

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REV. STEVEN SOOS,
REV. NICHOLAS STAMOS,
DANIEL SCHONBRUN,
ELCHANAN PERR and
MAYER MAYFELD,

DECLARATION

20-CV-00651

Plaintiffs,

(GTS)(DJS)

-against-

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

LETITIA JAMES, Attorney General of the State of New
York in her official capacity,
and

BILL DE BLASIO, Mayor of the City of New York, in his
official capacity,

Defendants.

Brad Hutton, on the date noted below and pursuant to § 1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1) I am the Deputy Commissioner of the Office of Public Health at the New York State Department of Health (“Health”). I have been the Deputy Commissioner of the Office of Public Health since July 2016 and have been employed by the Department since 1994. In my position, I oversee the Office of Public Health, which has more than 3,000 employees statewide.

I make this declaration to provide a brief background of the spread of the novel coronavirus, the COVID-19 illness, and the grave public health emergency currently besieging the State of New York.

The Novel Coronavirus

2) On January 7, 2020, following an outbreak of pneumonia of unknown etiology in China’s Wuhan Province, Chinese authorities identified a novel coronavirus—COVID-19. It’s spread around the world has been well documented. Exh. A.

3) COVID-19 is a highly infectious and potentially deadly respiratory disease caused by a newly discovered coronavirus that spreads easily from person-to-person. Exh. X.

4) Because there is no pre-existing immunity against this new virus, it has spread worldwide in an exceptionally short period of time, posing a “serious public health risk.” Id.

5) On January 31, 2020, the World Health Organization (“WHO”) declared a “public health emergency of international concern.” Exh. Y.

6) Less than two months later, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic. Exh. E.

7) On March 13, 2020, the President of the United States declared a national emergency. Exh. Z.

8) Public health efforts aimed to stop the pandemic from overwhelming our healthcare system are sometimes referred to as “flattening the curve.” The “curve” in question refers to the projected increase in COVID-19 demands on the health care system over time. Exh. H.

9) The rapid spread of COVID-19 in New York, in the United States, and

worldwide, presented and continues to present a grave threat to New Yorkers and to New York's health care system. However, by taking strong action to ensure social distancing as well as other important measures, that threat can be mitigated, and the curve can be flattened, so that the burdens of COVID-19 are spread over a longer period of time and our health care system can continue to function at a high level.

10) COVID-19 "spreads through droplets released into the air when an infected person coughs or sneezes. The droplets generally do not travel more than a few feet, and they fall to the ground (or onto surfaces) in a few seconds." Exh. I. "Current evidence suggests that SARS-CoV-2 may remain viable for hours to days on surfaces made from a variety of materials." Exh. J.

11) COVID-19 has an incubation period of up to fourteen days. Exh. I. Social distancing is one of the most effective means of limiting transmission of COVID-19. Id.

12) The CDC has thus issued guidance recommending that people comply with social distancing measures in order to prevent the spread of COVID-19. According to the CDC, "[l]imiting face-to-face contact with others is the best way to reduce the spread" of COVID-19. Exh. K.

13) In order to limit exposure to COVID-19 and slow its spread, the CDC recommends keeping "at least six feet away from other people" and "limit close contact with others outside your household in indoor and outdoor spaces" including avoiding groups and crowded places. Id. Social distancing "is one of the best tools we have to avoid being exposed to this virus and slowing its spread locally and across the country and world" because it "helps limit contact with infected people and contaminated surfaces." Id.

The Novel Coronavirus in New York

14) New York recorded its first cases of COVID-19 on March 1, 2020, in New York City and on March 2, 2020, in Westchester County.

15) On March 7, 2020, Governor Cuomo declared a State of Emergency. Kerwin Decl., Exh. 0. As of March 7, 2020, 60 people had tested positive for COVID-19 in the State of New York. Exh. B. Cases in the United States totaled 275. Exh. C. Cases worldwide totaled 179,111, with 7,426 deaths reported. Exh. D.

16) By March 20, 2020, the number of individuals testing positive for COVID-19 in New York approached 10,000, and deaths exceeded 150. Exh. F.

17) By April 20, 2020, over 267,000 individuals had tested positive for COVID-19, and over 13,000 people had died from COVID-19 in New York State. Exh. G. See also, <https://www.syracuse.com/coronavirus/2020/06/where-is-coronavirus-in-ny-see-map-charts-of-covid-19-cases-deaths-hospitalizations-sunday-june-14.html>. (includes similar charts with trends over time).

