

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHILDREN'S HEALTH DEFENSE; JANE DOE,¹ on behalf of her minor child SARAH DOE; GINA GOE on behalf of herself and her minor child RAPHAEL GOE; REBECCA ROE, on behalf of herself and her minor child BETSY ROE; BONNIE BOE, on behalf of herself and her minor child AMY BOE; PASTOR STEPHON SOE, on behalf of himself and his minor child HALIE SOE; PAMELA POE on behalf of her minor children GRACE POE and ADAM POE and JOHN JOE, on behalf of himself and his minor children JAMES JOE and ARIANA JOE,

Plaintiffs,

v.

DR. JAMES V. MCDONALD, in his official capacity as Commissioner of Health of the State of New York,

Defendant.

VERIFIED COMPLAINT

Case No.: 25-cv-6877

VERIFIED COMPLAINT AND JURY DEMAND

Plaintiffs, by and through their attorneys, GIBSON LAW FIRM, PLLC, allege as follows:

PRELIMINARY STATEMENT

1. At the heart of this case is a simple question: Is it constitutional for New York State to strip parents of their fundamental right to direct the religious upbringing of their children as a condition of school attendance?

¹ Plaintiffs proceed under pseudonyms in this public filing to protect the privacy and safety of their minor children, whose sensitive medical and personal information is central to this action. Plaintiffs will file a motion for leave to proceed anonymously and for a protective order contemporaneously with or shortly following this filing.

2. This year, in *Mahmoud v. Taylor*, 606 U.S. 522 (2025), the Supreme Court held that the answer is no, unless a state proves that denying these rights is the *least restrictive means* to achieve a compelling interest. In this watershed decision, the Court held that when a school policy "substantially interferes" with parents' religious practices, courts must apply strict scrutiny even if the policy is neutral and generally applicable. *Id.* at 36–37.
3. Plaintiffs in this case challenge New York's refusal to let them opt out of childhood vaccine mandates that conflict with their faith. They assert that the State's absolute ban on religious accommodation "substantially interferes" with their ability to raise their children in accordance with their sincere religious beliefs, triggering the strict scrutiny protection as set required by *Mahmoud*.
4. Historically, New York has evaded strict scrutiny of such challenges by arguing that parental rights are not infringed by school vaccine mandates so long as parents remain free to homeschool as an alternative to vaccinating their child. In *Mahmoud*, the Supreme Court rejected this same defense as "**insulting and legally unsound**," holding that the right to direct a child's upbringing "would be an empty promise if it did not follow those children into the public-school classroom." *Id.* at 19, 34. By ruling that the State cannot "condition" the "availability" of public education on the forfeiture of constitutional rights, the Court confirmed that strict scrutiny applies to these burdens regardless of the option to homeschool. *Id.* at 32–33.
5. Earlier this week, the Supreme Court strongly signaled that the strict scrutiny standard mandated by *Mahmoud* extends to New York's school vaccine policies. On December 8, 2025, the Court granted certiorari, **vacated the judgment**, and remanded the Second Circuit's decision in *Miller v. McDonald*—a ruling that had relied on rational basis review

to uphold the denial of religious exemptions – directing the Court to apply *Mahmoud* instead. This effectively ends the viability of the State's rational basis defense.

6. Under the strict scrutiny mandated by *Mahmoud*, the State's absolute refusal to allow religious accommodation must be shown to be the least restrictive means of achieving a compelling interest. It is demonstrably not. For over fifty years, New York respected religious freedom by offering religious exemptions. Today, forty-six other states, including neighboring states, continue to offer religious or personal belief exemptions without any material difference in disease spread. If most of the country can respect religious liberty without "imperiling public health," New York can too. *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 67 (2020) (holding that New York's restrictions on worship were unconstitutional because the State "has not shown that public health would be imperiled if less restrictive measures were employed").
7. The human cost of the 2019 repeal is catastrophic. Over twenty-six thousand children with religious exemptions were suddenly barred from attending school in the state unless they got vaccinated in violation of their parents' sincerely held religious beliefs.
8. Six years later, thousands of children continue to be excluded from access to any public or private school in the state. Many, including Plaintiff John Joe, have been forced into "religious refugee" status, uprooting their lives to move to states that still respect religious freedom. Others, like Plaintiff Pamela Poe, endure punishing daily commutes across state lines solely so their children can attend school without violating their faith—spending hours in the car and thousands of dollars in tolls annually because New Jersey respects her religious beliefs while New York does not.

9. Those unable to flee are being systematically broken. Plaintiff Raphael Goe, a child with Down syndrome, was attending school under a medical exemption after moving back to New York. But last April—on his birthday—he was expelled after the NYC DOHMH exercised its discretion to override his physician’s certification. Now banned from all public and private schools, Raphael has been stripped of the critical speech, vision, and occupational therapies he requires to function. Urgent intervention is required; Raphael is suffering documented developmental regression and severe depression. His mother is forced to watch his stutter return and his vision deteriorate, knowing she could restore his care instantly—but only if she violates her faith.

10. Plaintiff Betsy Roe (16) faces imminent expulsion. After six years of involuntary homeschooling (and depression and anxiety disorders that arose from it), Betsy was finally able to return to school this fall with a District-approved medical exemption. For the first time in years, her nervous system calmed, and she believed she could finally relax and be a “normal kid” again with her friends. But just weeks ago, the District arbitrarily changed its mind and revoked the exemption, plunging Betsy into panic and placing her at imminent risk of severe psychological harm. **Without this Court's intervention, Betsy will be expelled on January 20, 2026, for failing to get vaccinated in violation of her family's sincerely held religious beliefs.** The constitutional absurdity of this mandate is laid bare by the fact that Betsy’s sister Rachel, having turned eighteen, is now permitted to attend the **exact same school** completely unvaccinated. That the State accommodates an arbitrary age limit but refuses to accommodate religious need proves its policy is not driven by public health necessity, but by discriminatory animus.

11. Plaintiffs seek immediate relief to prevent ongoing and irreversible harm. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).
12. Each day, New York families endure a unique form of psychological torture: the agonizing knowledge that they hold the key to their children’s suffering but cannot turn it. While the educational losses and psychological scars are palpable, the true cruelty lies in the State’s standing offer of relief. Parents are forced to watch their children wither daily—socially, academically, and emotionally—knowing they could end the nightmare instantly if they would only consent to violate their sacred obligations to God. This weaponization of parental love against religious conscience is not merely a legal burden; it is spiritual coercion of the most brutal kind.
13. Plaintiffs Children’s Health Defense and the seven individual families bring this lawsuit to vindicate their fundamental rights and the rights of religious families across New York. With the legal barriers that once shielded this mandate now struck down by the Supreme Court, Plaintiffs respectfully request that this Court grant the relief necessary to end the six-year nightmare of coercion, exclusion, and discrimination they endure.
14. The time for delay is over; these families are at a breaking point and require immediate judicial intervention.

JURISDICTION AND VENUE

15. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the claims arise under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

16. Venue is proper in the Eastern District of New York pursuant to 28 U.S.C. § 1331(b). A substantial part of the events or omissions giving rise to the claim occurred in this District (including the exclusion of the children of Plaintiffs Sarah Doe, Bonnie Boe, Pastor Soe, and Pamela Poe), and the Defendant enforces the challenged statutes and regulations throughout this District.

RELATED CASE STATEMENT

17. Pursuant to Local Civil Rule 50.3.1, this action is related to *Jane Doe, et al. v. Oceanside Union Free School District, et al.*, Case No. 2:25-cv-02304-GRB-ST, currently pending before the Honorable Gary R. Brown.

18. Both actions involve common plaintiffs and challenge the same unconstitutional operative facts: the State's discretionary medical exemption framework.

19. While *Oceanside* targets the local district, this action challenges the statewide mandate. But the core inquiry overlaps: whether the existence of discretionary medical exemptions triggers strict scrutiny under *Fulton* and *Mahmoud*.

20. Assignment to Judge Brown prevents inconsistent rulings and circular defenses regarding State versus local authority, arguments that have already been asserted in the *Oceanside* case. Because Judge Brown is familiar with the record and constitutional questions, relation promotes judicial economy and uniform adjudication.

PARTIES

21. Plaintiff CHILDREN'S HEALTH DEFENSE ("CHD") is a 501(c)(3) non-profit organization dedicated to ending childhood health epidemics. CHD files this action on behalf of itself and its constituency of members, donors, and supporters in New York State.

22. Plaintiff JANE DOE is a resident of Nassau County, New York, and the mother of SARAH DOE (16).
23. Plaintiff GINA GOE is a resident of Brooklyn, New York, and the mother of RAPHAEL GOE (age 17).
24. Plaintiff REBECCA ROE is a resident of Trumansburg, New York (Tompkins County), and the mother of BETSY ROE (age 16) and adult daughter RACHEL ROE (age 18).
25. Plaintiff BONNIE BOE is a resident of Whitestone, New York (Queens County), and the mother of daughter Amy (age 13) and a son BRANDON BOE (age 22).
26. Plaintiff PASTOR STEPHON SOE is a resident of Brooklyn, New York, and the father of HALIE SOE (age 15) and adult daughter LILLIAN SOE (age 20).
27. Plaintiff PAMELA POE is a resident of Staten Island, New York, and the mother of minor Plaintiffs GRACE POE (age 12) and ADAM POE (age 9).
28. Plaintiff JOHN JOE is a resident of Pennsylvania and the father of minor Plaintiffs JAMES JOE (age 10) and ARIANA JOE (age 3).
29. Defendant DR. JAMES V. MCDONALD is the Commissioner of Health of the State of New York. He is sued in his official capacity. He is responsible for the administration and enforcement of the Public Health Law, including the issuance of fines for noncompliance and the directives instructing schools to exercise discretion in reviewing medical exemptions or punishment in case of noncompliance.

FACTUAL ALLEGATIONS

I. The Vaccine Mandate and Repeal of the Religious Exemption

30. New York law mandates that every parent or guardian of a child under eighteen ensure that their child receives a lengthy schedule of state-required vaccines and boosters. *See PHL §*

2164(2)(a). Absent receipt of any dose of these immunizations, students cannot attend any public or private school in the State unless they are granted a medical exemption or fit within one of the other secular carve-outs.

