

NYC OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

COUNTY OF NEW YORK

- - - - - x

NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL

HYGIENE,

Petitioner,

Summons No. 30198-19L0

-against-

MALKY ROTH TABAK,

Respondent.

- - - - - x.

66 John Street
New York, New York

August 28, 2019
10:11 a.m.

B E F O R E:

HONORABLE DAVID LEUNG.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S:

General Counsel,
NYC Department of Health and Hygiene

BY: THOMAS MERRILL, ESQ.
LORAIN PEONE, ESQ.

AARON SIRI, ESQ.
ATTORNEY for the Respondent
200 Park Avenue, 17th Floor
New York, New York

ALSO PRESENT:

Dr. Jennifer Rosen
Joseph Russo

1 MR. LEUNG: Okay. We are on
2 the record. The recording has begun.
3 My name is David Leung, Hearing
4 Officer. It's August 28th, 2019,
5 10:11 in the morning. We are here
6 today on the Health Department Issue
7 Summons Complaint No. 30198-19L0 --
8 or is that L0 -- it looks like L0 --
9 issued to Malky Tabak at 585 Marcy
10 Avenue, apartment 2A.

11 We have attorneys and
12 representatives from the Department
13 of Health. Can you put your name on
14 the record and spell it, please.

15 MR. MERRILL: The Department of
16 Health, Thomas Merrill,
17 M-E-R-R-I-L-L.

18 MR. LEUNG: And who else is
19 here from the Department of Health?

20 MS. PEONE: Loraine Peone,
21 L-O-R-A-I-N-E P-E-O-N-E, attorney for
22 the Department of Health.

23 MR. LEUNG: Okay. Mr. Merrill,
24 what is your position with the DOH?

25 MR. MERRILL: I am the general

1 counsel.

2 MR. LEUNG: General counsel.

3 Okay. And who else who else is here
4 from the Department of Health?

5 MS. ROSEN: Jennifer Rosen,
6 R-O-S-E-N.

7 MR. LEUNG: And what is your
8 position with the DOH?

9 MS. ROSEN: Physician at the
10 Department of Health.

11 MR. LEUNG: Physician. Okay.

12 MR. RUSSO: And Joseph Russo,
13 R-U-S-S-O, paralegal, observing.

14 MR. LEUNG: Okay. And for the
15 Respondent?

16 MR. SIRI: Good morning, your
17 Honor, Aaron Siri, A-A-R-O-N S-I-R-I.

18 MR. LEUNG: Okay.

19 MR. SIRI: Is it okay --

20 MR. LEUNG: Go ahead.

21 MR. SIRI: Is it okay if we
22 take up some of your real estate?

23 MR. LEUNG: Absolutely.

24 MR. SIRI: I just want to make
25 sure.

1 MR. LEUNG: No, no, thank you.
2 Make sure you use whatever space you
3 need.

4 Counsel, do you swear the
5 testimony you will give will be the
6 truth? Okay. Thank you.

7 Mr. Siri, I have to -- I am
8 going to go over these rights, and
9 for all of the hearings that follow,
10 if you will, just -- just to save --
11 you have a right to have an
12 interpreter. You don't need one; is
13 that correct?

14 MR. SIRI: That's right.

15 MR. LEUNG: And do you waive
16 the need to have the actual officer
17 or inspector that wrote the ticket
18 appear at the hearing?

19 You have a right to have that
20 inspector present to cross examine
21 him or her.

22 MR. SIRI: No, I don't.

23 MR. LEUNG: So you are okay to
24 proceed without the inspector?

25 MR. MERRILL: No, I don't waive

1 the right.

2 MR. LEUNG: Okay. You don't
3 waive the right. Okay. Are you
4 demanding the presence of the issuing
5 officer?

6 MR. SIRI: Yes.

7 MR. LEUNG: Who is the issuing
8 officer on this summons -- I mean the
9 inspector?

10 (Indiscernible.)

11 MR. LEUNG: Counsel, I am going
12 to ask you to put on the record the
13 basis for requesting the issuing
14 officer.

15 MR. SIRI: Sure. In this
16 summons, your Honor, it says the
17 issuing officer is the one that
18 swears the accuracy of the violation.

19 MR. LEUNG: Right.

20 MR. SIRI: The violation
21 claims, under penalty of perjury,
22 that Respondent has failed to
23 vaccinate child, C.R., and otherwise
24 to admit acceptable proof of immunity
25 in violation of the order.