18) These events placed significant strain on New York State's healthcare system. For example, as the virus spread, New York faced a shortage of hospital beds, ventilators, and personal protective equipment such as masks and gloves.

19) As a result, alternate care sites were set up, including at the Javits Center in New York City. The United States Navy sent the U.S.N.S. Comfort, a Mercy-class hospital ship, to New York to assist with medical care.

20) Funeral homes were also overwhelmed, resulting in the use of mass graves to bury the dead.

21) At the worst stage of the pandemic, New York State had more coronavirus cases than any single country in the world.

22) By following the guidelines and requirements such as social distancing and wearing masks, New York has successfully reduced the spread of the virus. As testing throughout the state has increased, the number of positive cases has decreased. See <https://forward.ny.gov/percentage-positive-results-region-dashboard>. On June 13, 2020, the downward trend of positive cases continued as 62,359 individuals were tested and 694 of those tested positive. Id.

New York State on PAUSE

23) As cases of COVID-19 rapidly increased across the globe, nations worldwide undertook emergency social distancing measures aimed at restricting its spread or “flattening the curve.” Many states, including New York, likewise have taken emergency action to ensure social distancing, flatten the curve, and slow the pandemic.

24) Among other measures aimed at flattening the curve, slowing the spread of COVID-19, and preventing the health care system from becoming overburdened, Governor Cuomo issued multiple Executive Orders restricting gatherings.

- March 12, 2020 — gatherings in excess of five hundred people prohibited; smaller gatherings limited to 50 percent capacity; theaters in large cities closed. Kerwin Decl., Exh. 1.
- March 16, 2020 — gatherings in excess of 50 people prohibited; all bars, restaurants, gambling establishments, gyms, movie theaters indefinitely closed. Kerwin Decl., Exh. 3. All non-essential state and local workers to stay home, “except for those personnel essential to the . . . response to the COVID-19 emergency.” Kerwin Decl., Exh. 4. All schools closed until no earlier than April 1, 2020. Id.

- March 18, 2020 — All malls and places of public amusement closed. Kerwin Decl., Exh. 5.
- 25) On March 20, 2020, the governor announced the New York State on PAUSE initiative.
- 26) The 10-point New York State on PAUSE plan is as follows:
- All non-essential businesses statewide closed, effective March 22, 2020, at 8pm;
 - Non-essential gatherings of individuals of any size for any reason (e.g., parties, celebrations or other social events) are canceled or postponed at this time;
 - Any concentration of individuals outside their home must be limited to workers providing essential services and social distancing should be practiced;
 - When in public, individuals must practice social distancing of at least six feet from others;
 - Businesses and entities that provide other essential services must implement rules that help facilitate social distancing of at least six feet;
 - Individuals should limit outdoor recreational activities to non-contact and avoid activities where they come in close contact with other people;
 - Individuals should limit use of public transportation to when absolutely necessary and should limit potential exposure by spacing out at least six feet from other riders;
 - Sick individuals should not leave their home unless to receive medical care and only after a telehealth visit to determine if leaving the home is in the best interest of their health;
 - Young people should also practice social distancing and avoid contact with vulnerable populations; and
 - Use precautionary sanitizer practices such as using isopropyl alcohol wipes.

Exh. L. All of these actions were taken to limit the spread of the virus.

27) Before the New York State on PAUSE initiative, the daily increase in the number of positive COVID-19 tests had been rising quickly. On March 19, the number of positive tests increased nearly 70%, from, 1,769 to 2,950. For the remainder of March and early April, the number of positive tests increased at an average rate of approximately 20% per day. On April 9, 2020, alone, over 10,000 people tested positive for COVID-19. Since April 9, 2020, the number of positive tests per day has declined steadily. On May 28, 2020, over 1,551 people tested positive for COVID-19. Exh. M.

28) The transmission rate, also known as the reproduction rate—which measures the number of individuals infected on average by an infected individual—was at 1.4 percent. The transmission rate is now below 0.8. At the current transmission rate, the spread of COVID-19 is declining in New York State. Exh. N.

The Re-Opening of New York

29) When New York transitioned from New York State on PAUSE to New York Forward, four phases were created to guide non-essential businesses and offices, as well as the essential businesses that remained open, on how to reopen. See <https://forward.ny.gov/ny-forward>.

30) A common thread in all guidance and restrictions for the Phases is to reduce capacity by cutting the maximum occupancy rates and to try and reduce transmission by mask wearing and maintaining social distancing.