31. For over half a century, New York recognized a religious exemption as well, allowing parents with sincerely held religious objections to decline one or more of these required vaccinations.
32. The religious exemption was grounded in constitutional precedent protecting First Amendment rights and fundamental parental rights to direct the care, custody, and control of their children. *Troxel v. Granville*, 530 U.S. 57, 65 (2000). This long-recognized liberty interest includes the final authority to make legal decisions regarding the core pillars of a child's life: religious, educational, and medical. A parent's right to control these spheres of their child's upbringing is deeply rooted in our nation's history and traditions.
33. Nonetheless, in June 2019, the New York State Legislature repealed the religious exemption. When explaining why, the Senate sponsor stated publicly: "The goal should be to take religion out of the equation... We can't put our public health officials or our school officials into that position of deciding if a religious belief is sincere or not. That is why we need to remove it altogether."
34. The timing of the repeal also coincided with a broader, nationally coordinated initiative driven by pharmaceutical companies and Bill Gates-backed NGOs known as the "Decade of Vaccines." This initiative aimed to increase vaccine uptake by investing substantial sums of money into lobbying and PR campaigns explicitly designed to narrow or eliminate non-medical exemptions across multiple jurisdictions by 2020.

35. Despite intense national advocacy, this campaign has not been widely successful. Outside of New York and the three other states that repealed their exemptions during this coordinated push, all other 46 states in the country—including neighboring Pennsylvania, Ohio, New Jersey, Vermont, and Massachusetts—continue to allow religious or personal belief exemptions and have consistently rejected efforts to repeal them.
36. Publicly available CDC surveillance data show that states allowing religious exemptions have not experienced materially greater outbreaks of vaccine-preventable disease than New York in the years since New York abolished its exemption, undermining any claim that eliminating religious accommodations is necessary to prevent communicable disease.

II. The Constitutional Defects: The Policy Fails General Applicability and Equal Protection Review.

37. New York's vaccine policy is not generally applicable, triggering strict scrutiny under the First Amendment and the Equal Protection Clause in multiple independent ways.
 - A. Permitted Secular Conduct that Undermines the State's Interest the Same Way (*Fulton* Prong 1 & Equal Protection)**
 38. First, New York's vaccine policy rigidly prohibits exemption for religious reasons while permitting numerous secular exceptions that undermine the government's asserted public health interest in a similar way.
 39. Any one of the following examples triggers strict scrutiny under the first prong of *Fulton*.
 - 40. Pandemic Online Learning Double Standard.** When all schools shifted to online learning in March 2020, New York refused to allow children with religious objections to join their virtual classes unless they were vaccinated. But students who never had a religious exemption were allowed to participate unvaccinated due to extra leeway afforded due to the pandemic and the presumption that doctor's visits were less frequent.

41. **Unvaccinated Adults Allowed in the Classroom:** The mandate (PHL § 2164) is solely directed at students under eighteen even though the exclusion of religious children fails to protect the government's asserted public health interest.
42. About a hundred thousand students over the age of eighteen are allowed to attend school without regard to vaccination status.
43. Similarly, hundreds of thousands of teachers and other adults that work in school buildings have no vaccine requirements.
44. Individuals who are eighteen and older are similarly situated to children under eighteen with respect to the risk of acquiring and transmitting vaccine-preventable diseases.
45. Moreover, students under eighteen are allowed to attend school unvaccinated for medical reasons but not religious.
46. This under-inclusiveness shows the policy is grossly underinclusive and is not narrowly tailored to any public health objective
47. **Undermining Parental Authority:** There is no scientific basis to claim that a 16-year-old poses a transmission risk while her 18-year-old unvaccinated sibling or an unvaccinated teacher does not. Rather, this under inclusion reveals the true nature of the law: PHL § 2164 is directed at parents and undermines the fundamental parental right to direct the care and religious upbringing of their children. The State wants to coerce parents into making medical choices.
48. Once children are no longer under parental authority, the State no longer insists on vaccination, underscoring that the law targets parental decision-making rather than disease transmission.

49. **Actively Infected Children Allowed.** Perhaps most ironic, it is illegal to exclude a student from school for being actively infected with Hepatitis B. But students, like Sarah Doe, who are uninfected, but who cannot take the third booster of the Hepatitis B vaccine for religious reasons are not allowed to attend school because they are not up to date on vaccines.

50. **Medical Exemptions:** Finally, PHL § 2164 still allows medical exemptions (a secular reason) but denies religious ones. Both exemptions result in an unvaccinated child being in the classroom, undermining the government's asserted interest in stopping the spread of disease in the same way.

B. The Policy Creates a Mechanism for Individualized Exemptions (*Fulton* Prong 2)

51. The existence of any mechanism to grant an exemption from a law or policy independently triggers strict scrutiny under *Fulton*. The Second Circuit narrows this by adding that the mechanism for exemption has to allow for discretion by a state actor to substantively review the request rather than check if it is on the right form.

52. Defendant's medical exemption policies defeat general applicability; they provide a mechanism for state actors to exercise discretion to grant or deny requests on a case-by-case basis.

53. **The *Miller* Distinction Pled:** In *Miller*, in response to plaintiffs' argument that the medical exemption triggers strict scrutiny under this *Fulton* prong, the State defended its policy by arguing that the medical exemption (PHL § 2164(8)) was purely "ministerial" and involved no discretion.

54. This Complaint pleads the facts—not before the court in *Miller*—that prove state actors have enormous discretion to individually review and decide applications.

55. **Regulatory Subversion and Discretionary Review:** Public Health Law § 2164(8)

contains a clear statutory command: when a duly licensed physician certifies that immunization "may be detrimental to a child's health," the vaccine mandate "shall be inapplicable" to that child.

56. Nevertheless, the NYSDOH issued regulations that impermissibly transfer this authority from the physician to the school.

57. Under 10 NYCRR § 66-1.3(c), a regulation created and promulgated solely by the NYSDOH, the "principal or person in charge of the school" is granted the authority to review medical exemptions and "may require additional information" to override a doctor's orders.

58. The NYSDOH regularly instructs schools that this regulation empowers school principals to substantively override and second guess treating physicians' certifications on a case-by-case basis.

59. **Subjective Criteria (The "ACIP" Trap):** In 2019, in or around the time of the religious exemption repeal, the NYSDOH further enhanced discretion by pre-redefining for physicians what "may be detrimental to health" in its regulations.

60. Under 10 NYCRR § 66-1.1(l), the new definition does not center around need or the child's best interests, but whether "a physician has determined that a child has a medical contraindication or precaution to a specific immunization consistent with ACIP guidance or other nationally recognized evidence-based standard of care."

61. Far from being an objective checklist, this standard introduces vast discretion.

a. **Clinical Judgment Required:** The CDC's Advisory Committee on Immunization Practices ("ACIP") guidance explicitly states they are not exhaustive and rely on

clinical judgment, which is not a ministerial topic a school principal can properly evaluate.

- b. For example, “anaphylaxis” is listed as one example of the kind of condition that could be a contraindication to most vaccines. But CDC’s definition of anaphylaxis relies on clinical interpretation.
- c. **Subjective Definitions:** ACIP definitions for contraindication and precaution are broad and require clinical judgment. For example, ACIP defines “[c]ontraindications to vaccination” as “conditions that increase the risk for a serious adverse reaction.” ACIP defines “precaution” broadly as any “condition in a recipient that might increase the risk for a serious adverse reaction, might cause diagnostic confusion, or might compromise the ability of the vaccine to produce immunity.”
- d. Determining whether a specific child’s complex condition “might increase risk” or cause diagnostic confusion is an inherently subjective medical judgment—one that competent doctors often disagree on.
- e. **No Uniform Standard:** Because the criteria rely on interpreting what “nationally recognized” or “evidence-based standards” or “consistent with ACIP” and other undefined terms mean, school officials are ultimately just empowered to decide which medical opinions they agree with, creating a system of individualized, case-by-case assessment.

62. **The Inherent Discretion in Determining “Consistency”:** The NYSDOH instructs school principals that they must decide whether the physician’s determination qualifies. But determining whether a physician’s medical judgment is “consistent” with multiple,

complex, and evolving national guidelines is not a ministerial checklist; it is an unbounded mandate for discretionary, subjective review.

63. There is no definition of what "other evidence based nationally recognized standards of care" entails and even agreed upon sources often conflict with one another.

64. Determining if a specific physician's professional judgment is "consistent" with these broad and often conflicting standards requires the reviewing official to act as an expert medical and legal adjudicator. School principals are not qualified for this task.

65. **Discretion in Action (Arbitrary Revocations):** The discretionary nature of this system is not theoretical; it is proven by the arbitrary and inconsistent enforcement experienced by Plaintiffs.

66. **Sarah Doe:** Sarah Doe was badly injured when she had to get eighteen vaccines in a matter of weeks after the religious exemption was repealed. She is only missing the third dose of the Hepatitis B vaccine. Last year, her mother submitted a medical exemption request from a Long Beach school physician that was granted. She then submitted an identical request from a different New York State licensed physician in that same practice, citing the exact same reason, which the District denied.

67. Certifications from six other physicians—including one from a walk-in clinic that refused to vaccinate Sarah—were similarly rejected. Despite her history of a severe reaction (anaphylaxis, which ACIP lists as an example of a contraindication to the Hepatitis B vaccine), the school district rejected Sarah's requests.

68. The rationale advanced by the District in the related litigation was that school officials were "not sure" the reaction was attributable to the Hepatitis B vaccine, rather than one of the eighteen other doses Sarah received simultaneously in 2019.

