

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY**

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F.F. on behalf of her minor children, Y.F., E.F. Y.F.; INDEX NO.

M. & T. M. on behalf of their minor children, C.M. and B.M.; E.W., on behalf of his minor son, D.W.; Rabbi M., on behalf of his minor children I.F.M, M.M & C.M.; M.H. on behalf of W.G.; C.O., on behalf of her minor children, C.O., M.O, Z.O. and Y.O; Y. & M. on behalf of their minor children M.G., P.G., M.G., S.G., F.G. and C.G.; J.M. on behalf of his minor children C.D.M. & M.Y.M.; J.E., on behalf of his minor children, P.E., M.E., S.E., D.E., F.E. and E.E.; C.B. & D.B., on behalf of their minor children, M.M.B. and R.A.B.; T.F., on behalf of her minor children, E.F., H.F. and D.F.; L.C., on behalf of her minor child, M.C.; R.K., on behalf of her minor child, M.K.; R.S. & D.S., on behalf of their minor children, E.S. and S.S.; J.M. on behalf of her minor children, S.M. & A.M.; F.H., on behalf of her minor children, A.H., H.H. and A.H.; M.E. on behalf of his minor children, M.E. & P.E.; D.B., on behalf of her minor children, W.B., L.B. & L.B.; R.B., on behalf of her minor child, J.B.; L.R., on behalf of her minor child, E.R.; G.F., on behalf of his minor children, C.F. & A.F.; D.A., on behalf of her minor children, A.A. & A.A.; T.R., on behalf of her minor children, S.R. and F.M.; B.N., on behalf of her minor children, A.N., J.N. & M.N.; M.K. on behalf of her minor child, A.K.; L.B., on behalf of her minor children, B.B., A.B. & S.B.; A.V.M., on behalf of her minor children, B.M. and G.M.; N.L., on behalf of her minor children, H.L. & G.L.; L.G., on behalf of her minor children, M.C. and C.C.; L.L., on behalf of her minor child,, B.L.; C.A., on behalf of her minor children, A.A., Y.M.A., Y.A. and M.A.; K.W., on behalf of her minor child, K.W.; B.K., on behalf of her minor children, N.K., S.K., R.K. and L.K.; W.E. and C.E., on behalf of their minor child, A.E.; R.J. & A.J., on behalf of their minor child, A.J.; S.Y. & Y.B., on behalf of their minor children, I.B. and J.B.; T.H., on behalf of her minor child, J.H.; K.T., on behalf of her minor children, A.J.T. & A.J.T.; L.M., on behalf of her minor child, M.M., D.Y.B., on behalf of her minor child, S.B.; A.M., on behalf of her minor child, G.M.; F.M., on behalf of his three minor children, A.M.M., D.M.M. and K.M.M.; H.M., on behalf of her minor child, R.M.; M.T. & R.T.,

SUSSMAN AFFIRMATION

on behalf of their minor child, R.T.; E.H., on behalf of her minor children M.M.S.N. and L.Y.N., Rabbi M.B. on behalf of his minor child, S.B. and S.L. & J.F. on behalf of their minor child C.L., A-M.P., on behalf of her minor child, M.P.; R.L, on behalf of her minor children G.L, A.L and M.L.; N.B., on behalf of her minor child M.A.L.; B.C., on behalf of her minor child, E.H. and J.S. & W.,C. on behalf of their minor children M.C. and N.C., S.L., on behalf of his three minor children, A.L., A.L. and A.L., L.M., on behalf of her two minor children, M.M. and M.M., N.H., on behalf of his three minor children, J.H., S.H. and A.H., on their own behalves and on behalf of thousands of similarly-situated parents and children in the State of New York,

Plaintiffs,

vs.

STATE OF NEW YORK; ANDREW CUOMO, GOVERNOR
LETITIA JAMES, ATTORNEY GENERAL,

Defendants.

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MICHAEL H. SUSSMAN, an attorney duly authorized to practice law in the State of New York, hereby states and deposes:

1. I am one of the attorneys for plaintiffs in this matter and make this Affirmation in support of their application for a temporary restraining order.
2. Currently, more than 26,000 New York State families are without school for their children. For a substantial number of petitioners and those they represent, school is a 12 month/year endeavor and integrally related, day-to-day, with the exercise of their religious beliefs and that of their children. Today, they cannot attend school even though they are healthy and have not been excluded from school because anyone in their school has the measles.

These petitioners need immediate relief or their religious exercise will continue to be sacrificed for no compelling reason.

3. Thousands of other New Yorkers, represented by other petitioners, cannot send their children to day camps or summer camps because there is no longer a religious exemption in New York and camps require that all children be vaccinated. This practice derives from the repeal of the religious exemption and can be reversed only by entry of a TRO which restores the religious exemption and allows camps to accept these children.

4. I attach hereto certain documents which are referred to in the brief I am submitting with these papers:

1. A publication by the New York State Department of Health, Frequently Asked Questions, which clarifies the effective date of the repeal.

2. New York State Education Department publication which explicates Educational Neglect

3. Affidavit dated 4/5/19 of Patricia Schnabel Ruppert, M.D., Commission of Health, County of Rockland which establishes that she knew of the identify of those with measles in October 2018 and did not impose any isolation or quarantine policy

4. Letter dated 10/19/18 from Rockland County Department of Health to School Administrators

5. Letter dated 10/22/18 from New York State Department of Health to School Administrators

6. Letter dated 12/3/18 from Dr. Schnabel Ruppert to Green Meadow Waldorf School

7. State Assembly bill 2371-A which repealed the religious exemption, introduced 1/22/19.

8. State Senate bill 2994 which repealed the religious exemption introduced 1/31/19.

9. State of Emergency promulgated by Ed Day, Rockland County Executive on March 28, 2019

10. Decision and Order restraining Day Emergency Order, April 5, 2019 by Supreme Court of the State of New York, Rockland County

5. I have emailed the proposed Order to Show Cause, the Verified Complaint, the Epstein Affirmation, the Sussman Affirmation with Exhibits, the Holland Affidavit and the Brief in Support of the request for a TRO to the Attorney General of the State of New York at 4:40 pm on July 9, 2019 and respectfully request oral argument on Plaintiffs' request for a temporary restraining order.

6. Plaintiffs have not made prior application for this relief from the repeal of the religious exemption in this or, to my knowledge, any other court.

7. I have used initials in the caption to preserve the privacy of the children involved in this case. Obviously, including the names of their parents will

identify each child. CPLR 2101(f) allows pleadings to be filed without “names” and views this as a non-fatal defect. I request the court’s leave in this regard.

Dated: July 10, 2019

Michael H. Sussman, Esq.