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N.J. Republicans sue Murphy to force him to reopen small businesses

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New Jersey Republicans are suing Gov. Phil Murphy to reopen small businesses amid the coronavirus pandemic.

The Democratic governor was out of bounds when he “arbitrarily” decided some businesses were not essential, according to the lawsuit filed Thursday in state Superior Court in Cape May, and Murphy’s decision to shutter part of the state has caused “irreparable harm to innumerable small businesses.”

Continued closure was “not backed by science at this point,” state Sen. Mike Testa, R-Cumberland, said Thursday during an online press conference, especially since big stores like Walmart had been allowed to remain open.

A barber shop in Sussex County was among the businesses in the suit asking to reopen.

“You can sterilize a barber chair a lot easier ... than you could a bunch of random items that someone’s touching in a store and putting back on the shelf,” said Republican State Party Chairman Doug Steinhardt.

The state’s more than 861,000 small businesses have been hit particularly hard by efforts to combat the outbreak, and some face permanent closure, despite billions of available dollars in loans.

Some businesses have recently been allowed to partially reopen, and Murphy has said he hopes to allow more in the coming weeks.

The governor appeared surprised to learn about the suit when questioned during his daily briefing in Trenton.

“We make the decision about what’s essential and what’s not essential ... based on data, science, facts, health,” Murphy said, and argued that deeming only some businesses as “essential” was not unique to the Garden State.

Earlier on CNBC, he said opening up too early would be like “throwing gasoline on the fire” which would put the state in “a much deeper hole, ultimately, economically.”

The state Democratic Party also hit back at the lawsuit, saying Republicans “partnered” with former Gov. Chris Christie for years “to put our state in a deep hole.”

“Now, throughout this crisis, they have engaged in hyper partisan attacks on Governor Murphy,” said Phil Swibinski, a spokesman for the New Jersey Democratic State

Committee. “The Trenton Republicans ignore science, ignore health professionals and ignore data — they even make light of the need to keep New Jerseyans safe.”

Pushback against the governor’s stay-at-home order garnered national attention this week when a gym owner in Bellmawr announced he would open anyway. After tickets from police, health officials shut the gym down indefinitely Thursday.

Republican leaders said their lawsuit was not a signal for businesses to follow the gym owner’s lead.

“The complaint that’s being filed is not to encourage lawlessness by any stretch of the imagination,” said Steinhardt, who is considering running for the Republican nomination to challenge Murphy in the 2021 governor’s race.

The suit also targets the state attorney general and the head of the State Police. Representatives for both declined comment on pending litigation.

The New Jersey GOP has criticized Murphy’s handling of the economy long before the virus, and Steinhardt and Testa were two of the Republicans who formed a new political committee in January to support tax cuts and reduced spending.

NJ Advance Media staff writers Brent Johnson and Sophie Nieto-Munoz contributed to this report.