69. The District Medical Director also asserted the authority to veto the current treating physicians' certifications until he could personally interview the provider who made the original diagnosis.
70. After Jane filed a lawsuit, the State wrote to the school to provide requested backup, writing that the NYSDOH agreed Sarah conditions did not qualify, but that the school had the final authority to decide either way.
71. This sequence proves the District exercised highly subjective, non-ministerial medical judgment to reject the unanimous opinion of Sarah's treating providers.
72. **Raphael Goe**: Raphael Goe attended school under a valid medical exemption until April 2025. On his 17th birthday—without any change in his medical status—the New York City Department of Health and Mental Hygiene (“NYC DOHMH”) revoked his exemption.
73. Raphael has seven separate autoimmune diseases including chronic polyarticular juvenile idiopathic arthritis, with the onset of some conditions tracing back to prior vaccination. He also has bilateral macular edema, cataracts, and significantly reduced vision.
74. His treating physician certified multiple, unambiguous contraindications. For example, Raphael is currently receiving monthly infusions of immunosuppressive therapy (Remicade), which is a specific example provided by the CDC's ACIP committee as a defined ACIP “precaution” against vaccination. It is also listed as a precaution on the package inserts for both of his missing vaccines as well as the medication itself.
75. Despite this, the NYC DOHMH exercised its unfettered discretion to deny exemption.
76. **The "Final Say" Loophole**: The State's argument that schools are merely "checking ACIP compliance" is debunked by these stories but also by the Defendant's own guidance.
77. The NYSDOH offers to review and provide input on a child's medical exemption request.

78. Nurses sometimes conduct the review, and the letters issued are anonymous and unsigned.
79. When the NYSDOH reviews a medical exemption request and recommends denial, it routinely includes a disclaimer stating that its advice is merely a recommendation and "the principal or person in charge of a school is responsible for making the final determination."
80. According to NYSDOH, schools are authorized to grant exemptions based on subjective assessment even if the NYSDOH believes the request is noncompliant.
81. **Unqualified Medical Adjudication:** School principals are not qualified to substantively override the certified findings of a child's own treating physicians even if they seek consultation from a contract doctor or the NYSDOH.
82. Granting school officials the power to resolve complex medical disputes by overriding parental authority to choose the best physician and dictate a child's medical care violates the fundamental parental right to direct the care and control of their children. This whole scheme shocks the conscience and places children at serious risk of death or severe injury.
83. **Open Defiance of the Courts:** The State's insistence on continuing with this discretionary enforcement scheme has escalated into open defiance of the federal judiciary. After *Miller* afforded the State a favorable inference that allowed it to avoid strict scrutiny, the State subsequently undermined that very finding. As lower courts applied *Miller* to confirm districts "**do not have discretion to approve or deny the exemptions on a case-by-case basis,**" the NYSDOH issued a statewide letter on September 24, 2025, instructing schools to disregard judicial rulings and keep second-guessing doctors on a case-by-case basis unless and until the NYSDOH is directly enjoined from issuing that directive. The State has, by its own actions, lost any plausible ability to claim that the scheme is generally applicable or that the grant of authority is merely ministerial.

84. *Double Standards*: The State's policies requiring schools to engage in a case-by-case basis review of medical exemptions exposes the pretext of the religious repeal. In 2019, the Legislature claimed it had to repeal the religious exemption because school officials were not qualified to "decide if a religious belief is sincere." Yet the State now forces those same unqualified officials to decide if a licensed physician's medical judgment is correct—a far more technical and dangerous task. The State is willing to expend vast resources (and defy court orders) to administer secular exemptions but refused to preserve religious ones. This disparity confirms that the goal was never to avoid "administrative burden," but to target religious practice for elimination.

C. The Policy Fails Strict Scrutiny and Rational Basis Review

85. The burden of proving the mandate satisfies Strict Scrutiny (by showing a compelling interest and narrow tailoring) rests entirely with the Defendant. Plaintiffs assert that the facts pleaded herein are sufficient to demonstrate the mandate's unconstitutionality; however, these facts are illustrative and not exhaustive of all the defects that defeat the State's alleged compelling interest or tailoring. Plaintiffs reserve the right to more fully address and rebut the State's defenses, including all factual and scientific justifications, at the summary judgment and trial phases of this litigation if applicable.

86. **The Majority Rule Defeats Necessity**: Almost all other U.S. states and most similar Western European countries currently offer a religious or personal belief exemption for school-mandated vaccines. These jurisdictions maintain strong public health outcomes without requiring permanent exclusion based on religious conscience. This widespread policy choice by similar governmental bodies demonstrates that the State's absolute ban is neither narrowly tailored nor necessary to achieve its asserted interest.

87. **Over inclusiveness:** The State’s mandate is also overinclusive relative to its asserted interest in preventing transmission. Public health authorities admit that many vaccines on the mandated list are non-sterilizing and cannot stop a person from getting infected and passing on the disease (i.e., they primarily prevent symptoms in the recipient rather than preventing transmission to the community). This is true for all components of the Tdap and DTaP, the MenACWY vaccine, and the Hepatitis B vaccine.

88. Many are surprised to learn that this is also true for the Inactivated Polio Vaccine (IPV) used exclusively in this country. The IPV does not induce sufficient immunity in the intestine to prevent infection and shedding, meaning vaccinated individuals still get infected, multiply and spread the virus and give it to other people. (See e.g., Global Polio Eradication Initiative, *Inactivated poliovirus vaccine (IPV)*). The United States discontinued the live Oral Polio Vaccine (OPV)—which was effective at blocking intestinal transmission—precisely because the vaccine strain could revert and cause Vaccine-Derived Poliovirus (VDPV) outbreaks. “The U.S. changed from using OPV to IPV in 2000. By that time, the only cases of paralytic polio in the U.S. each year were caused by the OPV vaccine.” See Children’s Hospital of Philadelphia, Vaccine Education Center, *Polio: The Disease & Vaccines*.

89. **Less Restrictive Means:** The State also fails the narrow tailoring requirement because New York Public Health Law already offers a reasonable, less restrictive alternative.

90. Under the Public Health Law, if an outbreak of a vaccine-preventable disease were to occur at a school, unvaccinated children can be asked to stay on home instruction until the disease subsides.

91. This existing mechanism is reasonably tailored to mitigate risk, protect the children, and still allow them to continue their education, rendering the permanent, catastrophic exclusion of religious children unnecessary.

III. The Catastrophic Human Cost: Irreparable Harm to Children and Families

92. The consequences of this unconstitutional regime are not merely legal or theoretical. The State's discriminatory policy has inflicted profound, measurable, and irreparable injury on the very children it claims to protect.

93. The 2019 repeal in New York has been devastating for religious families across the state. Forcing families to choose between their faith and access to an education, even for a short period, is *per se* irreparable harm pursuant to well-established Supreme Court and Second Circuit precedent. But school exclusion causes other severe harms as well.

94. **The Consensus on Educational and Mental Health Devastation:** The exclusion of children from school is not merely an inconvenience; it is a proven catalyst for severe, long-term psychological and educational injury. Extensive research conducted in the wake of the COVID-19 pandemic has established that school closures and exclusions result in a "substantial deficit in children's learning and a deterioration in children's mental health." Deni Mazrekaj & Kristof De Witte, *The Impact of School Closures on Learning and Mental Health of Children: Lessons From the COVID-19 Pandemic*, 19 Persp. on Psych. Sci. 686, 686 (2023).

95. **Mental Health Crisis:** The Centers for Disease Control and Prevention (CDC) found that disruptions to school attendance led to a significant increase in "persistent feelings of sadness or hopelessness" among students. Ctrs. for Disease Control & Prevention, *Mental Health, Suicidality, and Connectedness Among High School Students During the COVID-*

19 Pandemic, 71 Morbidity & Mortality Wkly. Rep. 16, 16 (2022). Studies indicate that school exclusion is directly linked to higher rates of anxiety, depression, and social isolation. For example, a systematic review found that loneliness during periods of school absence was associated with higher depression symptoms up to nine years later. Maria E. Loades et al., *Rapid Systematic Review: The Impact of Social Isolation and Loneliness on the Mental Health of Children and Adolescents in the Context of COVID-19*, 59 J. Am. Acad. Child & Adolescent Psychiatry 1218, 1226 (2020).

96. This systemic harm mirrors the specific injuries suffered by Plaintiff Betsy Roe, who developed severe anxiety, and Plaintiff Rachel Roe, who developed an eating disorder, as a direct result of their prolonged exclusion. Similarly, although Plaintiff Sarah Doe has returned to school pursuant to a court order, professionals confirm she is suffering a severe trauma response to her previous exclusion and has been diagnosed with multiple mental health conditions directly resulting from that isolation, causing her ongoing and lasting harm. She may never recover.
97. Many of CHD's members report that their children are suicidal or threaten self-harm as a result of exclusion from school.
98. **Educational Regression:** The United Nations Educational, Scientific and Cultural Organization (UNESCO) has warned that school exclusions risk "impoverish[ing] a whole generation," with students losing significant lifetime earnings and facing lower productivity and well-being. High levels of absenteeism are associated with long-term consequences, including lower rates of high school graduation and college enrollment, which in turn correlates with lower adult income and life expectancy. Claudia W. Allen,

Sharon Diamond-Myrsten, and Lisa K. Rollins, *School Absenteeism in Children and Adolescents*, 98 Am. Fam. Physician 738, 738 (2018).

99. Developmental and Social Harm: Schools are critical for social and emotional development, providing the primary environment for children to build competencies and peer relationships. Exclusion disrupts this "typical process of gaining autonomy" and engaging with peers, leading to long-term developmental scarring. Karen D. Rudolph, *Pandemic School Closures Impacted Teens' Mental Health*, Verywell Health (May 2, 2025). Research confirms that children who are excluded miss out on "important formative interactions," which exacerbate behavioral issues and mental ill-health through adolescence. Aase Villadsen, *Being Excluded or Truant from School Leads to Mental Health Problems – And Vice Versa*, UCL Centre for Longitudinal Studies (Feb. 29, 2024).

100. Disproportionate Impact on Vulnerable Children. The harm of exclusion falls heaviest on the most vulnerable. Studies show that children with disabilities, like Plaintiffs Raphael Goe and Brandon Boe, suffer disproportionately when removed from the structured school environment. The loss of access to school-based services (such as speech and occupational therapy) leads to rapid developmental regression. The American Academy of Pediatrics has forcefully and repeatedly warned that the denial of in-person education has a disproportionate and devastating impact on children with disabilities and special needs. By barring these children from school, the State is not merely causing an academic delay; it is knowingly inflicting a unique, documented, and irreversible developmental injury.

