

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK**

REV. STEVEN SOOS, REV. NICHOLAS STAMOS, )  
JEANETTE LIGRESTI, as parent and guardian of infant )  
plaintiffs P.L. and G.L., DANIEL SCHONBRUN, )  
ELCHANAN PERR, MAYER MAYERFELD, MORTON )  
AVIGDOR, )

Plaintiffs, )

v. )

ANDREW M. CUOMO, Governor of the State of New York, in )  
his official capacity, et als. )

Defendant. )

Case No.  
1:20-cv-00651-GLS-DJS

**STIPULATION OF SETTLEMENT  
BETWEEN PLAINTIFFS AND NEW YORK CITY DEFENDANTS**

WHEREAS the Supreme Court's decisions in *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S.Ct. 63, 67-68, 208 L.Ed.2d 206 (2020) (*per curiam*), the Second Circuit's decision in *Agudath Israel of Am. v. Cuomo*, 983 F.3d 620, 635 (2d Cir. 2020), and the further decisions of the Supreme Court in *Tandon v. Newsom*, 141 S. Ct. 1294 (2021), *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021), *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289 (2021), have provided guidance regarding the issue of pandemic-related restrictions on the use and occupancy of houses of worship vis-à-vis secular comparators; and

WHEREAS, on May 26, 2021 the State and City of New York entered into a stipulation withdrawing their appeals from this Court's preliminary injunction of June 26, 2020, and the Second Circuit's mandate dismissing said appeals was issued May 28, 2021; and

WHEREAS, the plaintiffs and the City now wish to dismiss this action, with plaintiffs to pursue further claims for relief solely against the State;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for Plaintiffs and Defendants Bill de Blasio, Dr. Dave A. Chokshi, Terence A. Monahan, and Richard Carranza (“City Defendants”), as follows:

1. While New York State’s statewide disaster emergency set forth in Executive Order 202 and subsequently continued is in effect, the City agrees that it will abide by any permanent injunction issued against the State regarding COVID-related capacity or numerical restrictions on houses of worship or religious gatherings, and will not issue any COVID-related restrictions on houses of worship more restrictive than those imposed by the State unless (a) there is a substantial increase in COVID cases in the City, in which case (b) the City may impose capacity or numerical restrictions on religious worship services and houses of worship that are either identical to, or at least as favorable as, the restrictions imposed on other comparable gatherings as identified by Supreme Court precedent.

2. In consideration of this understanding, plaintiffs hereby dismiss this action, with prejudice, as against City Defendants.

3. Plaintiffs waive their right to collect attorney’s fees or costs from City Defendants and will only pursue attorney’s fees against the State Defendants.

4. In consideration of the foregoing, Plaintiffs hereby release the City of New York (the “City”), City Defendants, and any present or former employee or agent of the City from any and all liability, claim, or right of action arising from or relating to the allegations contained in this proceeding, including claims for costs, expenses, and fees.

5. This Stipulation contains all the terms and conditions agreed upon by the parties hereto; no oral agreement entered into at any time, nor any written agreement entered into prior to the execution of this Stipulation regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

6. The parties have reviewed and revised this Stipulation, and no rule of construction by which any ambiguities are to be resolved against the drafting party shall be applied in the interpretation of this Stipulation.

7. For purposes of this Stipulation, electronic, scanned and/or facsimile signatures by the undersigned shall constitute original signatures for filing with the Court.

Dated: June 9, 2021  
New York, New York



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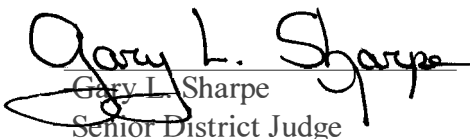
CHRISTOPHER A. FERRARA, ESQ.  
(Bar No. 51198)  
148-29 Cross Island Parkway  
Whitestone, Queens, New York 11357  
Telephone: (718) 357-1040  
cferrara@thomasmoresociety.org  
Special Counsel to the Thomas More Society  
*Counsel for Plaintiffs*



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GEORGIA PESTANA  
Acting Corporation Counsel  
Office of the Corporation Counsel  
of the City of New York  
Attorney for City Defendants  
100 Church Street  
New York, New York 10007  
212-356-4371  
msadok@law.nyc.gov  
By: Melanie V. Sadok  
Assistant Corporation Counsel  
Admitted *pro hac vice*

So Ordered:



Gary L. Sharpe  
Senior District Judge

June 10, 2021  
Albany, New York