

David Kott Presents Oral Argument in the Third Circuit on the Framework to be Applied in Constitutional Challenges to COVID-19 Business Closures

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David Kott argued in the Third Circuit on behalf of the New Jersey Business and Industry Association in *Butler v. Governor of Pennsylvania*, which involved constitutional challenges to the COVID-19 Executive Orders issued by Pennsylvania Governor Tom Wolf. Mr. Kott urged the Third Circuit to apply the familiar “scrutiny-based” analytical frameworks to the constitutional claims at issue, rather than a standard that purports to give unfettered discretion to the executive branch when it comes to the business-closure order at issue.

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