101. The Compounded Trauma of Religious Discrimination and Stigma. The harm of exclusion is exponentially compounded when it is targeted rather than general. Unlike the universal school closures during the pandemic—where children shared a collective

experience of isolation—the State’s current policy targets specific children for segregation based on their families’ religious beliefs. This targeted exclusion inflicts unique psychological damage, fostering deep feelings of shame, ostracization, and humiliation.

102. By singling out certain religious children as "public health threats"—even if they are only missing non-sterilizing vaccines like Hepatitis B—the State creates a caste system that brands these students as pariahs.

103. This state-sponsored stigma sends a clear, coercive message to the child: there is something wrong with you and your faith. As the Supreme Court recognized in *Brown v. Board of Education*, separating children from others of similar age and qualifications generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

104. This stigma is not hypothetical; it is being weaponized by State actors to pressure children to abandon their parents’ religious convictions.

105. For Plaintiff Sarah Doe, the coercion and stigma got so bad she tried to get a walk-in clinic to vaccinate her against her mother’s wishes (and the advice of multiple treating physicians). Thankfully, the walk-in clinic refused, writing that she was “ineligible” due to her obvious risk factors.

106. Similarly, Plaintiff Betsy Roe has been made to feel "dirty" and "unwelcome" in her own community, watching her 18-year-old sister attend school freely while she is barred at the door.

107. These daily indignities force children to internalize the State’s hostility toward their religion, constituting a distinct and severe First Amendment injury that money damages cannot cure.

PLAINTIFF STORIES

Children's Health Defense

108. Children's Health Defense ("CHD") is a 501(c)(3) non-profit organization established to end childhood health epidemics. A core part of its mission is to safeguard children's health and parental and civil rights. The repeal of the religious exemption in New York in 2019 had a direct, severe impact on the core civil rights of CHD and its members, forcing the organization into crisis mode.

A. **Organizational Injury**

109. CHD has organizational standing to sue in its own right.

110. The 2019 repeal, the ongoing exclusion of religious families, and the discretionary enforcement of medical exemptions encouraged by the NYSDOH have inflicted a distinct, concrete, and ongoing injury on CHD as an organization.

111. Before 2019, CHD's resources were allocated to a broad range of public health initiatives as well as educational conferences and proactive legislative advocacy. The State's actions forced CHD to involuntarily divert significant resources away from these core mission activities to counteract the immediate threat to its New York members. Some examples are:

- a. **Emergency Crisis Management:** Following the repeal of the religious exemption and continuing to this day, CHD has been inundated with thousands of calls and emails from panicked New York constituents facing exclusion from school, loss of services, and harassment. CHD staff have had to abandon planned projects to field these inquiries, at times effectively functioning as a crisis hotline for families stripped of their rights.

- b. **Guidance and Education:** CHD was forced to expend funds and staff time to research, draft, and distribute guidance, explaining the complex and shifting landscape of New York's medical exemption process and religious rights framework—a task made necessary only by the State's unlawful policies.
- c. **Litigation:** CHD has had to divert a substantial portion of its operating budget toward civil rights impact litigation in New York, including this action, to protect the basic medical and religious accommodation rights of its constituents. Every dollar spent fighting New York's unconstitutional mandate policies is a dollar diverted from CHD's broader educational and research mission.

B. Associational Standing on Behalf of Members and Constituents:

- 112. CHD also brings this action on behalf of its New York members and constituents. These individuals possess the functional indicia of membership: they voluntarily join the organization, fund its operations through established dues and sustained donations, and exercise substantial influence over CHD's decision-making and mission through direct input, feedback, and engagement.
- 113. Consequently, CHD represents the specific interests of this constituency and provides the means by which they express their collective views and protect their collective First Amendment and Due Process interests.
- 114. The members and constituents of CHD would otherwise have standing to sue in their own right, as individual Plaintiffs named herein (many of whom are CHD members) have done.
- 115. However, neither the claims asserted nor the prospective declaratory or injunctive relief requested requires the participation of individual members in this lawsuit.
- 116. The interests CHD seeks to protect are germane to its organizational purpose.

The Doe Family

117. Plaintiff Jane Doe is a devout Catholic whose refusal of all vaccination has long been an integral part of her religious practice and of the religious upbringing she is obligated to provide her children.

118. The Catechism of the Catholic Church teaches that conscience is the means by which God speaks directly to the faithful, and that a Catholic must follow a well-formed conscience as an act of obedience to God.

119. Through prayer, reflection, and study, Jane has long understood that God is directing her to refuse all vaccines for herself and for her children. To vaccinate, in her view, would be to act against God's voice in her conscience and therefore to commit sin.

120. Guided by this religious duty, Jane teaches her children that their bodies were created by God for His glory, that they are required to keep their bodies holy, and that they must exercise stewardship over their bodies as temples of the Holy Spirit.

121. Jane believes vaccination interferes with God's design for the human body and contradicts the obligation to preserve the integrity of what God has made. Abstaining from vaccination is therefore, for Jane, not a matter of health preference or personal philosophy but a religious act—a way of living out her Catholic faith in daily life.

122. She understands it to be her sacred obligation and God-given responsibility to raise her children in accordance with these teachings, including by ensuring they remain unvaccinated.

123. Based on these religious beliefs and the guidance she receives through prayer, Jane obtained a religious exemption for her daughter, Sarah Doe, for her entire educational

life—from preschool until age eleven in 2019, when New York repealed the religious exemption.

A. The Trauma of Coercion and Resulting Medical Collapse

124. When the repeal went into effect, the school informed Jane that Sarah would be excluded unless she agreed to an aggressive schedule of eighteen vaccines over the course of about six weeks.

125. Because abstaining from vaccination is a core religious act in their family and part of Sarah’s religious upbringing, Jane felt she could not consent without violating her religious beliefs and disobeying God’s direction.

126. Jane attempted to homeschool Sarah for a short time, but Sarah—by then older, deeply social, and committed to athletics—begged to return to school. She missed her friends, teammates, and community. Wanting to protect her daughter’s emotional well-being, Jane allowed the required vaccines to be administered despite her guilty conscience and profound religious conflict.

127. The consequences were devastating. Sarah, previously healthy, suffered a severe and cascading medical collapse shortly after receiving the vaccines. She had suffered anaphylactic reactions, developed life-threatening sepsis on multiple occasions, acquired von Willebrand’s disease, an autoimmune bleeding disorder, intermittent unexplained partial paralysis, and has an ongoing severe autoimmune hypersensitivity syndrome, among other debilitating conditions. Her life became dominated by chronic pain, recurrent infections, and repeated hospitalizations.

B. The Arbitrary Denial of Medical Accommodation

128. Today, Sarah is missing only the third and final dose of the Hepatitis B vaccine required for school attendance. Seven separate physicians certified that further vaccination is contraindicated. But the school district obstinately refused to accommodate her.

129. Sarah was deeply re-traumatized by her resulting exclusion. She could not get out of bed, refused to eat, and exhibited concerning ideations about self-harm. Sarah had already sacrificed everything—violating her faith, her parents' wishes, and permanently damaging her health—just to attend school. Still, this sacrifice was apparently not enough.

130. When the school expelled Sarah last fall, Jane Doe was terrified that Sarah might harm herself by trying to get vaccinated against medical advice. Indeed, Sarah went to a pharmacy on her own but was refused because she could not consent until age 18. Sarah then went with an adult relative to a walk-in clinic, trying to get vaccinated, and devised a plan not to tell the clinic about her severe reactions or health history.

131. Despite the lack of information, the clinic doctor refused to vaccinate her, writing that she was "ineligible" to receive the vaccine given her obvious severe conditions. The school *still* would not give Sarah an exemption after this.

132. Still, Jane thanks God every day that this doctor was savvy enough to realize the danger her daughter was in, as her treating physicians believe that further vaccination could have been fatal. The fact that Sarah's life depended on one conscientious physician noticing, and that many walk-in doctors might have vaccinated her without checking her records, further highlights the reckless danger imposed by the State's coercive exclusion policy.

C. Ongoing Stigma and Irreparable Harm

133. Instead of evaluating Sarah's medical needs neutrally, school officials repeatedly invoked the family's prior religious exemption as a reason to distrust the legitimacy of her medical needs.

134. Sarah was subjected to open stigma. The school nurse publicly humiliated Sarah, telling her, in front of other students: "I'm fighting with your mom, you shouldn't even be here! Just go get vaccinated!" The nurse also refused to allow Sarah to seek any medical care for her disabilities. She also openly treated Sarah as if she was a public health threat.

135. Sarah Doe is not a threat to anyone based on her lack of the third dose of the Hepatitis B series.

136. In fact, it is unlawful to exclude children from school even if they have active Hepatitis B in New York.

137. This is because it is well-established that Hepatitis B is not transmitted in school settings, and children with Hepatitis B do not present a direct threat to their classmates.

138. CDC recently confirmed in response to a FOIA request that there has never been a documented case of Hepatitis B transmission in school nationwide.

139. Nonetheless, the Does were told that unless Sarah violated the advice of God, her parents, and her doctors, she would not be eligible for an education.

140. As a result of the District's refusal to accommodate her, Sarah was excluded from school for a good portion of her sophomore year, forcing her family to choose between violating their religious and medical conscience or forfeiting her education.

141. The exclusion had serious consequences. Chosen last year to quarterback her varsity girls flag football team, Sarah's coach called her a "game changing athlete" and a likely candidate for college scholarships. However, by missing the sophomore year—a critical

recruiting window when coaches often begin scouting and communicating with top prospects—Sarah lost the chance to fulfill that role.

142. Sarah is now academically and athletically significantly disadvantaged and is no longer viewed as a viable prospect for sports scholarships, demonstrating a permanent loss of educational and life opportunities.

143. Because of her exclusion and harassment, Sarah suffered—and continues to suffer—profound emotional, educational, and psychological harm.

144. Even now, despite the Court’s injunction, which is the only way she was allowed to return to school this year, she has not recovered from the trauma of being removed from her school community. She struggles daily to readjust.