31) The 4 phases are intended to have gradually increasing gathering sizes and decreasing occupancy restrictions as the phase increases (Phase 1 has the most restrictions; Phase 4 will have the least).

32) As CDC stated in guidance released on Friday June 12, 2020: The *more people* an individual interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading. See <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>.

33) The 4 phases are designed to allow monitoring for, and to quickly identify, any increase in virus transmission in a particular community that may have occurred as a result of moving to the new phase. This is necessary to ensure that virus transmission in a community is stable before continuing on to the next phase.

34) Providing transmission rates remain stable during each transition, restrictions can be relaxed allowing for larger gatherings in each subsequent phase. This can be seen with respect to religious and restaurant guidance.

- (a) Religious gathering guidance follows (Note: this was developed before any region was approaching Phase 3):
 - (i) Phase 1 allows for 10 individuals (in an INDOOR space).
 - (ii) Phase 2 allows for 25% of the maximum occupancy for a particular area as set by the certificate of occupancy for locations (in an INDOOR space).
- (b) Food service guidance:
 - (i) Phase 1 is take out/delivery service only (no indoor or outdoor dining).
 - (ii) Phase 2 is OUTDOOR dining only, and limited to maximum of 10 individuals per table (no indoor dining permitted).

(iii)Phase 3 indoor dining is allowed and capacity is limited to no more than 50% of the maximum occupancy for a particular area.

(iv)Guidance is not available yet to reflect additional allowances for Phase 4 or beyond.

35) Again, large gatherings present the greatest risk for rapid and widespread transmission of the virus in a community given the nature of having many people in a single enclosed space.

36) A CDC report of a church event that took place in Arkansas during the month of March demonstrates how easily and rapidly SARS-CoV-2, the virus that causes COVID-19, transmission can occur. See <https://www.cdc.gov/mmwr/volumes/69/wr/mm6920e2.htm>.

37) At this church, two asymptomatic individuals, a husband and wife, attended events at the church on March 6-8. They both developed symptoms a few days after the events. Id.

38) Of the 92 attendees, 35 (38%) had confirmed COVID-19 cases and there were three deaths. In the community, at least 26 COVID-19 cases were confirmed and there was one death. Id.

39) This outbreak highlights the potential for widespread transmission of the virus that causes COVID-19, both at group gatherings during church events and within the broader community and the findings highlight the importance for organizations, including faith-based organizations, to prevent COVID-19 by following available guidance. Id.

40) As the regions of the state enter each new Phase, the types of activities and business that can reopen expands and evolves but the guidance mandates mask wearing,

maintaining the 6-foot separation where possible, reduction of density, and hygiene/disinfecting stations.

41) The limits and restriction lessen and evolve as the curve continues to flatten through the continuing practice of these social distancing and following other guidelines. The numbers of new infections, hospitalizations, and deaths continue to decline in areas where these guidelines are adhered to which show the importance of taking the simple steps of mask wearing and maintaining the 6-foot social distance are so crucial.

42) Due to the success of the people of the State of New York at flattening the curve, all New York State regions except for New York City have begun Phase Two of the re-opening process as of June 1, 2020, with the Central New York, Finger Lakes, Mohawk Valley, North Country, and Southern Tier regions entering Phase Three on June 12, 2020. Exh. O (Images from New York Regional Monitoring Website). New York City began Phase One on June 8, 2020, and could possibly enter Phase Two by June 22, 2020. See <https://forward.ny.gov/>.

Phase 1

43) New York City is currently in Phase 1 of New York's Reopening Plan.

44) In Phase 1, pursuant to Executive Orders 202.32 and 202.33, gatherings of ten or fewer individuals are permitted in an indoor setting, provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.

45) Additionally, any drive-in or remote religious service may continue in excess of the ten person limit so long as there is no in-person contact between participants. Congregations of groups for religious service or ceremony, or gatherings for another purpose, in excess of ten

in-person participants remain prohibited in an indoor or outdoor setting.

46) During Phase 1, non-essential businesses in the following industries are permitted to reopen:

- Construction
- Agriculture, Forestry, Fishing and Hunting
- Retail (Limited to curbside or in-store pickup or drop off)
- Manufacturing
- Wholesale Trade

47) Those businesses, and essential businesses previously permitted to continue operation, must comply with physical distancing restrictions, ensure the use of protective equipment, and comply with hygiene and sanitization requirements, among other requirements.

