

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

JANE DOE, individually and on behalf of her
minor child, SARAH DOE,

Plaintiffs,

v.

OCEANSIDE UNION FREE SCHOOL
DISTRICT, et al.

Defendants.

Civil Action No.: 2:25-cv-02304-GRB-ST

**DECLARATION OF JANE DOE IN SUPPORT OF
RENEWED MOTION FOR A PRELIMINARY INJUNCTION**

I, **JANE DOE**, declare under penalty of perjury pursuant to 28 U.S.C. § 1746
that the following is true and correct:

1. I am Sarah Doe's mother, a registered nurse and a Plaintiff in this action, proceeding under a pseudonym.
2. The facts below are based on my personal knowledge, except where I identify information on information and belief.
3. I submit this declaration in support of my emergency application to prevent the Oceanside Union Free School District from excluding my daughter from school.

September 14, 2026 Email Correction

4. As an initial matter, I want to clarify something from my September 21, 2026 declaration and my testimony at the September 22 hearing concerning the emails I sent on September 14 when I was trying to submit Dr. Miller's medical exemption. I understand that the Court concluded from my testimony that my prior statement about

sending the laboratory results was false, and I want to explain what I discovered after the hearing.

5. My declaration was false. I did send that first email with the language quoted in the declaration I signed. But I did not realize that there was a typo in the recipient email address.
6. After the hearing, I went back through my email records carefully on a computer. I discovered that I had sent two different emails that evening, and that one of them contained a typo in Principal Mitchell's email address. I did not realize that when I signed my prior declaration or when I testified.
7. The first email is the email I remembered when I signed my September 21 declaration. In that email, I said that Sarah had seen the infectious disease specialist and I attached three items: Dr. Miller's medical exemption, a signed HIPAA authorization, and Sarah's recent laboratory results. I wrote: "I attached her recent lab work also. Please let me know if you didn't get 3 attachments." A true and accurate copy of that email is attached as Exhibit 1. This was forward to my attorney at 7:42pm on September 14, 2026 and was the basis of my written declaration. When I checked my phone before signing, this is the same email that came up as sent, which it was.
8. I had no idea that the Defendants disputed my account of the email or its attachments. My attorney informed me that she had offered to exchange exhibits before the hearing, but Defendants had declined. I did not know beforehand that I would be questioned about a different email from the one I had reviewed when signing my declaration.
9. What I did not notice at the time was the email address to which that message had actually been sent. When I reviewed the email on my phone, the screen I was looking

at did not display the full recipient address (on my phone it is like Exhibit 1 in that it does not show a recipient line). I therefore did not see that I had mistyped Principal Mitchell's address.

10. After the hearing, I reviewed the email again on a computer, where I could see the complete addressing information. I then discovered that the first email had been addressed to bmittchell@oceansidesxhools.org, with an "x" instead of a "c" in the word "schools." I had intended to send it to Principal Mitchell, but I now understand that, because of that typo, the email containing the laboratory results did not reach his correct email address. A true and accurate copy showing the full recipient address is attached as Exhibit 2.

11. I also saw that I sent a second email that same evening to Principal Mitchell's correct email address. That second email attached Dr. Miller's medical exemption and the signed HIPAA authorization, but it did not attach the laboratory results. Instead, I wrote that I could send Sarah's recent lab work if it was needed. That is the email that Defendants presented as an Exhibit during my cross examination, which stated:

Hello Dr. Mitchell,

[SARAH] went to an infectious disease doctor. He is the 9th doctor saying [SARAH] can not get the vaccine. Please review this medical exemption or send it to the appropriate person. Can you please provide me in writing a reason if you deny this one.

I can send you her recent lab work if it is needed.

You have this wrong. [SARAH] is sick and it will hurt her to get another vaccine. Please, this is destroying my family and my child. You can't keep her out of school.

Please please do what is safe for [SARAH].

12. We are having trouble redacting this email right now and we are seeking emergency

relief so I am not attaching it. But Defendants showed me this email during my cross-examination and this is what it said. If the court wants to see the email again I am happy to submit it as a supplemental filing.

