

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
25 Market Street  
P.O. Box 117  
Trenton, New Jersey 08625  
Attorney for Plaintiffs

By: Anna M. Lascurain  
Deputy Attorney General

FILED: 8-3-12  
IN CHAMBERS  
VINCENT J. GRASSO, A.J.S.C.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: GENERAL  
EQUITY  
MONMOUTH COUNTY  
DOCKET NO. C-164

JEFFREY S. CHIESA,  
ATTORNEY GENERAL OF  
NEW JERSEY,

Plaintiff,  
v.

MARK ANTHONY NIEMCYZK and THOMAS J.  
SCALGIONE d/b/a as THE GROUND ZERO  
9/11 TRUCK,

Defendants.

CIVIL ACTION

ORDER GRANTING  
PRELIMINARY INJUNCTIVE  
AND OTHER RELIEF

THIS MATTER being brought before the Court by Jeffrey S. Chiesa, Attorney General of the State of New Jersey ("Attorney General") (Anna M. Lascurain, DAG appearing), with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey, seeking preliminary injunctive relief, pursuant to R. 4:52, and equitable relief, based upon the facts set forth in the Verified Complaint and Certifications filed herewith and the Court having considered the papers submitted and the argument in support herein, and for good cause shown:

IT IS on the 4 day of August, 2012 ORDERED that defendants Mark Anthony Niemczyk ("Niemczyk") and Thomas J. Scalgione ("Scalgione") are preliminarily enjoined and restrained from:

1. Engaging in, continuing to engage in, or doing any acts or practices in violation of the N.J.S.A.45:17A-18, Charities Registration and Investigation Act, N.J.A.C.13:48-1 et seq. and the practices alleged in the Verified Complaint.
2. Engaging in individually, or by or through any corporation, business entity, stockholder, employee, officer, director, principal, trustee, and/or any other person, who is directly or indirectly under their control or direction from directly or indirectly acting as a charitable organization or holding themselves out as a charitable organization, independent paid fund raiser or solicitor or holding themselves out as having a charitable purpose from or within the State of New Jersey pending further order of this Court.
3. Engaging in individually, or by or through any corporation, business entity, stockholder, employee, officer, director, principal, trustee, and/or any other person who is directly or indirectly under their control or direction from directly or indirectly, publicly or privately soliciting charitable contributions on behalf of 9/11 First Responders, 9/11 families, and law enforcement, military, and veteran members and groups including, but not limited to, any organization that is acting as, or holding itself out as, a charitable

organization or having a charitable purpose from or within the State of New Jersey pending further order of this Court.

4. Removing, destroying, altering, concealing, transferring, disposing or removing in any manner, directly or indirectly, any books, records, documents, information stored in electronic format, including on computers or electronic devices, maintained in any form, relating in any way to their business affairs pending further order of this Court.
5. Posting on the Internet and on any and all websites, blogs, Facebook groups, and on any other electronic media any advertisement or solicitation relating to The 9/11 Truck pending further order of this Court.
6. Dissipating any assets in which either or both of them hold a legal or equitable interest, including all real and person property. Assets include, but are not limited to, accounts in any and all financial institutions, brokerage, trading, and retirement accounts, real property, and personal property.

**AND IT IS FURTHER ORDERED THAT**

- 7a. Defendants, Niemczyk and Scalgione, assets shall be frozen except for reasonable living expenses, disability payments and Social Security payments.
- b. Defendants, Niemczyk and Scalgione shall remove and/or cause to be removed from the Internet any and all websites, blogs, Facebook groups, and any other electronic form of advertisement and/or solicitation referring and/or relating



to the 9/11 Truck and including, but not limited to, the 9/11 First Responders, 9/11 families, and law enforcement, military, veteran members and groups pending further order of this Court.

8. Any person with actual or constructive notice of this Order who aids, abets, counsels, commands or instructs any person or entity to perform any act prohibited by this Order shall be subject to punishment.
9. Defendants shall provide expedited discovery on all books and records relating to the solicitation activities undertaken by use of The 9/11 Truck, as well as their personal financial records. Plaintiff and Defendants (collectively, the "Parties"), shall propound Document Requests and Interrogatories ("Discovery Requests") within twenty (20) days of this Order. Responses shall be made and served by Aug. 14, 2012. Depositions may be taken at any time prior to Sept 1, 2012.
10. The Attorney General or his designee shall seize and then impound The 9/11 Truck (VIN 911-GZT), located at Sansone Ford, 900 Rt. 35, Ocean, NJ 07712 or at any other location to which it has been moved and any tee shirt inventory held by Niemczyk at [REDACTED] Tinton Falls, NJ or at any other location to which they have been elsewhere; and shall seize and then impound from Scalgione's premises located at [REDACTED] Manahawkin, NJ, all documents, files, records, computers, keyboard, monitors, printers, and any other

tangible item relating to the business affairs of defendants Niemczyk and Scalgione. The Attorney General shall be empowered to retain all property seized and impounded for inspection until the completion of this litigation or further order of this Court.

11. A copy of this Order shall be served by Plaintiff upon Defendants within seven (7) days of the date hereof.

  
The Honorable Vincent J. Grasso,  
A.J.S.C.