusal to provide BLS services in their municipalities. Third, it affords them an abbreviated certificate of need process to provide ALS services in a municipality in which they currently operate an acute care facility. T2 4:13-21. In addition, the

⁴ The Act was first introduced as a bill in the Senate on June 8, 2015 and in the Assembly on June 11, 2015. The Assembly Health and Senior Services Committee heard the bill on the morning of June 15 and the Senate Health, Human Services and Senior Citizens Committee heard the bill on the afternoon of June 15. The bill was passed by the New Jersey Senate and the Assembly on June 25, 2015. It was then approved and signed by Governor Christie as P.L. 2015, c. 70 on July 6, 2015, and was to take effect 180 days from its enactment, or January 2, 2016.

State appropriated \$2.5 million in the FY2016 budget to fund Cooper's startup of an ALS and BLS system in Camden. (Da443).

Were the Act to become effective, Cooper would be the only Level I trauma center to benefit from the privileges of exclusivity and right of first refusal because University and RWJUH already provide those services. Indeed, Cooper would replace Virtua as the ALS provider in Camden notwithstanding Virtua's award-winning services there, and despite Cooper not having a Certificate of Need from the Department to operate a MICU providing ALS services. In addition, Cooper would receive \$2,500,000 from the State to establish its EMS services in Camden, notwithstanding that Virtua is currently providing those services at no cost to the taxpayers. (Da442-3).

ARGUMENT

The standard governing motions for stays pending appeal is the same as the standard governing injunctive relief. Garden State Equality v. Dow, 216 N.J. 314, 320 (2013). Those criteria, drawn from the seminal Crowe v. DeGioia, 90 N.J. 126, 139 (1982), include the prevention of irreparable harm, a reasonable probability of success on the merits, and a balancing of the relative hardships. Id. The party seeking the stay has the burden to prove each of the Crowe factors by clear and convincing evidence. Garden State Equality, 216 N.J. at 320.

The grant of a stay is discretionary with the trial court, absent an abuse of discretion. Avila v. Retailers & Mfrs. Distribution, 355 N.J. Super. 350, 354 (App. Div. 2002) (denying application for stay pending appeal when trial court denied application). That discretion is abused only when "injustice would be perpetrated on the one seeking the stay, and no hardship, prejudice, or inconvenience would result to the one against whom it is sought." Id.

The State has not established any of these factors under any standard, let alone by clear and convincing evidence. Accordingly, this motion should be denied.

POINT ONE

THE STATE HAS NOT ESTABLISHED IRREPARABLE HARM.

To justify a stay, the State must demonstrate irreparable harm beyond simply not being able to proceed under the Act. "The abstract harm the State alleges begs the ultimate question: if a law is unconstitutional, how is the State harmed by not being able to enforce it?" Garden State Equality, 216 N.J. at 323 (citing Joelner v. Vill. of Wash. Park, 378 F.3d 613, 620 (7th Cir. 2004) ("no irreparable harm to a municipality when it is prevented from enforcing an unconstitutional statute.") Injuries, however substantial, in terms of money, time, and energy expended absent a stay are insufficient to establish irreparable harm. Zoning Bd. of Adjustment of Sparta Twp. v.

Service Elec. Cable Television Co. of N.J., Inc., 198 N.J. Super. 370, 381-82 (App. Div. 1985). Injunctive relief should be entered only when the threatened harm is "substantial, immediate, and irreparable." Subcarrier Communications v. Day, 299 N.J. Super 634, 638 (App.Div. 1997) (irreparable harm critical element of injunctive relief).

The State's motion for a stay below asserted as irreparable harm the limited argument that "there may be no emergency services BLS transport in the City of Camden." T2 at 20:7-9. There was no contention before the trial court that irreparable harm will result if Virtua continues to provide the same ALS services it has provided for the last 38 years, and the Act does not affect ALS services in Newark and New Brunswick. With regard to Camden, the trial court specifically found that "by continuing with Virtua there we know that's not a problem because they're doing a good job, which is undisputed." T2 at 24:12-14.

The State's only proffered rationale below for why the ALS portion of the trial court's order should be stayed was because ALS and BLS will not be integrated under the same provider without implementation of the Act. T2 at 22:19-22. In its brief, the State all but ignores any effort to show that it will suffer irreparable harm if Virtua continues to provide ALS during the pendency of this appeal. ALS and BLS services have

been provided in Camden by separate providers for 38 years, however, and most of the State of New Jersey operates under a non-integrated model. Moreover, as discussed below, Camden may create an integrated ALS-BLS system without the Act by awarding Virtua the BLS contract for Camden. Thus, the State has failed to show any irreparable harm with respect to ALS continuing to be provided by Virtua and has failed to show here that the trial court abused its discretion in reaching that conclusion.

The State's assertion below regarding BLS services was based on the unsupported allegation that "University Hospital . . . has given notice to their employees of their termination because they're ending their BLS services in the City of Camden." Id. at 21:20-22. Although the State repeats this argument in its brief here, the argument remains insufficient to justify a stay because there are many options other than a stay that will result in continued BLS services for patients in Camden.