145. Sarah lives in the shadow of her past exclusion. The mere scheduling of a court conference leaves her bedridden with anxiety for days, terrified she will be removed from school again. No amount of reassurance that a proceeding is 'routine' can quell the panic caused by the State's ongoing threat to her education.

146. Sarah’s teachers, friends, and family all recognize that she is not the same child she was before she was expelled.

147. Once outgoing and socially connected, Sarah became severely depressed during her exclusion, withdrawing from friends and activities she previously loved. Since returning, she has needed to restart therapy, and the family has had to modify her class schedule because she could not keep up academically after months of exclusion.

148. The harm inflicted on Sarah’s mental health, sense of self, and educational trajectory by the State’s policies is ongoing, lasting and profound.

149. She tries to find silver linings, and has been a source of comfort for hundreds of other children across the state who were also harmed by the State's arbitrary policies.

The Goe Family

150. Plaintiff Gina Goe is a devout Catholic and the mother of Plaintiff Raphael Goe (age 17) who resides with her son in Brooklyn, New York.

151. Gina's Catholic faith governs every aspect of her daily life, and she strives to live each day with God placed first in all decisions.

152. For Gina, raising Raphael in accordance with her Catholic faith is a sacred, God-given responsibility. She believes that the human body is a gift from God, a temple of the Holy Spirit, and a tabernacle for the spirit entrusted to each person by their Heavenly Father.

153. Raphael was born with Down syndrome in April 2008. During Gina's pregnancy, she faced intense pressure to abort him. As a devout Catholic, she believes that all human life is sacred, intentionally created by God, and must never be destroyed.

154. Overwhelmed and seeking spiritual refuge, Gina moved into the Sisters of Life convent and was living there throughout her pregnancy, surrounded by prayer, support, and unconditional love. Raphael was born within this loving faith community, wrapped—literally and spiritually—in God's care.

155. The Sisters remain deeply connected to her family, and their ongoing involvement reflects the extent to which Gina's religious community recognizes and affirms her commitment to raising Raphael in their shared faith.

156. Before Raphael was born, Gina made a pilgrimage to Medjugorje and years later returned with Raphael when he was in preschool.

157. After Raphael turned six years old, Gina and Raphael traveled to Lourdes, France on a pilgrimage with the Order of Malta, a Catholic Lay Religious Order. Raphael was brought on the pilgrimage as a "malade" meaning "sick" in French. This was a period of time when Raphael's body was exploding with autoimmune diseases.

158. Both Medjugorje and Lourdes are widely recognized Catholic pilgrimage sites. Many Catholics, including Gina, believe that the Blessed Virgin Mary appeared to children at these locations and conveyed messages, and pilgrims travel there seeking spiritual healing, physical healing, and religious devotion.

159. Approximately ten years ago, Gina began working with a Catholic priest for spiritual direction, which is a longstanding practice within the Catholic tradition through which individuals engage in prayer, scripture, and guided reflection to discern God's will and make decisions in their life accordingly.

160. Through this process of discernment, Gina came to believe that the practice of vaccination is spiritually incompatible with her faith. She believes that participating in vaccination, and permitting such substances to enter her son's body, would constitute a grave spiritual error and sin against God. Consistent with this belief, Raphael has not received any vaccinations since that time.

161. Gina sincerely believes that vaccination alters the God-given physical form and constitutes a violation of biblical principles, defiling the "holy temple" God has given them. Consistent with this belief, abstaining from vaccination is a core religious obligation that shapes how Gina raises her son and instructs him in matters of faith, bodily integrity, and obedience to God. Safeguarding Raphael from vaccination is therefore a central component of Gina's religious upbringing of her child and her understanding of her parental duty before God.

162. Gina worked for the Catholic Church for much of the last decade, including in the Tribunal for the Archdiocese of Saint Paul. In anticipation of a COVID-19 vaccine mandate for employees, Gina submitted a religious exemption request in 2021–2022, and the Archdiocese accepted her religious exemption, confirming the sincerity and consistency of her religious practice.

A. Raphael's Accommodations and Expulsion

163. In 2019, Gina and Raphael relocated to Minnesota, where he attended school under a duly executed conscientious exemption.

164. In 2024, they returned to New York City, and Gina re-enrolled Raphael at IDEAL School of Manhattan, the same school where he had previously flourished academically and therapeutically prior to the 2019 move.

165. Raphael is missing two vaccines—Tdap (a booster for Tetanus, Pertussis, and Diphtheria) and MenACWY (meningitis vaccine).

166. Neither of these vaccines can prevent infection or transmission. They are solely for personal benefit.

167. Raphael's physician documented that he requires medical accommodation due to complex health risks, including: (a) monthly infusions of the immunosuppressive therapy Remicade; (b) seven separate autoimmune diseases that heighten his risk of harm; and (c) bilateral macular edema with significantly reduced vision.

168. Given Raphael's extensive and complex medical history, and textbook qualification under ACIP and nationally recognized guidance, his New York-licensed treating physician submitted medical exemption requests for the 2024–2025 school year.

169. But the NYC DOHMH exercised its' substantial discretionary authority to deny the exemption.

170. Raphael's need clearly qualifies under NYSDOH regulations, ACIP guidelines, and also nationally recognized evidence-based standards of care.

171. For example, the package inserts of both Raphael's missing vaccines specifically list immunosuppressants like Remicade as a "precaution." This is because Remicade compromises the ability of the vaccine to produce immunity, rendering the procedure medically futile.

172. This finding also constitutes a valid medical exemption under the narrowest reading of the State's own standards because ACIP guidelines explicitly define a "Precaution" to include any condition that "might compromise the ability of the vaccine to produce immunity"—exactly the risk documented by Raphael's physician.

173. With no information about why the NYCDOHMH was denying Raphael's valid medical exemption, Gina submitted another request, this time trying to provide more detail in hopes that helped (they did not explain why they denied the request).

174. But the NYC DOHMH denied the second request too.

175. As a result, on April 24, 2025—**Raphael's birthday**—Raphael and his mother were on the way to school when Gina got the call informing her that the school was denying medical accommodation after hearing back from the NYCDOHMH and thus Raphael would be excluded from school, effective immediately.

176. When Gina hung up the phone and broke the news to Raphael that he wasn't going to school and that he had been kicked out, he just stood on the sidewalk and cried.

177. Raphael was allowed to return for three days only in May while a third medical exemption was under review with the NYC DOHMH, but he was expelled finally after that third request was denied.

B. Irreparable Developmental and Financial Harm

178. Because of his immediate expulsion, Raphael was unable to complete the ninth grade and lost access to **all his mandated special-education services**—including speech therapy, occupational therapy, physical therapy, life-skills training, and vision therapy—beginning in April 2025.

179. The New York City Department of Education has not provided a single session of mandated services since.

180. Raphael experienced a significant emotional decline during the weeks following his removal, refusing to change out of pajamas, becoming angry and withdrawn, and spending long periods lying on the couch. He is ordinarily a joyful, enthusiastic child; the contrast was stark and alarming. He still cries about the music concert he was preparing for—a guitar performance he never got to give. Just today he was talking about how much he misses his friends, teachers and therapists from IDEAL, and how sad he is that he never got to say goodbye.

181. The developmental regression has been significant, particularly in Speech. Raphael now stutters frequently and is less independent when communicating because of a decline in his articulation. He is also supposed to receive vision therapy, but the city is not providing it.

182. Gina was forced to enroll Raphael in a one-to-one tutoring program—the only feasible option to educate a child with his special needs who is not allowed to attend public or private school—which costs approximately **\$6,700 per month**, a crushing financial

burden. Gina is currently relying on the charity from her church community to cover basic expenses. She feels bad taking so much charity and worries each day how she can continue to make it work and help Raphael get his badly needed services.

183. For a child with Down syndrome, even a typical 10-to-12-week summer break causes measurable regression. Raphael has now been without consistent, appropriate services since April 2025, resulting in documented and irreversible developmental injury.

184. Gina brings this action to end the State's ongoing coercion and get urgently needed help for her son before it is too late.

The Roe Family

185. Plaintiff Rebecca Roe is the mother of Plaintiff Betsy Roe, a sixteen-year-old in the eleventh grade (junior in high school), and Rachel Roe, an eighteen-year-old in the twelfth grade (senior in high school).

186. Rebecca is a Messianic Jew. Her religious beliefs concerning vaccination are rooted in Scripture and form a central part of the religious upbringing she is obligated to provide her children.

187. She believes that human beings are created in God's image and that God intentionally and perfectly designed the body. As part of her responsibility to raise her children in that faith, she teaches them that their bodies are sacred creations whose integrity must be preserved.

188. Rebecca also believes that the body is a temple of the Holy Spirit and must not be defiled. Because she understands vaccination to introduce substances that interfere with the natural order of the body God created, Rebecca believes that vaccinating her children would violate Scripture, defile the body, and breach the sacred obligation she bears to raise her children in accordance with her faith.

189. Accordingly, abstaining from vaccination is a core religious act in her family and an integral component of her children's religious upbringing. Due to these same religious beliefs, Rebecca's mother chose not to vaccinate her as a child, and Rebecca's children have never been vaccinated.

A. The Exclusion and Trauma

190. Rebecca's daughters, Betsy and Rachel, attended public school in New York under duly granted religious exemptions and thrived until June 2019, when New York repealed the religious exemption.

191. After the repeal, both girls were no longer able to attend any school starting in the beginning of the 2019–2020 school year. Their education, friendships, routines, and sense of normalcy ended abruptly. They internalized the exclusion, feeling ostracized and confused as to why their faith made them unwelcome in their own school district.

192. Rebecca was forced to homeschool her daughters for six years despite both her and her husband working full-time.

193. Even when all schools switched to online learning in March 2020, the Roe children were still excluded from re-joining their classes, with the state providing no public health reason for excluding religious objectors from online learning.

194. She had to pay for online learning programs, private sports and a host of other expenses they had never anticipated they would have to pay.

195. The emotional, psychological and spiritual toll of this prolonged exclusion was the most significant hardship. The girls were lonely, excluded from school activities, friendships and sports, and each developed symptoms consistent with serious psychological distress and

trauma. Rachel developed an eating disorder during this instability, and Betsy began experiencing anxiety and stress-related migraines.