48) In Phase 1, the following physical distancing protocols must be followed by retail businesses:

- Ensure 6 ft. distance between personnel, unless safety or core function of the work activity requires a shorter distance.
- For any work occurring indoors, limit workforce presence to only the employees necessary to conduct curbside and in-store pickup activities, but no more than 50% of the maximum occupancy for a particular area set by the certificate of occupancy, inclusive of customers picking up an order who must maintain 6 ft. of space from others or wear an acceptable face covering.
- Any time personnel are less than 6 ft. apart from one another or a customer and without a physical barrier (e.g., plexiglass), personnel must wear acceptable face coverings.
- Tightly confined spaces (e.g., elevators, small stock rooms, behind cash registers, narrow merchandise aisles) should be occupied by only one individual at a time, unless all employees are wearing face coverings. If occupied by more than one person, keep occupancy under 50% of maximum capacity.

- Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas (e.g., clock in/out stations, health screening stations, cash registers).
- Limit in-person gatherings as much as possible and use tele- or video-conferencing whenever possible. Essential in-person gatherings (e.g., meetings) should be held in open, well-ventilated spaces with appropriate social distancing among participants.
- Establish designated areas for pick-ups and deliveries, limiting contact to the extent possible

Phase 2

49) At the time of the filing of the complaint and application preliminary injunctive relief, the North Country region of New York State was in Phase 2 of New York’s Reopening Plan.

50) In Phase 2, pursuant to Executive Order 202.38, religious gatherings of 25% of a house of worship’s maximum indoor capacity are permitted, provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to. Kerwin decl. at Exh. 38. Other methods such as video, teleconferencing, or drive-in services should be used whenever possible.

51) There is general guidance for religious services and funerals¹, which includes recommended best practices for drive-in services:

- a) Attendees must remain in the vehicle in which they arrived.
- b) Attendees should not interact physically with clergy, employees, or attendees

¹ See <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/ReligiousandFuneralServicesSummaryGuidance.pdf>.

in other vehicles.

c) Vehicles should contain only members of a single household.

d) Cars must be at least 6 feet apart or use alternate parking spaces.

52) Schools will be permitted to hold drive-in and drive-through graduation ceremonies this year. The Department of Health has released [interim guidance](#) for these ceremonies. Socially distanced graduations of up to 150 people starting on June 26th are permitted. See

https://coronavirus.health.ny.gov/system/files/documents/2020/06/doh_covid19_graduation_060420.pdf.

53) Pursuant to Executive Order 202.35, Executive Order 202.32 as modified by Executive Order 202.33 which required postponement, cancellation, or restriction on size of all non-essential gatherings of more than ten individuals, and which together constitute New York On PAUSE, is hereby continued until and unless later amended or extended by a future Executive Order.... The restriction on outdoor gatherings of groups of more than 10 people remains in place.

54) On June 11, the Department issued guidance for pools limiting groups of people to 10 or less on the premise or in the pool. There can be multiple groups but they must maintain the 6 ft. separation. See

https://coronavirus.health.ny.gov/system/files/documents/2020/06/doh_covid19_pooladvisory_061120_0.pdf.

55) Pursuant to the Governor's Executive Orders, the following businesses must remain closed during Phase 2:

- Any indoor common portions of retail shopping malls with 100,000 or more square feet of retail space available for lease must remain closed to the public; however, any stores without their own external entrance(s) may operate via curbside pickup in Phase 1 and 2 providing purchased items to customers at or near the general mall entrance and any stores with their own external entrance(s) separate from the general mall entrance (e.g.,
- strip malls, anchor tenants), may open for curbside and in-store pickup in Phase 1 and all in-store retail activities in Phase 2;
- Indoor on-premise restaurant and bar service, excluding take-out or delivery for off-premise consumption in Phase 1 and outdoor on-premise restaurant and bar service in Phase 2;
- Large gathering/event venues, including but not limited to establishments that host concerts, conferences, or other in-person performances or presentations in front of an in-person audience;
- Gyms, fitness centers, and exercise classes, except for remote or streaming services;
- Video lottery and casino gaming facilities;
- Movie theaters, except drive-ins; and
- Places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, arcades, fairs, children’s play centers, funplexes, theme parks, bowling alleys, family and children’s attractions.

56) Other non-essential retail businesses are permitted to open during Phase 2 with restrictions.

57) Physical distancing requirements for retail businesses permitted to open in Phase 2 include the following:

- Ensure 6 ft. distance between individuals, unless safety or core function of the work activity requires a shorter distance.
- Reduce interpersonal contact and congregation through methods such as limiting workforce presence to only the employees necessary to conduct retail

activities.