As an initial matter the State's argument is based solely on speculation that "there may be no emergency medical services..." T2 at 20:7-9 (emphasis added). The trial court concluded that "I'm not satisfied that there's been any showing in front of me that the City of Camden can't, you know, have some type of emergency ordinance or resolution to provide a contract to provide those services." In its brief, the State

again asserts that Camden "may" be left with no BLS services because it would be "extraordinarily difficult" for University to continue providing BLS. (Db17). The Certification of John Grembowiec of University continues this pattern of speculation, noting that "some" of the 37 employees retired and others sought employment elsewhere and that University does not have the staff "at this time" to adequately staff BLS services. Virtua believes that University will continue to provide BLS services in Camden if requested to do so. See Certification of Scott A. Kasper, ¶ 9 (attached hereto). Thus, there is not clear and convincing evidence of irreparable harm that would be caused because University cannot and will not provide BLS services after January 2.

Even if University is unable to provide BLS in Camden on January 2, 2016 (as a result of the inexplicable failure by University, Cooper and Camden to prepare for the possibility that the Act would be found unconstitutional)⁵, no irreparable harm will occur because Camden can simply award a temporary contract to a willing provider. While the Local Public Contracts Law ("LPCL") generally requires a competitive

⁵ This inexplicable delay is sufficient to warrant the denial of a stay because the delay was caused by defendants. See, e.g., McKenzie v. Corzine, 396 N.J. Super. 405, 414-15 (App. Div. 2007) (denying injunctive relief where party could have taken action sooner to avert injury).

contracting procedure for EMS contracts, N.J.S.A. 40A:11-4.1, the LPCL and the City of Camden's Purchasing Manual Policies & Corresponding Procedures (the "Camden Purchasing Manual")⁶ provide for emergency contracts to be issued without competitive bidding. See N.J.S.A. 40A:11-6 and Section II.C., Camden Purchasing Manual.

Specifically, state law provides an exception to the general competitive procurement process "when an emergency affecting the public health, safety and welfare requires the immediate delivery of goods or performance of services" provided that the award is made following certain procedures. N.J.S.A. 40A:11-6. Any emergency contract must be of limited duration to meet the immediate needs of the emergency and under no circumstances should any such contract be longer than a year. Id.

The State and Mayor Redd concede that Camden has emergency contracting procedures that could be used to secure a BLS provider for Camden during the pendency of this appeal:

Camden could declare an emergency and seek City Council's approval to enter into a contract with a BLS provider without the competitive bidding process.

⁶ Available online at <http://www.ci.camden.nj.us/business/Purchasing-Manualonline.pdf>.

Certification of Mayor Redd at ¶10; Db18. The State argues without any support, however, that such a contract "would likely result in a cost to Camden." (Db18-19). Although money damages are not a proper basis upon which to grant a stay of an action, that statement is simply not true in any event. Following the trial court's decision and the State's argument below for a stay based on the asserted lack of BLS services in Camden, Virtua and two other BLS providers have sent letters to Mayor Redd and the Camden City Council offering to provide BLS services to Camden at no cost to the taxpayers in the event that University Hospital ceases to provide those services as of January 2, 2015. See Certifications of Scott A. Kasper, Robert W. Davis and Graham Dillaway (attached hereto). This completely negates the arguments of Mayor Redd and the State that Camden may not be able to obtain BLS services because it cannot afford to pay for BLS services for its residents. Moreover, if Camden were to choose Virtua for these services, then it would have exactly the same coordination of BLS and ALS services that the State has argued is the benefit of the Act because Virtua would be the provider of both.

Furthermore, denial of a stay would actually benefit, not harm, Camden with regard to its BLS services. As the State and Cooper have conceded, "Cooper has not entered into a contract with the City of Camden to provide BLS services..." Db17; Devine

Cert. ¶ 16. Although the Act permits the Level 1 trauma center to provide BLS services at no cost to the municipality, it does not require the Level 1 trauma center to provide those services at all, let alone for a specific time period. Accordingly, if Cooper plans to provide BLS services to Camden without a contract and only upon the basis of the Act's authorization, it could cease providing those services at any time without any notice to or recourse by Camden. Moreover, the invalidation of the Act in no way affects Camden's ability to contract with Cooper for BLS services through the City's emergency contracting procedures. Therefore, if the stay is denied, Camden will actually be in a better position because it can use its emergency contracting procedures to enter into a contract for BLS services for a specific period of time and on specific terms. There is simply no harm - let alone irreparable harm proven by clear and convincing evidence - to the State or Camden from implementation of the trial court's decision.⁷

Finally, if the unconstitutional statute is permitted to take effect, it is plaintiffs who will suffer irreparable harm. A constitutional injury is irreparable harm. Democratic-Republican Org. of New Jersey v. Guadagno, 900 F. Supp. 2d 445

⁷ The State has also noted several times that Cooper has invested money in reliance on Chapter 70. Cooper is not a party to the litigation and its reliance has no bearing on the irreparable harm allegedly faced by the State or City of Camden.

(D.N.J. 2012) ("For the purposes of this motion, the Court assumes that Plaintiffs have satisfied the irreparable harm prong if they can demonstrate a constitutional injury"); Davis v. Dep't of Law & Pub. Safety, 327 N.J. Super. 59, 69 (Ch. Div. 1999) (holding constitutional injury "is sufficient in itself to give rise to a finding of irreparable harm.").

The State has failed to establish irreparable harm by clear and convincing evidence because its asserted harm can be remedied by Camden's undisputed ability to enter into an emergency contract for BLS services pending the State's appeal. Thus, the trial court did not abuse its discretion in denying a stay, and this Court should also deny a stay on this basis.