B. The Arbitrary Age Carve Out and Imminent Harm

196. The girls were able to return to school for the 2025-2026 school year.

197. Rachel, having turned 18 in September, is permitted to complete her senior year unvaccinated because she reached the age of majority—an arbitrary distinction that underscores the irrational nature of New York’s policy.

198. Betsy had a medical exemption which was duly accepted by the school for the 2025-2026 school year in September.

199. But at the end of November 2025, the District changed their mind and told Rebecca that Betsy’s exemption would no longer be accepted, and she could not attend school unless she immediately got at least one dose of all of the vaccines on the childhood schedule, with appointments in place to “catch-up” as Sarah Doe had had to do over a short period of time.

200. When Rebecca spoke to the Superintendent, she was told that after the District had already approved the medical exemption, the NYSDOH had reviewed the request and let the District know they did not agree with Betsy’s doctor that Betsy qualified for exemption.

201. The NYSDOH letters contain a standard disclaimer at the end of each denial stating the NYSDOH recommendation is not binding, and school principals or other persons in charge of the school have the ultimate authority to decide to grant or deny exemptions.

202. Upon information and belief, the same advice was given to Trumansburg School District.

203. But the Superintendent still felt that it was out of their hands, and that the NYSDOH might fine them up to \$2,000 a day if they were to allow Betsy to attend on the medical exemption that the NYSDOH had reviewed.

204. Many school districts across the state have reported the same impression after getting a denial recommendation.

205. Betsy was able to return with a temporary medical exemption after testing positive for mononucleosis earlier this month, but this exemption **expires on January 20, 2026.**

206. On that date, without judicial intervention, Betsy will be expelled from school again, solely because her family refuses to violate their religious beliefs and the advice of their doctor.

207. **Betsy is crushed by the prospect of being removed from school again.** Her nervous system had just settled into the possibility that she could finally be a normal kid again, attending classes and extracurriculars and being with her friends without the stigma of exclusion. She feels the coercive pressure on her faith and parents' wishes keenly, and the persistent threat of exclusion has caused ongoing fear, uncertainty, and emotional distress, for the entire family.

208. The State's continued exclusion of Betsy—while allowing her unvaccinated adult sister to attend the exact same school—demonstrates one of the many constitutional flaws in the State's mandate policy and constitutes an ongoing and irreparable injury.

The Boe Family

209. Plaintiff Bonnie Boe is a Christian, whose sincerely held religious beliefs guide her in everyday life, including how she rears and cares for her children, Brandon and Amy.

210. Through prayer and personal interpretation of Scripture, she believes she has a God-given responsibility to safeguard the integrity of the body, including her children's bodies, as a "temple of God."

211. When her son was young, and very ill in 2005, Bonnie was desperate. No one could figure out what was happening or why he was so sick. She began going to church regularly and

she prayed constantly for guidance. She believes God guided her that she must stop vaccinating and she has not vaccinated Brandon since, and never vaccinated his younger sister, Amy, who was born later.

212. Bonnie and her husband believe that they must raise their children according to their religious beliefs as part of their religious obligations to God. They attend religious services, pray for guidance on major decisions, and avoid certain practices revealed to them as wrong, including but not limited to vaccination.

213. Before New York repealed the religious exemption in 2019, Bonnie's children attended school with duly approved religious exemptions. In October 2019, both children were expelled solely because their religious upbringing prohibited vaccination. At the time, Brandon was 15 years old and Amy was 8.

214. The expulsions caused immediate and severe educational harm. Amy had an IEP and lost mandated special-education services when she was barred from school. Brandon, who had been diagnosed in infancy with PDD-NOS, also lost access to critical speech, occupational, and physical therapy services, despite having an extensive IEP. He was denied public education and essential federally mandated services for nearly three years.

215. The family's hardship deepened when Bonnie—herself a tenured public-school teacher—was placed on unpaid leave and ultimately terminated after she sought a religious accommodation to the COVID-19 vaccine mandate. The policy adopted by the New York City School system to deny Bonnie was later found unconstitutional by the Second Circuit.

216. Bonnie's religious discrimination and termination further destabilized the family financially and emotionally.

217. Notably, outside of the COVID-19 vaccine, which was repealed in 2023, New York City teachers have never been required to receive any other vaccination and currently are not required to be vaccinated to teach in public schools.

218. In 2022, Brandon turned eighteen and immediately became eligible to return to New York City public schools because the vaccination requirement no longer applied to him.

219. He returned to public school immediately and has since attended without interruption.

220. Now twenty-one years old, Brandon continues to attend public school despite having received only a limited number of the vaccines otherwise required for minors, and without any objection from the State.

221. Under New York law, he may remain enrolled in public school through age twenty-two notwithstanding his vaccination status.

222. Brandon's younger sister Amy, however, receives no such accommodation.

223. Amy remains excluded from public school solely because she is not yet eighteen—even though her brother attends the same school building every day, despite lacking many of the vaccines otherwise required of minors.

224. And Bonnie, Amy's unvaccinated mother, who serves as President of the Parent Teacher Association, is freely permitted inside the school building.

225. Amy herself regularly enters the school to attend dances, performances, and other school-sponsored events alongside her mother. Yet despite her frequent physical presence in the same building, Amy remains barred from participating as a student.

226. This barrier is stigmatizing and painful for Amy, who has asked her mother if she can just wear a costume and change her name and pretend to be a student so she can join her brother at school.

227. New York's continued exclusion of Amy—while allowing her adult brother to attend school notwithstanding his vaccine status—underscores the arbitrary, irrational, and constitutionally indefensible nature of the State's policy. It forces Bonnie to choose between her daughter's education and the religious upbringing she is obligated to provide for her children.

The Soe Family

228. Plaintiff Pastor Stephon Soe ("Pastor Soe") is an ordained minister, the founder of Foundation Progressive Sabbath Advent Ministries, Inc., and a former New York City public-school educator of twenty-two years. He resides in New York City with his wife and two daughters, Lillian (age 20) and Halie (age 15).

229. **Religious Beliefs:** Pastor Soe is an immigrant from Saint Vincent and the Grenadines who has practiced his faith consistently since childhood. His sincere religious beliefs govern all aspects of his life, including strict diet, health practices, and the upbringing of his children.

230. Fundamental to his faith is the belief that "the body is the Temple of God" and that introducing vaccines into the body defiles that Temple.

231. Consistent with his faith, Pastor Soe and his family abstain from all unclean foods (such as swine or fish without fins and scales), strictly observe the Sabbath, and refrain from alcohol, smoking, and pharmaceutical medications. The family relies on herbs and natural, God-given remedies.

232. For Pastor Soe, protecting his children from vaccination is a religious act and a sacred parental obligation. He believes he has a God-given responsibility to raise his children in accordance with Scripture, including ensuring that their bodies—the Temple of God—are

not defiled by vaccinations. This belief is central to his understanding of the religious upbringing he is commanded to provide for his children.

233. These beliefs are deeply rooted in Scripture and in his Ministry's teachings and have guided his decisions for himself and his children since birth.

234. When the State of New York abolished the religious exemption, Pastor Soe faced the impossible choice between violating his faith or sacrificing his daughters' education and well-being. He chose to remain faithful, and as a result, both children were excluded from school and remained unable to attend.

235. **Educational Exclusion:** Both of Pastor Soe's daughters are completely unvaccinated, consistent with the family's sincerely held religious beliefs.

236. For their entire educational lives prior to the repeal of New York's religious exemption in 2019, both daughters attended school with duly granted religious exemptions.

237. In 2019, the children were kicked out of school when their family decided not to violate their faith.

238. At the time of the repeal, the girls attended Leman Manhattan Preparatory School. The repeal forced the family to forfeit approximately \$5,000 in prepaid tuition for the 2019-2020 school year because the school could no longer honor their enrollment but would not refund the money.

239. **Harm to Lillian Soe:** The repeal caused significant harm to Pastor Soe's older daughter, Lillian. She was entering ninth grade when the exemption was revoked and was forced to complete her secondary education at home. She suffered depression and isolation due to this exclusion. She felt ostracized and outcast for her religion.

240. In a demonstration of the State's arbitrary policy, Lillian now attends Brooklyn College (a CUNY institution) with a recognized religious exemption. The State allows religious exemptions for college yet barred her from high school for the exact same beliefs just a few years prior.

241. **Harm to Halie Soe:** The repeal was also hard on Halie, who was entering fourth grade at the time. She missed her friends and did not understand why she was not allowed to go back to school.

242. Pursuant to state policies, Halie and other unvaccinated children were not even allowed to participate in their classes remotely when New York City schools switched to 100% online learning during the pandemic.

243. The experience was deeply alienating. Halie, like other children, feels the stigma keenly.

244. Halie is now fifteen years old. She is capable, intelligent, and trying to make the best of forced homeschooling. She is eager to return to school or at least have the option, but New York State will not permit her to enroll in any public or private school unless she first receives vaccinations in direct violation of her religious beliefs.

245. **Professional and Ministry Harm:** The State's hostility toward Pastor Soe's religious beliefs extends to his livelihood. Pastor Soe worked as an educator for the NYC DOE for approximately twenty-two years before being forced to resign in 2021 after the NYC DOE denied his request for a religious accommodation to the COVID-19 vaccine mandate pursuant to a facially discriminatory religious accommodation policy later struck down by the Second Circuit.

246. Despite the Circuit Court's holding, most DOE employees denied under that policy have never been allowed to come back.

247. The financial strain of losing his employment forced Pastor Soe to close the physical location of his ministry in June 2023, as he could no longer afford the rent. The State's actions have thus stripped him of his career, his physical church, and his ability to educate his children according to his faith, causing significant emotional distress.

The Poe Family

248. Plaintiff Pamela Poe is the mother of Plaintiff Grace Poe, age twelve and in seventh grade, and Plaintiff Adam Poe, age nine and in fourth grade.

249. Pamela and her husband reside with Grace and Adam in Staten Island, New York.

250. Grace and Adam are completely unvaccinated, consistent with their mother's sincerely held religious beliefs.

251. For all their early childhood and elementary schooling in New York, they attended school with recognized religious exemptions.