- The workforce and customer presence must be limited to no more than 50% of the maximum occupancy for a particular area set by the certificate of occupancy, inclusive of customers, who must maintain 6 ft. of space from others and, in all cases, wear an acceptable face covering.
- Tightly confined spaces (e.g., elevators, small stock rooms, behind cash registers, narrow merchandise aisles) should be occupied by only one individual at a time, unless all individuals are wearing face coverings. If occupied by more than one person, keep occupancy under 50% of maximum capacity.
- Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas (e.g., clock in/out stations, health screening stations, break rooms, cash registers, merchandise aisles).
- Limit in-person gatherings (e.g., meetings) as much as possible and use tele-or video-conferencing whenever possible. If a meeting is necessary, it should be held in an open, well-ventilated space with appropriate social distancing among participants.
- Establish designated areas for deliveries, limiting contact to the extent possible.
- Ensure fitting rooms are equipped with appropriate cleaning/hygiene supplies for employee and customer use, including hand sanitizer.
- Close amenities including self-serve bars and samplers.

Phase 3

58) On June 12, 2020, the North Country Region began Phase 3 re-opening. In Phase 3, restaurants and personal care services businesses are added to the non-essential businesses permitted to resume operation, subject to specific state guidelines to maximize safety and social distancing.

59) Food services businesses must comply with the following physical distancing

requirements:

- Limit indoor capacity to no more than 50% of maximum occupancy, exclusive of employees.
- Limit outdoor capacity to the number of tables that can be safely and appropriately arranged, such that each table is a minimum of 6 ft. away from another.
- All indoor and outdoor tables with seating for customers must be separated by a minimum of 6 ft. in all directions. Wherever distancing is not feasible between tables, physical barriers must be enacted between such tables. Barriers must be at least 5 ft. in height and not block emergency and/or fire exits.
- Regardless of physical distance, employees must wear an acceptable face covering at all times.
- Patrons must wear face coverings at all times, except while seated; provided that the patron is over the age of 2 and able to medically tolerate such covering.
- Individuals seated at the same table must be members of the same party (but may be from different households), with a maximum of 10 people per table. Seating in bar areas and communal tables are only permitted if at least 6 ft. can be maintained between parties.
- Clearly signal 6 ft. spacing in any lines for customers waiting to order, pick-up food, be seated, or use the restroom, as well as in any pick-up or payment location.
- Designate entrances/exits for customers and separate entrances/exits for employees, where possible.
- Limit in-person gatherings (e.g., staff meetings) to the greatest extent possible.
- Establish designated areas for vendor pickups and/or deliveries, limiting contact to the extent possible.

60) Personal care services businesses must comply with the following physical

distance protocols:

- Limit the workforce and customer presence to no more than 50% of the maximum occupancy, inclusive of customers, who must maintain 6 ft. of separation from others, except during the service, and, in all cases, only be permitted entry if wearing an acceptable face covering; provided that the customer is over age 2 and medically able to tolerate one.
- Ensure 6 ft. distance between individuals at all times, unless safety or the core activity requires a shorter distance (e.g., performing a piercing/tattoo, providing a massage, performing a manicure/pedicure). Employees must wear face coverings any time they interact with customers (e.g., performing a service, ringing up a purchase) and any time they come within 6 ft. of another person.
- Ensure that customer seating allows customers to maintain a 6 ft. distance from all others except for the employee providing service (e.g., tattoo and piercing workstations, massage tables, or salon workstations must be 6 ft. apart from each other), unless a physical barrier is in place in accordance with OSHA guidelines.
- Ensure that employees at appointment desks/cash registers maintain 6 ft. of distance from others, unless there is a physical barrier (e.g., plexiglass) between them, or the employee is wearing a face covering; however, even with a barrier, employees must wear a face covering any time they interact with a customer.
- Close waiting rooms.
- Put in place practices for adequate social distancing in small areas, such as restrooms and breakrooms.
- Establish designated areas for pickups and deliveries, limiting contact to the extent possible.

The Pandemic Is Not Over

61) On May 18, 2020, WHO reported 5,488,825 individuals confirmed positive for COVID-19, and 349,095 confirmed COVID-19 deaths worldwide. Exh. P. On June 1, 2020, the CDC reported that 1,761,503 individuals in the United States had tested positive for COVID-19, and 103,700 had died of COVID-19. Exh. Q.

62) New York continues to be at risk for a concerning resurgence of a second wave of the COVID-19 pandemic in the United States, with more than 383,000 positive tests as of June 13, 2020, and more than 5,000 positive tests in the last week. Exh. R. As of June 13, 2020, 24,551 people have died in New York of COVID-19. Exh. S.