POINT TWO

THE STATE HAS NOT ESTABLISHED A LIKELIHOOD OF SUCCESS ON THE MERITS.

The Crowe standard requires the moving party to show that "its legal right is settled." Garden State Equality, 216 N.J. at 325 (emphasis in original). Thus, it is the State's burden to show, by clear and convincing evidence, that its legal right on the merits is settled. It is not because the trial court properly concluded that the Act is unconstitutional.

The trial court issued a thorough oral opinion on the constitutionality of the Act. The State appears to concede in its brief that the trial court applied the correct legal

standard to determine whether an act of the Legislature violates Article IV, section VII, paragraph 9 of the New Jersey Constitution. The Constitutional language provides that "The Legislature shall not pass any private, special or local laws... [g]ranting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever." The test to determine whether an enactment constitutes special legislation stems from Vreeland v. Byrne, 72 N.J. 292 (1976) and Jordan v. Horsemen's Benevolent and Protective Association, 90 N.J. 422 (1982). Under that test, the court looks to the purpose of the enactment, determines whether any persons are excluded who should be included and whether as applied the classification can rest on any reasonable or rational basis relevant to the purpose and object of the act. Vreeland, 72 N.J. at 300-01. The trial court acknowledged that before it could invalidate a piece of legislation as special legislation, it must clearly and irremediably be special legislation, and the power to declare a statute unconstitutional should be sparingly used. T2 at 3:1-16. The court, therefore, applied the correct legal test.

As the trial court noted, the purposes of the Act, described in the bill as "the sponsor's belief," are to centralize medical oversight, facilitate high-quality pre-hospital care, and support a more cost-efficient system with

respect to the delivery of ALS and BLS services. The trial court observed that the legislation would make Cooper the exclusive ALS provider in Camden without going through the CN process. T2 at 8:1-5.

One proffered basis for the Act is that ALS and BLS should be coordinated. The State attempts to use the ACS' 2008 Trauma Center Consultation Report (the "2008 Report") as a basis for this purpose. Db12-13. As a preliminary matter, there is no evidence that the Legislature considered the 2008 Report when enacting the Act or would consider them to be related. As the trial court recognized, the Legislature had already enacted different legislation in 2014 in response to the 2008 Report, establishing a state-wide State Trauma System Advisory Committee to review and develop a state-wide trauma system plan. See N.J.S.A. 26:2KK-1 et. seq. The Committee was only recently formed and has yet to offer any recommendations, particularly not any that are the purported rationale for the Act. T2 8:25-9:6.

Moreover, the 2008 Report does not serve as a rational basis for exclusion of other providers by the Act. With regard to pre-hospital services, the 2008 Act made no distinction between Level I and Level II trauma centers and even commented favorably on the fact that New Jersey had 10 ACS-verified trauma centers and 100% ALS coverage. In addition, despite extensive

and detailed recommendations on the State's trauma system, the 2008 Report never recommended combining ALS and BLS under the Level I trauma centers. T2 8:17-24. Since generally ALS providers are not permitted to transport patients, the Report did note that there could be better coordination between the BLS and ALS providers to avoid transport delays and better data collection processes to evaluate these services. (Da328).

The Act does nothing to address these concerns, however, since it is silent as to whether ALS providers can transport patients and has no reporting requirements whatsoever; nor does the Report suggest anywhere that Level I trauma centers provide any better basis for effecting this coordination than other hospital providers. Consequently, none of the issues raised by the 2008 Report were actually addressed by the Act, and the 2008 Report does not provide a rational basis for benefits provided solely to Level I trauma centers by the Act. The trial court agreed with the statements in the certification of Dr. Louis D'Amelio, who was a part of the 2008 study, that nothing in the 2008 Report recommends that ALS be provided by trauma centers and that none of the 2008 Report's recommendations link ALS and BLS services under Level I trauma centers. T2 at 11:13-19.

The trial court found no rational basis to distinguish between Level I and Level II trauma centers with respect to the provision of pre-hospital clinical services. The trial court

particularly observed the facts relating to Morristown Hospital, which is verified as a Level I trauma center by the American College of Surgeons but only holds a Level II Certificate of Need from the Department. Morristown is thus as qualified as Cooper, RWJUH and University Hospital to be a Level I trauma center; however, Morristown is excluded from the benefits of the Act solely because the expiration of the CN regulations no longer provide a process for obtaining a Level I trauma center CN. T2 at 6:23-7-2; 13:21-14:4. The trial court found that the State offered only conclusory statements as to why ALS should be provided by Level I trauma centers but not other trauma centers.

Only 7% of ALS cases in New Jersey are trauma cases that even involve trauma centers as a destination for the care of patients treated pre-hospital with BLS or ALS services (Da498). For the other 93% of patients provided ALS services, there is absolutely no need for a patient connection to a trauma center. Id. Even in the fraction of cases where ALS is required for a trauma patient, ALS providers will follow the comprehensive standing orders developed through the Department's regulatory process without the involvement of a supervising physician either at a non-trauma emergency department or at a trauma facility.⁸ SUF ¶ 21-26 (Da492-3). The Legislature had no rational

⁸ Trauma surgeons are only involved in ALS care in the rare case where surgical treatment, such as amputation, is required pre-

basis, because there is none, to justify the assertion that quality of care would improve under the supervision of a Level I trauma center by excluding other qualified providers.