252. Until 2019, Grace and Adam were enrolled at Gateway Academy in Staten Island, where their religious exemptions were honored.

253. When New York repealed the religious exemption for school immunization requirements, they were immediately barred from continuing their education in any public or private school in New York State.

254. Following the repeal, Pamela was forced to withdraw both children from New York schools and seek education outside the State because New York would no longer permit enrollment without vaccination, despite her unchanged religious beliefs.

255. For the 2019–2020 school year, Grace enrolled in Metuchen Christian Academy in New Jersey, where religious exemptions remained recognized and respected.

256. In September 2020, both children began attending Assumption Catholic School, a private K-8 religious school in New Jersey, where they currently remain enrolled under religious exemptions.

257. Tuition at Assumption Catholic is approximately \$12,000 per year.

258. Because New York will not allow the children to attend school without violating their religious convictions, Pamela must drive her children across state lines twice each day, from Staten Island into New Jersey and back, solely so they may receive an education.

259. The required interstate travel imposes significant financial burdens, including approximately \$2,500 per year in tolls, in addition to the cost of gasoline, increased vehicle wear, and hours spent driving each week. This daily travel also creates substantial time burdens on Pamela and her family.

260. Pamela is an active Born Again Christian and a devoted parent.

261. She attends Assumption Catholic mass every Friday with her children, and she also worships at Holy Mountain Ministry in Staten Island, a Born-Again, evangelical Christian church where she practices and deepens her faith, every Sunday.

262. Pamela's sincerely-held religious beliefs include that her children were created whole and complete by God, with everything necessary for health and life. She believes their immune systems are intentionally and perfectly designed by God, and that it would violate Scripture and her parental religious obligations to allow vaccines that, in her view, attempt to alter or improve upon God's creation. For Pamela, protecting her children from vaccination is a religious act and a sacred obligation that she understands God has entrusted to her as a parent. She therefore believes she is religiously required to ensure that her children remain unvaccinated as part of their religious upbringing and daily walk of faith.

263. Although her religious objections apply to all vaccines based on this foundational belief, she also holds specific objections to the methods by which certain individual vaccines are manufactured, including those developed using processes she considers religiously impermissible (for example, those that contain aborted fetal cells). However, she does not need to reach those individual objections because her faith prohibits vaccination categorically.

264. Pamela views safeguarding her children from vaccination as a core religious act and an essential part of her daily practice of faith. She believes God divinely designed their immune systems, and that introducing vaccines would improperly interfere with God's design. She therefore considers it her sacred obligation to ensure that her children remain unvaccinated.

265. Pamela's children have been forced out of their community by New York State's elimination of the religious exemption. They cannot attend school with their neighbors, peers, or local faith community, and they miss the opportunity to participate in Staten Island academic, social, and community life, including summer camp (which they are also excluded from because they are unvaccinated).

266. The displacement has caused emotional harm to both children. Grace and Adam feel isolated from their neighborhood friends, excluded from their home community, and confused as to why their faith is accepted in New Jersey but rejected where they actually live.

267. The experience has also caused emotional distress to Pamela, who bears the responsibility of transporting her children out of state each day, managing the financial strain, and

watching her children struggle with the social and emotional consequences of being barred from going to school in their own state.

268. Pamela is deeply concerned about the years ahead. High school tuition in New Jersey averages \$18,000 per year per child, far beyond what she can reasonably sustain. Yet unless New York restores her right to a religious exemption, her children will remain unable to attend any public or private school in the State.

269. Pamela wishes for her children to return to school in New York — their home community — but New York law forces her to choose between violating her religious beliefs and denying her children access to education in their own State.

270. Notably, once Grace and Adam cross the New York–New Jersey border, their family’s religious rights are fully recognized. New Jersey schools accommodate their beliefs without issue, underscoring that the barrier to their education is New York’s refusal to honor their faith, not any limitation inherent to their religious convictions.

The Joe Family

271. Plaintiff John Joe is the father of James Joe (age 10) and Ariana Joe (age 3).

272. John and his wife are devout non-denominational Christians who believe that vaccination is against God’s will.

273. Because of their religious beliefs, including their belief that they must raise their children in accordance with their understanding of God’s will, they do not vaccinate their children and they maintain various disciplined religious practices as a family.

274. When the religious exemption was repealed in 2019, the family lived in Queens, where John had grown up. They were close to many relatives, including John’s mother.

275. James, their only child at the time, attended an arts-based public pre-school across the street from their home in Queens. He was thriving and happy.

276. John and his wife both worked for the New York City public school system, and each had pensions, benefits and a bright future in New York City.

277. In or around October 2019, James was kicked out of school because his parents refused to violate their sincerely held religious beliefs.

278. His heart was broken, and he did not understand why they would not let him go to his beloved school anymore. He wondered if it was his fault, and he was very sad and confused.

279. The family attempted homeschool for a while but eventually decided they had to move out of state so that James could go to school with other children and not face the stigma imposed in New York.

280. They moved to Pennsylvania, where they still reside.

281. John's wife had to leave her position at DOE so that she could be there for James before and after school.

282. John, meanwhile, still works for the NYC DOE, commuting over four hours most days, and often having to spend the night in Queens away from his family.

283. He leaves around 5 a.m., before his children (he now has a three-year-old daughter as well) are even up. And he often must return home late at night or not at all to avoid rush hour traffic.

284. It is very hard on John and on his wife and kids to have to spend so much time away from each other.

285. John also faced personal religious discrimination in New York. In the fall of 2021, John was denied religious accommodation from a Covid-19 vaccine mandate and suspended

without pay. Following the Second Circuit's decision indicating that the policies applied to deny John accommodation were unconstitutional, John was able to return to work after the City admitted his religious beliefs were valid and sincerely held.

286. The Joe family are weary from all that New York has put them through, but they want to stand up for themselves and for all other families in New York who deserve to be treated with dignity and allowed to follow their faith and make parental choices in accordance with their religious obligations and their parental rights.

FIRST CAUSE OF ACTION
Violation of the Free Exercise Clause

(U.S. Constitution, First Amendment) (42 U.S.C. § 1983)

287. Plaintiffs repeat and reallege the foregoing allegations as if fully set forth herein.

288. The Free Exercise Clause prohibits the government from substantially burdening religious exercise unless the burden is justified by a compelling governmental interest and is the least restrictive means of achieving that interest.

289. New York's vaccine mandate, as enforced by Defendants, imposes a severe burden on Plaintiffs' religious exercise by conditioning their children's access to public and private education on the violation of their sincerely held religious beliefs. This coercion forces Plaintiffs to choose between their faith and their children's well-being and future prospects.

The Three Independent Triggers for Strict Scrutiny

290. **Strict Scrutiny Applies Under *Mahmoud* (Substantial Interference):** The Mandate directly triggers Strict Scrutiny because the State's policy "substantially interferes" with the fundamental right of parents to direct the religious upbringing of their children. By conditioning access to public education on the forfeiture of religious rights, the State substantially interferes with this sacred parental domain and requires the application of the

Strict Scrutiny standard mandated by *Mahmoud v. Taylor*, 606 U.S. 522 (2025). This basis for strict scrutiny applies with equal force to laws that are otherwise neutral and generally applicable.

291. Strict Scrutiny Applies Under *Fulton* (Lack of General Applicability): Strict scrutiny alternatively applies because the Mandate is not generally applicable, which *Fulton v. City of Philadelphia*, 593 U.S. 522 (2021) holds is true if a law either permits secular conduct that undermines the government's interest in the same way or provides any mechanism for individualized exemptions even if such exemptions are never applied.

292. Both conditions are present here:

- a. **Secular Carve-Outs Undermine Interest:** The policy rigidly denies religious exemptions while permitting multiple secular exemptions—including the Age 18 Carve-Out and exemptions for unvaccinated teachers and staff—that undermine the government's asserted public health interest in the same manner.
- b. **Discretionary System:** The State implements a system of "individualized, discretionary assessments" for medical exemptions. Because the NYSDOH explicitly directs school districts to exercise substantive discretion to review and overrule the judgment of treating physicians, the policy is not generally applicable, and the presence of this discretionary mechanism is dispositive under *Fulton*.

293. Strict Scrutiny Applies Under the "Hybrid Rights" Doctrine: Even if the mandate were deemed generally applicable, and *Mahmoud* did not apply, strict scrutiny is triggered because this case presents a "hybrid" claim involving the Free Exercise Clause in conjunction with the fundamental parental right to direct the care, upbringing, and medical

decision-making for one's children. *See Employment Div. v. Smith*, 494 U.S. 872 (1990); *Mahmoud*, 606 U.S. 522.

294. Failure to Satisfy Strict Scrutiny. The State's refusal to allow religious exemptions cannot survive strict scrutiny.

295. The Mandate is Not the Least Restrictive Means: Defendants bear the burden of demonstrating that the categorical exclusion of religious children is the least restrictive means of achieving a compelling interest. It is demonstrably not.

296. Not Narrowly Tailored (Under-Inclusive): The State effectively manages communicable disease while permitting unvaccinated adults (students over 18, teachers, and staff) and medically exempt children to occupy the exact same school buildings. There is no rational—and certainly no compelling—basis to treat an unvaccinated 16-year-old as a public-health threat while permitting an unvaccinated 18-year-old or an unvaccinated teacher to occupy the same classrooms and hallways.

297. Less Restrictive Means Exist: The majority of jurisdictions—forty-seven other states—successfully manage public health while offering religious or personal belief exemptions. New York itself respected religious freedom for over fifty years prior to 2019 without evidence that such accommodations "imperiled" public health. Under strict scrutiny, the State must explain why it alone cannot achieve its goal through less restrictive means. *See Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020).

298. Resulting Irreparable Harm: As a direct result of this unconstitutional policy, Plaintiffs have suffered and continue to suffer irreparable harm, including the loss of First Amendment freedoms and the denial of educational access, with severe harms compounding daily.