63) As stated above, high transmission rates of SARS-CoV-2 have been reported from hospitals, long-term care facilities, family gatherings, a choir practice, and, in the CDC report, see supra ¶¶ 36-39, church events. Faith-based organizations that are operating or planning to resume in-person operations, including regular services, funerals, or other events, should be aware of the potential for high rates of transmission of SARS-CoV-2. Id.

64) It is important for these organizations to follow the guidance available for each Phase of reopening to prevent transmission of the virus that causes COVID-19 to their members and their communities.

65) True and accurate copies of the following documents are attached hereto:

Exhibit A: WHO Situation Report 1.

Exhibit B: Images from the New York State Department of Health's COVID-19 Tracker.²

Exhibit C: Images from the CDC's Coronavirus Disease Dashboard.³

² Found at <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-DailyTracker?%253Aembed=yes&%253Atoolbar=no&%3AisGuestRedirectFromVizportal=y&%3Aembed=y> (last visited June 14, 2020).

³ Found at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last visited June 1, 2020).

Exhibit D: WHO Situation Report 57.

Exhibit E: WHO Declares Global Pandemic.

Exhibit F: Image from Johns Hopkins University's Coronavirus Resource Center.⁴

Exhibit G: Images from Johns Hopkins University's Coronavirus Resource Center.⁵

Exhibit H: Projection Model.

Exhibit I: Johns Hopkins Article: What is Coronavirus?

Exhibit J: CDC: Cleaning and Disinfection for Households.

Exhibit K: CDC: Social Distancing.

Exhibit L: New York PAUSE Initiative.

Exhibit M: Images from the New York State Department of Health's COVID-19 Tracker.⁶

Exhibit N: <https://rt.live/> (last viewed June 14, 2020).

Exhibit O: Images from New York Regional Monitoring Website.⁷

Exhibit P: WHO Situation Report 128.

Exhibit Q: Images from the CDC's Coronavirus Disease Dashboard.⁸

⁴ Found at <https://coronavirus.jhu.edu/map.html> (last visited June 14, 2020).

⁵ Id.

⁶ Found at <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-DailyTracker?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n> (last visited June 1, 2020).

⁷ Found at <https://forward.ny.gov/percentage-positive-results-region-dashboard> (last visited June 14, 2020).

⁸ Found at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last

Exhibit R: Images from the New York State Department of Health’s COVID-19 Tracker.⁹

Exhibit S: Images from the New York State Department of Health’s COVID-19 Tracker.¹⁰

Exhibit T: Images from the New York State Department of Health’s COVID-19 Tracker.¹¹

Exhibit U: Images from the New York State Department of Health’s COVID-19 Tracker.¹²

Exhibit V: Images from Johns Hopkins University’s Coronavirus Resource Center.¹³

Exhibit W: Images from the New York State Department of Health’s COVID-19 Tracker¹⁴ and the Johns Hopkins University’s Coronavirus Resource Center.¹⁵

visited June 14, 2020).

⁹ Found at <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n#/views> and <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-DailyTracker?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n#/views> (last visited June 14, 2020).

¹⁰ <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n#/views> (last visited June 14, 2020).

¹¹ <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n#/views/NYS%2dCOVID19%2dTracker/NYSDOHCOVID%2d19> (last checked June 14, 2020).

¹² Id.

¹³ Found at <https://coronavirus.jhu.edu/map.html> (last visited June 14, 2020).

¹⁴ Id.

¹⁵ Found at <https://coronavirus.jhu.edu/map.html> (last visited June 14, 2020).

Exhibit X: A true and accurate copy of the Centers for Disease Control and Prevention (“CDC”), Coronavirus Disease 2019 (COVID-19): Situation Summary.

Exhibit Y: A true and accurate copy of the Statement on the Second Meeting of the International Health Regulations (2005) Emergency Committee Regarding the Outbreak of Novel Coronavirus (2019-nCoV) (Jan 30, 2020).

Exhibit Z: A true and accurate copy of the National Emergency Declaration signed by President Trump on March 13, 2020.

Exhibit AA: A true and accurate copy of an article from U.S. News & World Report, New York Reports First 2 Coronavirus Deaths.

Exhibit BB: A true and accurate copy of literature called CDC, Coronavirus Disease 2019 (COVID-19): How to Protect Yourself and Others.

Dated: June 15, 2020
Albany County , New York

s/ Brad Hutton

Brad Hutton