13. During cross examination, I was confused because I knew that I had written an email saying that I had attached the lab work, and I had actually located that email on my phone before signing my declaration and there were three attachments. I did not understand during the hearing that there were two separate emails and that the one containing the laboratory results had been sent to a mistyped address. The transcript reflects that I repeatedly said that I remembered sending the lab work and was trying to understand what had happened to the third attachment.
14. When I signed my September 21 declaration, I believed in good faith that the email I had located on my phone was the email that had been successfully sent to Principal Mitchell. I did not know that the address contained a typo, and I did not knowingly make a false statement to the Court.
15. I am providing this clarification now because it appeared that it was material to the court and I want to make sure the record is clear. The New York Post has also now painted me as a liar, which is very upsetting, because honesty is important to me and I try to always be truthful and have a reputation for being an honest person.
16. My declaration was prepared on an expedited timeline the evening before the hearing, while I was also preparing to testify and managing work and Sarah's needs. Nevertheless, I took the time to check the email on my phone before signing to make sure that the quoted material was accurate. I remembered attaching the laboratory results, found the email showing that I had done so, and believed in good faith that it

was the email the school had received.

17. I signed my declaration in good faith and did not attempt and had no reason to attempt to mislead anyone. Either email shows that I tried to give lab results to the school. The one that actually went through is in some ways more indicative of the District's bad faith in denying my exemptions based on allegedly missing medical support. Their own exhibit shows they were offered the labs and they did not ask for them.
18. Moreover, the District's opposition and Dr. Haskoor's declaration assert that they did not receive any follow up from an infectious disease specialist after Dr. Rivera asked them for an accommodation pending my appointment with one. But my emails show that Principal Mitchell confirmed on the morning of September 16, 2026, prior to the District's motion opposition submission, that the District had forwarded the exemption request from Dr. Miller (the infectious disease specialist) and my HIPAA release. So the District's claim of "radio silence" regarding my follow up appointment is not true.

II. Relevant Events Since Hearing

A. Sarah Learns of the Court's Decision Denying the Motion for Preliminary Injunction While Dr. Miller Medical Exemption is Pending

19. On September 23, 2026, I learned that the Court had denied our motion and so Sarah would be excluded as on September 24, 2026.
20. I emailed Principal Mitchell asking if Sarah could continue to go to school since the medical exemption request from Sarah's infectious disease doctor, Dr. Miller, was still pending. I also submitted a letter from Dr. Miller and asked him to forward it be added for consideration with Dr. Miller's medical exemption request. Additionally, I asked him to contact me if he needed "any additional information that [he] would need regarding the last medical exemption".

21. Principal Mitchell responded that Sarah would be excluded the next day on September 24, regardless of Dr. Miller's request, which was still pending.
22. I told Sarah that she would be excluded from school starting the next day, September 24, 2026. I will never forget her face. I felt so hopeless and like a failure, my heart just broke.
23. Sarah didn't eat for the next 24 hours, instead she lay in bed crying. They took it all away from her again. She wouldn't even answer me, when she did, it was just added disappointment. As a nurse and her mother, I was concerned about her not eating, given her medical history. It was crippling watching her. And then watching her siblings and my parents trying to bribe her with things just to get her out of bed broke my heart even further.
24. Since this Court's denial of the preliminary injunction motion I have been working around the clock to try to get Sarah back in school. This has had a great impact on me personally and professionally. I am struggling to function normally because of the constant stress and emotional toll of watching my daughter excluded from school during her senior year. I have been missing work and my supervisor suggested that I take a leave of absence. I am afraid I am going to get fired. I feel overwhelmed and unable to function the way I normally would. The uncertainty surrounding my daughter's education and future has consumed my daily life and affected my ability to work, sleep, concentrate, and carry on with normal responsibilities.
25. As her mother, it is heartbreaking and excruciating to watch what is happening to my daughter. I feel like I am watching her be punished over and over again for being sick. Every time she begins to believe she can return to a normal senior year, something else

happens that separates her from her school, her friends, and the experiences she has waited years to have. I am desperately trying to protect her and find a solution, yet I feel powerless as I watch this process wear her down emotionally. I have taken her to doctor after doctor, pursued every avenue I know of, and done everything I can to help her, but I still have to watch her cry, withdraw, miss school, and lose pieces of her senior year that she will never be able to get back.