The State made much of the asserted "community paramedicine" basis for the statute in the trial court, but has all but abandoned it here. The State cited an article below called "*Mobile Integrated Healthcare Practice: A Healthcare Delivery Strategy to Improve Access, Outcomes and Value*" ("the MIHP article") as support for the proposition that only Level I trauma centers can support community paramedicine. The trial court based its rejection of this argument in part on the certification from Dr. Jeffrey Beeson, one of the authors of the MIHP article, who termed the State's argument "misleading" and noted that the MIHP article in no way supports the Act (Da541-2).

In analyzing whether the exclusive rights awarded to Level I trauma centers were rational with respect to the purposes of the Act, the trial court concluded that centralization would not be improved by the Act because the Act will have the opposite effect: it will create a piecemeal ALS system. T2 at 14:24-

hospital. Even in those cases, there is no distinction between Level I and Level II trauma centers. In fact, the only clinical distinction between Level I and Level II concerns patients requiring replantation surgery or cardio-pulmonary bypass surgery, which constitutes less than 1% of all trauma patients. SUP ¶ 34 (Da495).

15:7. The court held that the Act does not require that a Level I trauma center provide BLS services, thus demonstrating that the Level I trauma center classification does not fulfill any purpose of ALS-BLS coordination under the Act. Id. at 15:8-10. As to improving the quality of care, the trial court held that the Act does not improve quality of care because all ALS services are subject to the same level of oversight required by N.J.A.C. 8:33. T2 at 15:8-14. Finally, the court held that there is no rational basis to say that the Act promotes cost effectiveness because the Act eliminates Virtua as a provider, which has been providing ALS services to Camden at no taxpayer cost, while providing \$2.5 million of state appropriations to Cooper to initiate a new program. T2 at 16:1-9. These conclusions were all supported by the factual record.

For these reasons, the State has not demonstrated a likelihood of success on the merits sufficient to warrant a stay pending appeal.

POINT THREE

BALANCING THE HARMS AND THE PUBLIC INTEREST DO NOT FAVOR A STAY.

The State's only arguments on balancing the hardships and the public interest are that Camden may be left without BLS services. As discussed in Point One, that argument is meritless, and the State will suffer no hardship. The State dismisses Virtua's constitutional rights in noting that the only

harm that Virtua will incur is pecuniary loss from not providing ALS services in Camden. The State further alleges that Capital Health will suffer no harm because it can only be harmed if another facility applies for a CN. These arguments ignore entirely the harm that will result to Virtua and Capital Health as victims of an unconstitutional statute.

Perhaps most significant is the effect on the citizens of Camden in need of ALS and BLS services. Granting a stay would replace Virtua as the established high-quality provider with an untested program being developed by Cooper, possibly only to reinstate Virtua if the trial court's decision is affirmed. Similarly, denial of the stay may result in University's continued provision of BLS services. If not, those services can be provided pending appeal by Cooper, Virtua or other willing providers pursuant to Camden's emergency procurement procedures. Not granting the stay serves the public interest.

CONCLUSION

The State has not met its burden to show, by clear and convincing evidence, that any, let alone all, of the required factors entitle it to a stay. For these reasons, the motion for a stay should be denied and the status quo preserved pending appeal.

Respectfully submitted,



Christopher L. Soriano
Philip H. Lebowitz (pro hac
vice)
Seth Goldberg
Erin M. Duffy
DUANE MORRIS LLP
A Delaware Limited Liability
Partnership
1940 Route 70 East, Suite 100
Cherry Hill, NJ 08003
(856) 874-4200
*Attorneys for Plaintiffs-
Appellants*
*Virtua Health, Inc. and Capital
Health System, Inc.*

Dated: December 28, 2015

DUANE MORRIS LLP

A DELAWARE LIMITED LIABILITY PARTNERSHIP

By: Christopher L. Soriano (No. 032142003)
Philip H. Lebowitz (*pro hac vice*)
Erin M. Duffy (No. 024742004)
Seth A. Goldberg (No. 024742004)

1940 Route 70 East, Suite 100
Cherry Hill, NJ 08003
856.874.4200 (Phone)
856.874.4388 (Fax)

csoriano@duanemorris.com

lebowitz@duanemorris.com

eduffy@duanemorris.com

sagoldberg@duanemorris.com

Attorneys for Plaintiffs-Respondents, Virtua Health, Inc. and
Capital Health System, Inc.

<u>VIRTUA HEALTH, INC. and CAPITAL</u>	:	SUPERIOR COURT OF NEW JERSEY
<u>HEALTH SYSTEM, INC.,</u>	:	APPELLATE DIVISION
	:	
Plaintiff,	:	Trial Docket No. MER-L-1720-15
	:	
v.	:	CIVIL ACTION
	:	
STATE OF NEW JERSEY and	:	CERTIFICATION OF SCOTT KASPER
CHRISTOPHER J. CHRISTIE, in his	:	IN OPPOSITION TO MOTION FOR
official capacity as Governor of	:	STAY PENDING APPEAL
the State of New Jersey,	:	
	:	
Defendants.	:	

Scott Kasper, of full age, hereby certifies:

1. I am an adult individual and competent to testify.

2. I am the Assistant Vice President of Emergency Medical

Services at Virtua Health, Inc. ("Virtua"). As such, I am familiar with the matters set forth in this Certification.