1 I believe that the issuing
2 officer should be able to -- should
3 be here to explain how they arrived
4 at the definitive conclusion that the
5 Respondent didn't submit acceptable
6 proof of immunity.

7 Was Respondent requested to
8 submit the proof of immunity?

9 MR. LEUNG: Okay. Let me just
10 -- let me just --

11 MR. SIRI: Yeah.

12 MR. LEUNG: What happens is you
13 have under oath rules, hearing rules,
14 you have a right to ask that the
15 hearing officer appear, I have to
16 make a determination as to whether --

17 MR. SIRI: I understand.

18 MR. LEUNG: -- as to whether the
19 issuing officer's appearance is
20 necessary for you, as the Respondent,
21 to get a fair hearing, so I am going
22 to turn to the Petitioner.

23 Counsel for Respondent has made
24 an application to request that the
25 issuing officer appear on the basis

1 of -- and if I summarize it
2 incorrectly, let me know -- that the
3 sworn allegations are made out by the
4 issuing officer and that you believe
5 that you should have an opportunity
6 to cross examine him or her as to the
7 basis --

8 MR. SIRI: Her.

9 MR. LEUNG: -- her as to the
10 basis of how she made the allegations
11 as written in the summons; is that
12 correct?

13 MR. SIRI: Yes, including that
14 it was, you know, including regarding
15 the medical appropriateness to
16 provide this injection, as well as,
17 as I said, the DOH violation.

18 Yeah, I am going to leave it at
19 that.

20 MR. LEUNG: Okay.

21 MR. SIRI: We will get into
22 specifics if you want.

23 MR. LEUNG: Right. I am going
24 to turn it over to DOH and ask you to
25 respond as to the --

1 MR. MERRILL: Sure, your Honor.

2 So I don't believe -- I think
3 that anything that the Petitioner
4 wants -- or the Respondent wants, Dr.
5 Rosen is here to explain.

6 The allegations were -- the
7 NOVs were issued based on the DOH --
8 there was an order that he be
9 immunized.

10 The allegations were issued --
11 excuse me -- the NOV was issued after
12 the check of the official records for
13 vaccinations was done and I think Dr.
14 Rosen can testify about that as well.

15 Dr. Rosen can also testify
16 about the various terms, in reaching
17 out for contact, and in terms of
18 explaining the medical necessity of
19 the vaccine. She is more capable of
20 doing that.

21 MR. LEUNG: And, Mr. Siri, how
22 do you respond to that?

23 MR. SIRI: Well, it's about the
24 medical appropriateness for this
25 particular respondent.

1 MR. LEUNG: Okay.

2 MR. SIRI: Not vaccines in
3 general, right? Like every drug, not
4 everybody can have penicillin.

5 MR. LEUNG: Do you want the
6 testimony to reflect what she put
7 down in the -- you are saying that
8 you want to put the inspector to the
9 burden of proving how she alleged
10 what she alleged?

11 MR. SIRI: Right. I mean she
12 -- she, you know, under this
13 violation, she says that my client
14 did not submit acceptable proof of
15 immunity.

16 I believe that the, you know,
17 the issuing officer who swore to that
18 should be able to substantiate, for
19 example, was that ever requested and
20 how did she determine that there was
21 no acceptable proof of immunity.

22 And, also, that the, again, and
23 most importantly, I think, is that it
24 was medically appropriate for this
25 child to be immunized.

1 MR. LEUNG: I am going to turn
2 to the Department of Health.

3 Was this allegation failure to
4 comply?

5 MR. MERRILL: Failure to be
6 immunized.

7 MR. LEUNG: Failure to be
8 immunized?

9 MR. MERRILL: Yeah, failure to
10 be immunized that was issued to
11 residents of Williamsburg.

12 MR. LEUNG: So failure to
13 comply with the Commissioner's --

14 MR. MERRILL: Correct.
15 Correct.

16 If the child had been
17 immunized, that would have been in
18 the immunity -- in the immunization
19 registry.

20 That is something that
21 maintained and that, again, Ms.
22 Kaplan checked and which Dr. Rosen
23 checked -- or will testify about.

24 In terms of the medical
25 necessity, the matter of the fact is

1 that, you know, the vaccine is safe
2 and medically appropriate for the
3 vast majority of people.

4 When there are, you know, rare
5 instances, medical exemptions or
6 physicians may say that an
7 immunization is medically
8 inappropriate, they reach out, we do
9 review, we are doing that for a
10 couple of other clients.