26. When Sarah finally did speak, after learning of the Court's decision and her exclusion, she cried and said she was going to go get vaccinated so she could stay in school. She didn't want to miss her senior year, she missed 10th grade and didn't want to miss her last year, the best year. She has said this before (DE 97 ¶ 15), and this time she seemed to mean it in a way that terrified me. She looked right at me and said, "you can't stop me; I have to be in school."

27. Sarah started school this year so happy, she didn't know I was a wreck all summer waiting for what would happen. She thought she won the injunction and she was safe. She started like any normal Senior. She decorated her car, she made Senior shirts with her friends and they woke up at 5am to go to Senior sunrise. (The first time she was voluntarily early for school!) She felt like everyone else.

B. Sarah Wants to Get Vaccinated to Return to School and Pediatrician's Office Refuses to Vaccinate Sarah

28. Sarah repeated that she might just go get vaccinated against medical advice. I did not want Sarah to be vaccinated when her doctors keep warning it could seriously harm her. On top of that, allowing her to be vaccinated directly contradicts my religious convictions, and would go against the guidance I received from God. But I was afraid that if I refused, she would find a way to do it on her own. If it was going to happen, I

wanted it at least to be under a doctor's supervision and not in some walk-in clinic as Sarah tried to arrange last time.

29. On Thursday, September 24, 2026, I called to request an appointment for vaccination so at least we had that option. The pediatrician's office refused to vaccinate Sarah given her medical history. They informed me that I needed to get cleared by an infectious disease specialist and that Sarah would need to be vaccinated in the specialist's office. They offered one that they work with for referral.
30. Sarah already has a pediatric infectious disease specialist, Dr. Miller. He already advised Sarah to defer vaccinations.

C. Dr. Garbitelli Arranges Urgent In-Person Appointment to Evaluate Sarah

31. I contacted Sarah's treating internal medicine specialist, Dr. Vincent Garbitelli.
32. Dr. Garbitelli has been one of Sarah's specialists since early 2025. He advised against vaccination when Sarah was in tenth and eleventh grade and wrote medical exemptions for her in both school years.
33. When Dr. Garbitelli learned that Sarah's medical exemption had been denied this year and that the Court had denied the request for an injunction allowing her to remain in school, he expressed concern about her medical condition and whether it was safe for her to be vaccinated. Her condition is worse this year than it was when he wrote the prior exemptions.
34. I'd already spoken to Dr. Garbitelli twice during the summer of 2026. During those calls, we updated him about Sarah's health, her recent laboratory results, and the care she was receiving from her other doctors. I told him about her visits with the hematologist and gynecologist, who were working together to address her bleeding

disorder and keep her hemoglobin stable. We also discussed the iron infusions Sarah had received and her upcoming appointment with the infectious disease specialist. Dr. Garbitelli also had access to Sarah's medical portal and had previously reviewed records concerning her hospitalization for sepsis.

35. I did not go to Dr. Garbitelli for Sarah's exemption this summer because he was traveling and seemed busy and I felt I already owed him so much with his concern for my daughter's health, willingness to jump on the phone when she was sick and help me figure out what was happening and what to do. Dr. Rivera was available and said he could write one for me and so I just submitted his exemption form since my infectious disease specialist appointment with Dr. Miller would not occur until after school started. I remain grateful to Dr. Rivera too for taking the time to review Sarah's medical exemptions, do a telehealth visit, take an extensive case history and assist me with a recommendation and to then follow up with an in person visit and review of labs, and then come and testify and suffer reputational damage.

36. So many doctors have told me that they believe Sarah needs accommodation but they are afraid they will get in trouble if they write medical exemptions. Dr. Rivera's experience has only made that worse. I was scared Dr. Garbitelli would not want to talk to me anymore.