3. Virtua has a long history of providing emergency medical services in the City of Camden and in all other communities in Camden and Burlington Counties.

4. Virtua has been providing advanced life support (ALS) in the City of Camden and Camden and Burlington Counties for more than 30 years.

5. Recently, the New Jersey Department of Health recognized Virtua as New Jersey's Private EMS Provider of the Year.

6. In letters delivered to Mayor Redd on September 8 and October 30, 2014, attached hereto as Exhibit A, Virtua expressed its desire to provide BLS services in the City of Camden together with its ALS services.

7. On December 24, 2015, the letter attached hereto as Exhibit B was delivered to the Mayor, advising her that Virtua would be available, on an interim basis, to provide BLS services in Camden on or before January 2, 2016, at no cost to the taxpayers, if those services were needed.

8. Virtua remains ready, willing, and capable of providing, on an interim basis, BLS services in Camden at no cost to the taxpayers beginning on or before January 2, 2016 if requested by Camden to do so.

9. In addition, it is my understanding that University Hospital, which is the current provider of BLS services in Camden, is attempting to make arrangements to continue to provide those services to Camden, without any interruption, should it be requested by Camden to do so.

I hereby 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.

Dated: December 28, 2015

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be the name 'Alan'.

INSERT

EXHIBIT “A”

TAB



Quality New Jersey
Governor's Award

VHA Leadership Award
Clinical Excellence

CMS Best Practice Hospital
Excellence in Treating
Pneumonia and Heart Failure

The Northeast's First
Joint Commission Accredited
Total Joint Replacement and
Spine Programs

South Jersey's First
Joint Commission Accredited
Stroke Program

Primary Stroke Center Designation
NJ Department of Health

Performance Achievement Award
American Stroke Association

Outstanding Achievement Award
ACOS Commission on Cancer

CEO Gold Standard Accreditation
Reducing Cancer Risk
CEO Roundtable

NJ Regional Perinatal Center

Maternal Fetal Medicine &
Musculoskeletal Institute
Centers of Excellence
Philadelphia Magazine

#1 Best Place to Work
Hall of Fame Honoree
Philadelphia Business Journal

Consumer Choice Award
National Research Corporation

General Electric
Enterprise Partner

Clinical Affiliations
Fox Chase Cancer Center
Children's Hospital of Philadelphia

Richard P. Miller
President and Chief Executive Officer

September 8, 2014

The Honorable Dana Redd
Mayor, City of Camden
City Hall, 4th Floor
520 Market St.
Camden, NJ 08102

Dear Mayor Redd:

Subject: Camden Emergency Medical Services – Basic Life Support

Thank you for the opportunity to speak on Friday, September 5, regarding the future of Camden Emergency Medical Services (EMS) – Basic Life Support. I appreciate your offer to provide additional information to me about how Camden will proceed to provide these essential services to its residents once University Hospital, Newark, NJ, is no longer the provider.

As I said to you during our phone call, Virtua is intensely interested in and committed to providing these services for the City of Camden and its residents, just as we have done in providing Advanced Life Support (ALS) services to the City for more than 30 years. In fact, Virtua is the state-designated provider of ALS services for all of Camden and Burlington Counties.

There is no other provider that has the background or experience to appropriately manage a large urban EMS system. Should the City proceed to develop an RFP for ALS services, we would hope that a provider with a proven history of high clinical quality combined with expertise of pre-hospital field operations would be of paramount importance; to settle for anything less could place the EMS providers, the patients, and other emergency responders at risk.

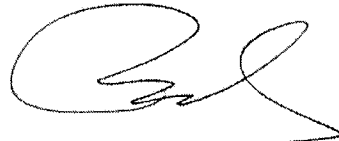
Virtua's current Field Operations leadership and Special Operations Team have excellent working relationships with their counterparts in the Camden City Fire Department and Camden County Police Department. Whether planning for routine daily operations, or for more significant events in the City, those relationships will be crucial in maintaining a smooth transition and optimal field operations.

Virtua's EMS leadership team is among the most experienced and well respected in New Jersey and nationally. Our Assistant Vice President of Emergency Services, Scott Kasper, was recognized as New Jersey's EMS Administrator of the year in 2013. Scott has been managing large EMS systems for more than 20 years and has developed a management team here at Virtua that is second to none. Our Medical Director, Joseph Hummel, has been the EMS Medical Director with Virtua (and its predecessor West Jersey Health System) for more than 30 years and is truly a leader in the New Jersey EMS physician community.

The visionary leadership and EMS expertise of our team would allow for a truly innovative approach to the delivery of BLS in the City of Camden. We have developed an operating concept for Camden City that would implement innovative strategies in creating operational efficiencies and an expanded use of EMS services in a public health model to benefit the City, its residents and the surrounding communities. By managing BLS and ALS together, we can achieve improved clinical quality and outcomes, and do so with more appropriate utilization of resources. In some respects, this model is analogous to the new Metro Police model – a larger, more experienced entity, with the backing of a much larger, regional professional program that Virtua provides.

At Virtua, our entire management team is excited about the great potential our approach could bring to the City of Camden and its residents. I look forward to hearing from you about next steps in this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Miller', with a long horizontal flourish extending to the left.

