



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
Attorney General

KENT T. STAUFFER  
Executive Deputy Attorney General  
Division of State Counsel

March 30, 2017

**By ECF**

The Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. New York*, No. 13-cv-4165 (NGG) (SLT)  
*O'Toole, et al. v. Cuomo, et al.*, No. 13-cv-4166 (NGG) (SLT)  
*Residents and Families United to Save Our Adult Homes, et al. v. Zucker, et al.*,  
No. 16-cv-01683 (NGG) (RER)

Dear Judge Garaufis:

Enclosed please find a letter from Jeffrey J. Sherrin, petitioner's counsel in *Doe v. Zucker, et al.*, Index No. 07079/2016 (Sup. Ct. Albany Co.), to Justice Kimberly A. O'Connor, who now presides over the *Doe* proceeding. The letter responds to the OAG's March 23 letter advising Justice O'Connor of this Court's March 22 Minute Entry in the above-captioned actions.

Respectfully submitted,

A handwritten signature in black ink that reads "Kent T. Stauffer". The signature is written in a cursive style with a large, sweeping flourish at the end.

cc: All Counsel (by ECF)

Encl.

**O'CONNELL ARONOWITZ**  
ATTORNEYS AT LAW

OFFICE OF THE ATTORNEY GENERAL  
ALBANY, NY  
MAR 30 2017  
STATE COUNSEL  
LEGAL OFFICE

March 27, 2017

Hon. Kimberly A. O'Connor  
Acting Supreme Court Justice  
Albany County Court House  
16 Eagle Street – Room 411  
Albany, NY 12207

**Re: Doe v. Zucker, et al.**  
**Index No. 07079/2016**  
**(Supreme Court, Albany County)**

Dear Justice O'Connor:

I received today a copy of the letter written to Your Honor, dated March 23, 2017, from Kent T. Stauffer, Executive Deputy Attorney General. Our office represents the Plaintiff, John Doe, in this Article 78 proceeding.

While Mr. Stauffer did comply with Judge Garaufis' direction, it is Plaintiff's position that this proceeding is before Your Honor in state court, and it is not appropriate for Judge Garaufis, who is presiding over another action in federal court, to intercede in this action and purport to direct this Court what to do with its own Orders. It is further Plaintiff's position that this Article 78 proceeding is by no means moot when Mr. Doe returns to an adult home, and that the issuance of the injunctive relief was entirely appropriate and remains so.

If a motion is filed to vacate the TRO, Plaintiff intends to vigorously oppose it. The challenge to the regulations at issue is not just about Mr. Doe's right to return to an adult home, but also all the other discriminatory limitations on his rights imposed by these regulations.

Thus, it is not moot both as to Mr. Doe, or to the many others in similar positions who would bring similar actions due to the continuing discriminatory effect of the regulations upon them if the TRO were vacated.

EDWARD J. O'CONNELL  
1925-1939  
SAMUEL E. ARONOWITZ  
1925-1973  
LEWIS A. ARONOWITZ  
1951-1979

CORNELIUS D. MURRAY  
FRED B. WANDER  
STEPHEN R. COFFEY  
JEFFREY J. SHERRIN  
THOMAS J. DI'NOVO  
NANCY SCIOCCHETTI  
PAMELA A. NICHOLS  
JEFFREY A. SIEGEL  
JAMI DURANTE ROGOWSKI  
DAVID R. ROSS  
KURT E. BRATTEN  
MICHAEL P. McDERMOTT  
KELLY J. MIKULLITZ  
WILLIAM F. BERGLUND  
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DANIELLE E. HOLLEY  
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AMBER L. WRIGHT  
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COURTNEY L. ALPERT  
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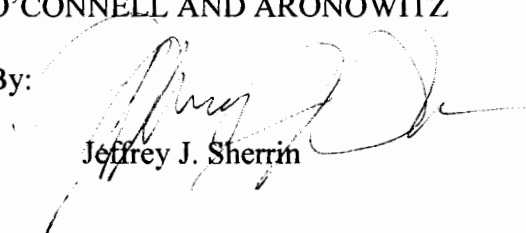
March 27, 2017

Thank you for your consideration.

Respectfully submitted,

O'CONNELL AND ARONOWITZ

By:

  
Jeffrey J. Sherrin

JJS:jss

cc: Kent T. Stauffer, Esq.  
Matthew F. Didora, Esq.