37. After learning what had happened with Sarah's exemption this year, Dr. Garbitelli still took my call. He told me that he was concerned about whether Sarah could handle vaccination in her state of health. Despite knowing what happened to Dr. Rivera, he said he wanted to examine Sarah in person immediately and review her most recent medical information before deciding whether vaccination was safe for her in her current

condition. He arranged an appointment for September 30, 2026, which he told me was his earliest available appointment. Before that appointment, he ordered Hepatitis B serology and other laboratory testing.

D. Hepatitis B Serology Testing and Missing Homecoming

38. On September 24, 2206, I learned that the blood draw for hepatitis B serology could allow Sarah to return to school while results were pending. I emailed Principal Mitchell the law, informed him that Sarah was getting serology testing from Dr. Garbitelli, and that she was trying to get vaccinated from her pediatrician. I explicitly asked: “Please can [Sarah] go to school tomorrow?”
39. Additionally, my attorney emailed the school to confirm that Sarah would be allowed to attend if she submitted to the test. Through my attorney, I alerted the school that it was homecoming weekend and it was really important to Sarah to be able to participate.
40. My attorney repeatedly asked Oceanside’s attorneys for a legal basis for continued exclusion if she was in the process of serological testing which they could not provide. Finally, on September 25th, the District agreed that Sarah would be in process once she did the blood draw and Dr. Haskoor confirmed it.
41. As soon as the District admitted that Sarah would be in process once she got her blood drawn, I left work and immediately took her to get her serology test and sent it via email to the school with the laboratory confirmation and paperwork showing it had been done. My attorney also sent the confirmation to counsel.
42. Still, the District did not allow her back to school that day. They said to my lawyer that Dr. Haskoor had to “confirm” that Sarah had actually had a blood draw. The lab already confirmed that. I do not understand what Dr. Haskoor needed to do to further “confirm”

their certification.

43. Homecoming was that Friday, September 25, and it meant a lot to Sarah. It was her senior Homecoming, a very big deal for her. She had missed so much of high school already, and this was something she very badly wanted to be part of with her class. She is also an athlete so it has extra significance.

E. Sarah Returns to School

44. On Sunday, September 27, the District's attorney finally told my attorney that Sarah would receive notification the next day that she could return to school based on her "in process" status. The notification arrived on September 28, 2026. A true and accurate copy is attached as Exhibit 5.
45. We were away when we found out Sarah could return to school for three days. Sarah was so excited she took a train alone for 3 ½ hours to go home to be able to attend only the two days she had left after the letter came. She said when she walked in, a staff member greeted her with a smile and said, "I'm glad your back". To her, these were such comforting words for a place that has done so much to keep her out.
46. Then her friend saw her and screamed and kids she knew were all so happy for her. She felt like a normal kid again, and she told me she felt in that moment like she was no longer a freak they were trying to keep away.

VI. Denial of Dr. Miller's Exemption and Requests for Information

47. The September 28, 2026 letter allowing Sarah back in to school for three days also denied Dr. Miller's medical exemption certification. It states that the District physician attempted to contact Dr. Miller on three occasions to discuss the medical basis for the request but did not receive a return call. Exhibit 5.

48. From my September 14 submission until that denial, no one from the District and no one acting for Dr. Haskoor contacted me to say that any information was missing, to ask for records or lab results, or to ask any question about Dr. Miller's exemption. I provided a HIPAA authorization with the submission. In my September 14 email I asked for a written reason if the exemption was denied. As the District's exhibit acknowledged, I also offered labs.
49. I understand my attorney also asked the District several times, in writing, to identify any missing information, send any requests to me, and give me time to respond. I was ready to get any records or clarification the District wanted from Sarah's doctors. No one ever told me what was needed.
50. On September 24, through my attorney, I requested a Section 504 meeting concerning Sarah's medical needs and attendance during any pending Dr. Haskoor review and for a reasonable time afterwards. As of today, as far as I know, the District has still not scheduled a meeting despite multiple requests.
51. On September 29, 2026, I also emailed Principal Mitchell requesting a 504 meeting for Sarah, stating that I knew my attorneys already requested one, but I wanted to follow up and request one directly. I explained that I was very concerned about Sarah's mental well being, and that being excluded in addition to her medical issues was having a profound emotional toll on her. A true and accurate copy of the email is attached as Exhibit 4. I also asked specifically what information the District was trying to obtain from Dr. Miller, so that I could try to get it. I asked if they could provide me with the information that is needed before denying her request. I also attached to the e-mail Sarah's laboratory results, which show her mycoplasma pneumoniae infection (among other things).