Richard P. Miller
President & Chief Executive Officer



Quality New Jersey
Governor's Award

VHA Leadership Award
Clinical Excellence

CMS Best Practice Hospital
Excellence in Treating
Pneumonia and Heart Failure

The Northeast's First
Joint Commission Accredited
Total Joint Replacement and
Spine Programs

South Jersey's First
Joint Commission Accredited
Stroke Program

Primary Stroke Center Designation
NJ Department of Health

Performance Achievement Award
American Stroke Association

Outstanding Achievement Award
ACOS Commission on Cancer

CEO Gold Standard Accreditation
Reducing Cancer Risk
CEO Roundtable

NJ Regional Perinatal Center

Maternal Fetal Medicine &
Musculoskeletal Institute
Centers of Excellence
Philadelphia Magazine

#1 Best Place to Work
Hall of Fame Honoree
Philadelphia Business Journal

Consumer Choice Award
National Research Corporation

General Electric
Enterprise Partner

Clinical Affiliations
Fox Chase Cancer Center
Children's Hospital of Philadelphia

Richard P. Miller
President and Chief Executive Officer

October 30, 2014

The Honorable Dana Redd
Mayor, City of Camden

Francisco Moran
City Council President, Ward 3

Curtis Jenkins
Vice President and Councilman at Large

Marilyn Torres
Councilmember at Large

Dana M. Burley
Councilperson Ward 1

Luis A Lopez
Councilperson, Ward 4

Arthur Barclay
Councilmember at Large

Brian K. Coleman
Councilperson Ward 2

Via Federal Express to
Camden City Hall
520 Market Street
Camden, NJ 08102

Dear Mayor Redd and Members of the Camden City Council:

Subject: Camden Emergency Medical Services – Basic Life Support (EMS-BLS)

This letter follows up conversations that I have had with Mayor Dana Redd, the Governor's Chief of Staff, Kevin O'Dowd, and James Gonzales, President and CEO of University Hospital, regarding the future of Camden Emergency Medical Services – Basic Life Support.

As I communicated in those conversations, Virtua is intensely interested in and committed to providing these services for the City of Camden and its residents, just as we have done in providing Advanced Life Support (ALS) services to the City for more than 30 years. In fact, Virtua is the state-designated provider of ALS services for all of Camden and Burlington Counties.

There is no other provider that has the background or experience to appropriately manage a large urban EMS system. Should the City proceed to develop an RFP for EMS-BLS services or otherwise change how the services are delivered, managed or overseen today, we would hope that a provider with a proven history of high clinical quality combined with expertise of pre-hospital field operations would be of paramount importance; to settle for anything less could place the EMS providers, the patients, and other emergency responders at risk.

Virtua's current Field Operations leadership and Special Operations Team have excellent working relationships with their counterparts in the Camden City Fire Department and Camden County Police Department. Whether planning for routine daily operations, or for more significant events in the City, those relationships will be crucial in maintaining a smooth transition and optimal field operations.

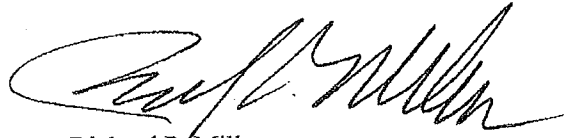
Virtua's EMS leadership team is among the most experienced and well respected in New Jersey and nationally. Our Assistant Vice President of Emergency Services, Scott Kasper, was recognized as New Jersey's EMS Administrator of the year in 2013. Scott has been managing large EMS systems for more than 20 years and has developed a management team here at Virtua that is second to none. Our Medical Director, Joseph Hummel, has been the EMS Medical Director with Virtua (and its predecessor West Jersey Health System) for more than 30 years and is truly a leader in the New Jersey EMS physician community.

The visionary leadership and EMS expertise of our team would allow for a truly innovative approach to the delivery of EMS-BLS in the City of Camden. We have developed an operating concept for Camden City that would implement innovative strategies in creating operational efficiencies and an expanded use of EMS services in a public health model to benefit the City, its residents and the surrounding communities. By managing BLS and ALS together, we can achieve improved clinical quality and outcomes, and do so with more appropriate utilization of resources. In some respects, this model is analogous to the new Metro Police model – a larger, more experienced entity, with the backing of a much larger, regional professional program that Virtua provides.

Lastly, Virtua will provide the EMS-BLS services on favorable financial terms for the City of Camden.

At Virtua, our entire management team is excited about the great potential our approach could bring to the City of Camden and its residents. I look forward to furthering our discussions about this critically important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. Miller". The signature is fluid and cursive, with a large initial "R" and "M".

Richard P. Miller
President & Chief Executive Officer

Copy to:

The Honorable Kevin O'Dowd, Esq.
Chief of Staff, Office of the Governor

The Honorable Mary O'Dowd, MPH
Commissioner, NJ Department of Health

James Gonzales, MPH, FACHE
President & CEO, University Hospital

Nancy Hamstra
Chief Operating Officer, University Hospital

INSERT

EXHIBIT “B”

TAB



Emergency
Medical Services

December 24, 2015

The Honorable Mayor Dana Redd
City of Camden
Office of the Mayor
520 Market Street
City Hall, Fourth Floor
P.O. BOX 95120
Camden, New Jersey 08101-5120

VIA EMAIL to mayor@ci.camden.nj.us and U.S. Mail

RE: BLS 9-1-1 Ambulance Services in the City of Camden

Dear Mayor Redd:

I am Scott Kasper, Assistant Vice President of Emergency Services at Virtua. I am writing you today in response to Tuesday's NJ Superior Court ruling related to the Emergency Medical Services law enacted earlier this year and how that ruling may impact EMS in the City of Camden. We understand that the City is concerned that this ruling may have an impact on the provision of Basic Life Support (BLS) services in the City, particularly that the City may be left without a BLS provider on January 2, 2016. We would like to extend an offer in an attempt to eliminate any such concerns.