SECOND CAUSE OF ACTION
Violation of the Substantive Due Process Clause

(U.S. Constitution, Fourteenth Amendment) (42 U.S.C. § 1983)

299. Plaintiffs repeat and reallege the foregoing allegations as if fully set forth herein.

300. The Substantive Due Process Clause of the Fourteenth Amendment protects the fundamental liberty interest of parents in the care, custody, and control of their children. *Troxel v. Granville*, 530 U.S. 57 (2000). This liberty interest is "perhaps the oldest of the fundamental liberty interests recognized by this Court." *Id.* at 65.

301. When government policies infringe fundamental rights, including fundamental parental rights, strict scrutiny applies regardless of whether the policy is neutral or generally applicable.

Usurpation of Fundamental Parental Authority

302. New York's mandate unconstitutionally usurps fundamental parental authority in at least three distinct ways:

303. **Religious Upbringing:** By conditioning access to education on the violation of sincerely held religious beliefs, the State commands parents to disobey the tenets of their faith to secure a basic public benefit. This directly violates the fundamental right of parents to direct the religious upbringing of their children. *See Mahmoud v. Taylor*, 606 U.S. 522 (2025).

304. **Educational Choice:** By barring unvaccinated children from all public and private schools, the State has effectively nullified the right recognized in *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) to choose an educational forum that aligns with their values. In *Pierce*, the Supreme Court held that parents have a fundamental right to choose

whether to send their children to public or private schools. In New York, religious objecting parents are not allowed to send their children to public or private schools at all.

305. Medical Autonomy: The State has empowered lay school officials to usurp parental and physician authority by creating a scheme where unlicensed administrators may overrule the medical judgment of licensed physicians and fit parents about what is medically necessary or safe for a child. Fit parents, not the State, are presumed to act in the best interests of their children and have a fundamental right to make medical decisions for them.

See Parham v. J.R., 442 U.S. 584 (1979).

Failure to Satisfy Strict Scrutiny

306. As set forth in more detail in the First Cause of Action, the State cannot demonstrate that categorically excluding healthy children from all public and private schools is narrowly tailored to serve a compelling interest, particularly when less restrictive means—such as those used by 46 other states—are readily available.

307. As a direct result of Defendants' actions, Plaintiffs have been deprived of their fundamental right to direct the upbringing, education, and medical care of their children, causing ongoing irreparable harm.

THIRD CAUSE OF ACTION Violation of Equal Protection Clause (U.S. Constitution, Fourteenth Amendment) ((42 U.S.C. § 1983))

308. Plaintiffs hereby re-allege and incorporate by reference the allegations contained in all preceding paragraphs.

309. The Fourteenth Amendment to the United States Constitution guarantees all persons the equal protection of the laws, including protection against arbitrary and discriminatory enforcement of state policies. To survive constitutional challenge, a classification that

burdens a fundamental right or involves a suspect class must be justified under Strict Scrutiny, while even an ordinary classification must survive Rational Basis Review.

310. The State of New York's mandatory vaccination scheme creates classifications that discriminate against students who require accommodation based on their parent's sincerely held religious beliefs.

311. New York's vaccine policy treats similarly situated children differently without a rational basis, let alone a compelling interest.

312. Unvaccinated students can attend school for secular reasons, including medical accommodation and being over eighteen, but not for religious reasons. Moreover, teachers and others work in person unvaccinated in the building even though they undermine the government's interest in the same way.

313. This classification—which grants exemptions for medical or age-based secular reasons while denying them for reasons of religious conscience—is inherently discriminatory against a suspect class (religion) and/or burdens the fundamental parental right to direct religious upbringing, and must, therefore, be subjected to Strict Scrutiny.

314. Failure to Satisfy Strict Scrutiny

315. The State's refusal to allow religious exemptions cannot survive the Strict Scrutiny standard. As set forth more fully in the First Cause of Action, the Mandate is neither necessary to achieve a compelling interest nor narrowly tailored, for many reasons, including but not limited to the following:

316. **Under-Inclusiveness:** The Mandate is grossly under-inclusive, revealing that public health will not be "imperiled" by allowing religious accommodation. Unvaccinated teachers, adult students (over 18), and medically exempt children are all similarly situated to children

seeking religious accommodation with respect to the asserted governmental interest in preventing the spread of communicable disease. By exempting these secular groups while excluding the religious group, the State reveals its interest is either pretextual or the classification is wholly arbitrary.

317. **Over-Inclusiveness:** The Mandate is also over-inclusive, as the State excludes students missing non-sterilizing vaccines (e.g., Tdap, MenACWY) that pose no risk of transmission in the school setting, proving the rule is grossly overinclusive relative to any alleged public health interest.

318. **Less Restrictive Means:** New York Public Health Law already provides less restrictive means to guard against community spread. If there is an outbreak of a vaccine-preventable virus in a school, unvaccinated children can be placed on home instruction until it resolves.

319. **Failure to Satisfy Rational Basis Review.** Furthermore, the classifications fail even the lowest tier of judicial review—Rational Basis Review. The irrational nature of the policy's arbitrary exemptions, including the Age 18 Carve-Out and the arbitrary denial of valid medical exemptions (e.g., Sarah Doe, Raphael Goe), demonstrates the scheme is arbitrary and lacks a rational relationship to any legitimate public health goal, suggesting the asserted interest is pretextual.

320. **Irrationality Example:** The State's irrationality is laid bare by many contradictions including the fact that it is unlawful to exclude children who are actively infected with Hepatitis B from school attendance, yet the Mandate excludes Sarah Doe for missing a single, non-sterilizing Hepatitis B booster, solely because the State rejects her religious or medical accommodation request.

321. Because the State's classification arbitrarily denies equal educational opportunity to Plaintiffs and is not based on a rational or compelling public health purpose, it violates the Equal Protection Clause of the Fourteenth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A.** Declare that the enforcement of PHL § 2164 without a mechanism for religious exemption violates the Free Exercise Clause of the First Amendment and/or the Substantive Due Process Clause and/or the Equal Protection Clause of the Fourteenth Amendment;
- B.** Issue a Temporary Restraining Order and Preliminary Injunction to provide immediate relief to families whose constitutional rights and needs are being infringed;
- C.** Issue a Permanent Prospective Injunction (1) enjoining Defendant and their agents (including school districts and the NYC DOHMH) from enforcing Public Health Law § 2164 without offering religious exemptions; and (2) ordering Defendant McDonald to issue a formal directive instructing all school districts that they must accept and honor sincere religious exemptions in compliance with the First and Fourteenth Amendments;
- D.** Award Plaintiffs reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- E.** Grant such other and further relief as the Court deems just and proper.

Pursuant to Fed. R. Civ. P. 38, Plaintiffs demand trial by jury for all issues so triable.

Dated: December 15, 2025,
Ithaca, NY

Respectfully submitted,

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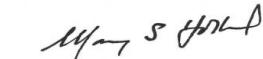
Attorneys for the Plaintiffs

VERIFICATION

I, Mary Holland, declare under penalty of perjury that the following is true and correct:

1. I am the Chief Executive Officer of Plaintiff CHILDREN'S HEALTH DEFENSE ("CHD"). I am authorized to verify this Complaint on behalf of CHD.
2. I have read the foregoing Verified Complaint and know the contents thereof. The factual allegations contained therein regarding CHD's mission, constituency, diversion of resources, and standing are true and correct to the best of my knowledge. As to all other matters in this group complaint, I believe them to be true based on my review of the files and consultation with counsel.

Dated: December 15, 2025



Mary S. Holland
Chief Executive Officer
Children's Health Defense

VERIFICATION

I, Jane Doe, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- a. I am a Plaintiff in the above-captioned action, proceeding under the pseudonym Jane Doe.
- b. The facts and factual allegations contained in the attached Verified Complaint pertaining to myself, my religious beliefs, my medical history, and my minor child(ren) are true and accurate to the best of my knowledge and belief.

Dated: December 15, 2025

/s/ Jane Doe

JANE DOE

VERIFICATION

I, Rebecca Roe, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- c. I am a Plaintiff in the above-captioned action, proceeding under the pseudonym Rebecca Roe.
- d. The facts and factual allegations contained in the attached Verified Complaint pertaining to myself, my religious beliefs, my medical history, and my minor child(ren) are true and accurate to the best of my knowledge and belief.

Dated: December 15, 2025

/s/ Rebecca Roe

REBECCA ROE

VERIFICATION

I, Bonnie Boe, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- e. I am a Plaintiff in the above-captioned action, proceeding under the pseudonym Bonnie Boe.
- f. The facts and factual allegations contained in the attached Verified Complaint pertaining to myself, my religious beliefs, my medical history, and my minor child(ren) are true and accurate to the best of my knowledge and belief.

Dated: December 15, 2025

/s/ Bonnie Boe

BONNIE BOE

VERIFICATION

I, Gina Goe, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- g. I am a Plaintiff in the above-captioned action, proceeding under the pseudonym Gina Goe.
- h. The facts and factual allegations contained in the attached Verified Complaint pertaining to myself, my religious beliefs, my medical history, and my minor child(ren) are true and accurate to the best of my knowledge and belief.

Dated: December 15, 2025

/s/ Gina Goe

GINA GOE

VERIFICATION

I, Stephon Soe, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- i. I am a Plaintiff in the above-captioned action, proceeding under the pseudonym Stephon Soe.
- j. The facts and factual allegations contained in the attached Verified Complaint pertaining to myself, my religious beliefs, my medical history, and my minor child(ren) are true and accurate to the best of my knowledge and belief.

Dated: December 15, 2025

/s/ Stephon Soe

STEPHON SOE

VERIFICATION

I, Pamela Poe, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- k. I am a Plaintiff in the above-captioned action, proceeding under the pseudonym Pamela Poe.
1. The facts and factual allegations contained in the attached Verified Complaint pertaining to myself, my religious beliefs, my medical history, and my minor child(ren) are true and accurate to the best of my knowledge and belief.

Dated: December 15, 2025

/s/ Pamela Poe

PAMELA POE

VERIFICATION

I, John Joe, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- m. I am a Plaintiff in the above-captioned action, proceeding under the pseudonym John Joe.
- n. The facts and factual allegations contained in the attached Verified Complaint pertaining to myself, my religious beliefs, my medical history, and my minor child(ren) are true and accurate to the best of my knowledge and belief.

Dated: December 15, 2025

/s/ John Joe

JOHN JOE