

**SUPREME COURT
STATE OF NEW YORK COUNTY OF STEUBEN**

**JOCELYN SULLIVAN-KNAPP, Individually and as
Parent and Natural Guardian of S.S. and A.S.K.,**

Plaintiffs,

-vs.

DECISION

Index No. E2019-1338CV

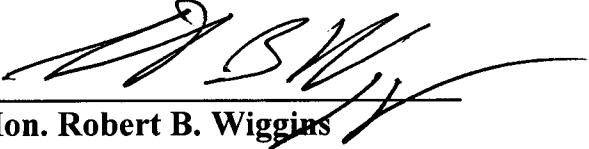
**ANDREW M. CUOMO, in his Official
Capacity as Governor of the State of New York,
ATTORNEY GENERAL OF STATE OF
NEW YORK, and STATE OF NEW YORK,**

Defendants.

Plaintiff commenced this action challenging the amendment of Public Health Law § 2164 last June, which eliminated the so-called “religious exemption” of Public Health Law § 2164 former (9). Prior to this school year, Plaintiff had taken advantage of the religious exemption to send her children to school without the otherwise required vaccinations. Now, she, and her children, are faced with the Hobson’s choice of taking vaccinations that violate their sincere religious beliefs, or being barred from New York’s public schools. This Court previously denied Plaintiff’s motion for a preliminary injunction, and Plaintiff moves for reargument.

In its prior decision, this Court expressed its dismay and displeasure at what it believes is the Legislature, and Governor’s, callous disregard for the sincere religious beliefs of Plaintiff and others similarly situation. The Court reiterates those feelings. However, while the Court may disagree with the law, it does not believe that any law was “ ‘overlooked or misapprehended by the court in determining the prior motion’ ” (*Garland v RLI Ins. Co.*, 79 AD3d 1576, 1577 [4th Dept 2010]). Accordingly, the motion to reargue is, reluctantly, denied.

**Date: December 3, 2019
Bath, NY**


**Hon. Robert B. Wiggins
Acting Supreme Court Justice**