52. Although I supplied an authorization to the school, Dr. Miller told me today, on October 1, 2026, that the school never submitted any HIPAA authorization to him.

53. The only reason identified for denial was that Dr. Miller did not return Dr. Haskoor's phone calls.

54. My understanding is that a provider cannot speak to the school about Sarah's medical information without a HIPAA request. How could he have called back without one?

VII. Dr. Garbitelli's Exemption and Threatened Exclusion

55. On September 30, Dr. Garbitelli examined Sarah in person. He reviewed her medical records, including her recent laboratory reports. Following his examination, he advised that it would not be safe to vaccinate Sarah. He then signed medical-exemption forms and a supporting letter concerning MenACWY and hepatitis B vaccination. Copies are attached as Exhibit 7.

56. Sarah's medical evaluation remains ongoing. As I testified, she has appointments and is trying to see multiple specialists and undergo additional diagnostic testing and workup to try to figure out what is going on and how to help her. My daughter is going through so much and we are just trying to keep her safe.

57. The District's September 28 letter stated that Sarah would again be excluded beginning October 1 unless it received the specified vaccination documentation or "a valid medical exemption." Exhibit 5.

58. On September 30 at 4:01 p.m. Eastern Time, I emailed Dr. Garbitelli's signed forms and supporting letter directly to Principal Mitchell and asked for a prompt response concerning attendance the next morning. A copy of the email and its actual attachments is attached as Exhibit 8.

59. On October 1, 2026, I emailed a HIPAA authorization for the school to be able to speak with Dr. Garbitelli regarding his medical exemption request. I again begged: “Can you please allow Alexis to remain in school while you decide? This has already caused such great harm to her.”

60. As of this writing, I have not received a decision on Dr. Garbitelli’s certification, any question or request for further information (other than a HIPAA request which I promptly provided), permission for Sarah to attend during review, or a timetable for a decision. I am ready to provide information or help obtain clarification from her physicians if told what is needed.

VIII. What Continued Exclusion Would Mean for Sarah

61. Sarah missed school on September 24 and 25 while excluded. She also missed September 28 because we were out of town attempting to meet with doctors and lawmakers who wanted to help Sarah get into school when the District finally said she could return for three days.

62. Each renewed threat of exclusion has been traumatic for Sarah. The repeated uncertainty about whether she may attend has been very difficult for our family while her medical evaluation continues.

63. I am afraid of what another exclusion will do to her, both to her health and to her state of mind and sense of self-worth. My daughter is beautiful and can seem so confident but she is still a kid. She internalizes the message that the school gives her that she is a freak, a danger, and unwelcome there. I truly believe that Oceanside is abusing my daughter and that this is child abuse.

64. So many physicians have advised deferring vaccination. Dr. Garbitelli examined her on

September 30 and issued a new certification recommending deferral. I am just asking that Sarah remain in school while the District reviews that certification and for a reasonable period after any denial to give us a chance to challenge it before Sarah is removed again. If the District needs more information, I want written notice so I can provide records or help obtain a response from her doctors. I do not want her to lose more of her senior year while we wait without knowing what else the District needs.

65. If denied, I respectfully ask the Court to permit Sarah to remain in school pursuant to her physician's current certification until June 2027. Technically, Sarah is supposed to be able to attend without vaccines once she turns eighteen, and I am aware of many other unvaccinated or incompletely vaccinated children attending under that provision, but since Oceanside is threatening to exclude her anyway, I do not feel safe with a temporary order through her birthday in January. I do not know how much more her body—or her spirit—can withstand. This is so cruel and inhuman.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding.

Executed on: October 1, 2026

/s/Jane Doe
JANE DOE