As you know, Virtua has a long history of providing outstanding Emergency Medical Services in the City of Camden, and in all of the other communities in both Camden and Burlington Counties. In fact, just last month, the New Jersey Department of Health recognized Virtua EMS as New Jersey's 2015 Private EMS Provider of the Year. Our proven EMS track record over nearly 40 years in your community demonstrates that we truly care about the emergency medical needs of the City of Camden and its residents, and today we stand ready to assist.

As such, Virtua extends this offer to provide interim BLS 9-1-1 services at no cost to the City of Camden, while Camden either awaits the outcome of the State's appeal of Tuesday's ruling or enters into an RFP bidding process to identify another BLS provider. If you are interested in having us do that, our BLS services can be available on or before January 2, 2016. While our offer today is primarily for the purpose of helping the City of Camden during this transition, please also know that we would be happy to also submit a response to any RFP, or other contracting process, that may be issued by or on behalf of the City of Camden for a BLS provider.

If you would like to have further dialogue, please do not hesitate to reach out to me directly. I can be reached at (609) 352-3848, cell 609-352-3848 and skasper@virtua.org.

Sincerely,



Scott A. Kasper
Assistant Vice President
Virtua

cc: Rich Miller, President and CEO
Michael Kotzen, Executive Vice President, Population Health
Mary Hugues, Senior Vice President and General Counsel
Deborah Moran, Vice President, Community Based Services

DUANE MORRIS LLP

A DELAWARE LIMITED LIABILITY PARTNERSHIP

By: Christopher L. Soriano (No. 032142003)

Philip H. Lebowitz (*pro hac vice*)

Erin M. Duffy (No. 024742004)

Seth A. Goldberg (No. 024742004)

1940 Route 70 East, Suite 100

Cherry Hill, NJ 08003

856.874.4200 (Phone)

856.874.4388 (Fax)

csoriano@duanemorris.com

lebowitz@duanemorris.com

eduffy@duanemorris.com

sagoldberg@duanemorris.com

Attorneys for Plaintiffs-Respondents, Virtua Health, Inc. and
Capital Health System, Inc.

<u>VIRTUA HEALTH, INC. and CAPITAL</u>	:	SUPERIOR COURT OF NEW JERSEY
<u>HEALTH SYSTEM, INC.,</u>	:	APPELLATE DIVISION
	:	
Plaintiff,	:	Trial Docket No. MER-L-1720-15
	:	
v.	:	CIVIL ACTION
	:	
STATE OF NEW JERSEY and	:	CERTIFICATION OF GRAHAM
CHRISTOPHER J. CHRISTIE, in his	:	DILLAWAY IN OPPOSITION TO
official capacity as Governor of	:	MOTION FOR STAY PENDING APPEAL
the State of New Jersey,	:	
	:	
<u>Defendants.</u>	:	

Graham Dillaway, of full age, hereby certifies:

1. I am an adult individual and competent to testify.

2. I am the Vice President of Exceptional Medical

Transportation. As such, I am familiar with the matters set forth in this Certification.

3. Exceptional Medical Transportation has a long history of providing emergency medical services in New Jersey, including

BLS and medical transport, and is the largest provider of ambulance services in Southern New Jersey.

4. Exceptional Medical Transportation is authorized by the State to provide BLS and medical transport in the State, and currently transports patients to and from the hospitals, medical facilities and residences throughout Camden.

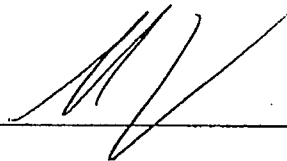
5. Exceptional Medical Transportation has been the contracted BLS provider for the City of Atlantic City since 2002.

6. On December 24, 2015, the letter attached hereto as Exhibit A was delivered to the Mayor and City Council of Camden, advising them that Exceptional Medical Transportation would be available to provide BLS services in Camden on or before January 2, 2016, at no cost to the taxpayers, if those services were needed.

7. Exceptional Medical Transportation remains ready, willing, and capable of providing BLS services in Camden at no cost to the taxpayers beginning on or before January 2, 2016 if requested by Camden to do so.

I hereby 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.

Dated: December 28, 2015

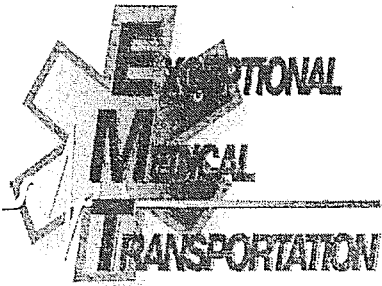


INSERT

EXHIBIT "A"

TAB

December 24, 2015



PO BOX 19 • WEST BERLIN, NJ 08091

Phone: 856-809-9300

Fax: 856-809-9306

Mayor Redd

520 Market Street

City Hall, Fourth Floor

P.O. Box 95120

Camden, N.J. 95120

Dear Mayor Redd:

After reading an article about the N.J. Superior Court ruling related to Emergency Medical Services (EMS) in the City of Camden, I thought it appropriate to write you. This decision has prompted some discussion about who will be providing 9-1-1 Basic Life Support (BLS) EMS services on behalf of the City of Camden early next year. It is our understanding that the transition period between the current provider and the future one may be an issue.

As a long-standing partner with each of the hospitals within the City, we have a vested interest in the well-being of all of Camden's residents and visitors. As such, we are prepared to offer our assistance to the City of Camden, the current provider of BLS services and any proposed future provider to insure the seamless provision of these services during the transition period. There would be no cost to the City.

By way of background, Exceptional Medical Transportation is the largest provider of ambulance services in Southern New Jersey. On a day to day basis, we already have a big presence in the City as we transport patients to and from the hospitals, medical facilities and residences throughout Camden.

Related to the situation at hand, Exceptional has been the contracted 9-1-1 BLS provider for the City of Atlantic City since 2002. Our company has been described as the best service the City has ever had by the individuals who are entrusted with overseeing our contract. It is my hope that our extensive experience in Atlantic City should give you peace of mind in our ability to support you.

If you have any questions or would like to discuss this matter further, please feel free to call me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Graham Dillaway', written over a horizontal line.

Graham Dillaway

Cc: City of Camden Council
John Grembowiec, UHNJ
Kathy Devine, Cooper Health
Scott Kasper, Virtua Health

DUANE MORRIS LLP

A DELAWARE LIMITED LIABILITY PARTNERSHIP

By: Christopher L. Soriano (No. 032142003)

Philip H. Lebowitz (*pro hac vice*)

Erin M. Duffy (No. 024742004)

Seth A. Goldberg (No. 024742004)

1940 Route 70 East, Suite 100

Cherry Hill, NJ 08003

856.874.4200 (Phone)

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csoriano@duanemorris.com

lebowitz@duanemorris.com

eduffy@duanemorris.com

sagoldberg@duanemorris.com

Attorneys for Plaintiffs-Respondents, Virtua Health, Inc. and
Capital Health System, Inc.

<u>VIRTUA HEALTH, INC. and CAPITAL</u>	:	SUPERIOR COURT OF NEW JERSEY
<u>HEALTH SYSTEM, INC.,</u>	:	APPELLATE DIVISION
	:	
Plaintiff,	:	Trial Docket No. MER-L-1720-15
	:	
v.	:	CIVIL ACTION
	:	
STATE OF NEW JERSEY and	:	CERTIFICATION OF ROBERT W.
CHRISTOPHER J. CHRISTIE, in his	:	DAVIS IN OPPOSITION TO MOTION
official capacity as Governor of	:	FOR STAY PENDING APPEAL
the State of New Jersey,	:	
	:	
Defendants.	:	

Robert W. Davis, of full age, hereby certifies:

1. I am an adult individual and competent to testify.
2. I am the President of Alert Ambulance Services, Inc.

As such, I am familiar with the matters set forth in this
Certification.

3. Alert Ambulance Services has a long history of
providing emergency medical services in New Jersey, including
BLS and medical transport.


4. Alert Ambulance Services is authorized by the State to provide BLS and medical transport in the State.

5. On December 24, 2015, the letter attached hereto as Exhibit A was delivered to the Mayor and City Council of Camden, advising them that Alert Ambulance Services would be available to provide BLS services in Camden on or before January 2, 2016, at no cost to the taxpayers, if those services were needed.

6. Alert Ambulance Services remains ready, willing, and capable of providing BLS services in Camden at no cost to the taxpayers beginning on or before January 2, 2016 if requested by Camden to do so.

I hereby 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.

Dated: December 24, 2015

A handwritten signature in black ink, appearing to be "Robert J. ...", is written over a horizontal line.

INSERT

EXHIBIT “A”

TAB



December 24, 2015

Mayor's Office
520 Market Street
City Hall, Fourth Floor
Post Office Box 95120
Camden, New Jersey 08101-5120

Dear Mayor Redd and Members of the Camden City Council:


My name is Robert Davis, and I am the President of Alert Ambulance Service, Inc. I am writing you today in response to Wednesday's NJ Superior Court ruling related to EMS in the City of Camden. We understand that the City is concerned that this ruling may have an impact on the provision of BLS services in the City, particularly that the City would be left without a BLS provider on January 2, 2016. We would like to extend an offer in an attempt to eliminate any such concerns.

By way of background, Alert Ambulance has a long history of providing outstanding EMS and medical transportation services in New Jersey. We have provided both routine inter-hospital transports as well as BLS 9-1-1 services, and are confident that we can meet the needs of the City and its residents.

As such, we would offer to provide BLS 9-1-1 services at no cost to the City of Camden, while Camden either awaits the outcome of the appeal of Wednesday's ruling or enters into a BLS contract with another provider. Should you desire us to do that, we can be available on or before January 2, 2016.

If you would like to have further dialogue, please do not hesitate to reach out to me directly. I can be reached at 732-364-8967.

Sincerely,



Robert W. Davis
President

Email: mayor@ci.camden.nj.us

Local: 732.364.2921 Fax: 732.364.0382
Toll Free: 1.800.244.6923 www.alertambulance.com
Corporate Headquarters 1195 Airport Road Lakewood, NJ 08701