11 There has been no indication
12 that this particular child has one of
13 the rare conditions that makes this
14 vaccine inappropriate for this child.

15 MR. LEUNG: Okay. Mr. Siri?

16 MR. SIRI: I agree that the
17 vast majority of people receive this
18 -- the MMR product that they are
19 demanding. It's true. Most --

20 MR. LEUNG: What we are going
21 to do -- I think we are going into
22 the facts of the case, which I --
23 this is just a preliminary ruling.
24 You have made an application to
25 request that the issuing officer

1 appear.

2 Before we begin the hearing, I
3 have to address this hurdle.

4 MR. SIRI: I understand.

5 MR. LEUNG: And I have to make
6 a ruling. That's why I am giving you
7 an application.

8 And, Counsel, based upon --
9 first off, I am just going -- under
10 oath, trial and hearing rules,
11 hearsay is permissible. It's really
12 liberal. You can have triple and
13 double hearsay. It's really liberal.

14 So the necessity of an issuing
15 officer, the reason why I asked you
16 for the application is that you have
17 to make a good cause showing that the
18 issuing officer is required to appear
19 in order for you to get a fair and
20 impartial hearing.

21 In other words, nothing that
22 any of these parties that are here
23 today, including counsel for DOH, you
24 need to argue and establish, can
25 substitute for the in-person

1 testimony of the issuing officer.

2 That's why I asked you to make the
3 application.

4 Based upon hearing both sides,
5 I am going to rule that the hearing
6 today to go forward. In other words,
7 that the -- I am going to rule that
8 the issuing officer is not required
9 for you to get a fair hearing because
10 what she wrote on the -- on the
11 summons is -- again, and the rule is
12 established on -- in other words, we
13 have people here to present a case
14 and you can make an argument and
15 testify on behalf of your client and
16 make arguments or call witnesses to
17 --

18 (Indiscernible.)

19 So I am going to make a ruling
20 that the issuing officer is not
21 required for you to get a fair and
22 impartial hearing.

23 I am going to give you one
24 additional opportunity to -- because
25 you look perplexed as to why --

1 MR. SIRI: No, no, I
2 understand.

3 MR. LEUNG: No, no, but that's
4 the standard, which is --

5 MR. SIRI: I understand --

6 MR. LEUNG: -- the inability of
7 your client and yourself to get a
8 fair and impartial hearing.

9 Is there anything that you wish
10 to add or supplement in the
11 application that you have made?

12 MR. SIRI: Yeah. Just my, you
13 know, my -- I -- I think I made my
14 arguments on the record and I just
15 stand with those.

16 MR. LEUNG: Okay. Okay. No
17 problem.

18 MR. SIRI: I think the hearing
19 officer was necessary to establish
20 medical appropriateness, but I
21 understand, your Honor, so...

22 MR. LEUNG: Okay.

23 MR. MERRILL: I would like to
24 add one thing, your Honor.

25 MR. LEUNG: Sure.

1 MR. MERRILL: Along with the
2 NOV, there was a frequently asked
3 question that served as well on
4 everyone in that order.

5 And in that, there were
6 questions and answers about, you
7 know, submitting proof of immunity or
8 proof of a medical exemption, and we
9 have not received any of these -- we
10 certainly cannot --

11 MR. SIRI: I believe, your
12 Honor, that it's the, you know, that
13 that should have been done before the
14 violation -- meaning the violation is
15 issued. If it's not medically
16 appropriate, it should have been
17 established or determined before the
18 before the violation was issued.

19 Also, it is not as simple as,
20 you know, going to good doctors,
21 getting genetic testing, getting
22 various -- doing the type of work
23 that's sometimes required. My burden
24 is it's not as simple as just
25 submitting a piece of paper.

1 MR. LEUNG: Mr. Siri, before we
2 get into the meat of the hearing --

3 MR. SIRI: Yes.

4 MR. LEUNG: -- there is a couple
5 of other things, and this gets
6 tedious, but I have to advise you the
7 penalty of this sole charge, if you
8 are found in violation, is \$1,000.

9 MR. SIRI: My client's dollars.

10 MR. LEUNG: \$1,000 for your
11 client, right.

12 If you are -- when I say "you",
13 I mean the Respondent. I'm sorry.

14 MR. SIRI: Yes. No problem.

15 MR. LEUNG: And I need to
16 advise you that if you disagree with
17 my written decision, which you will
18 get within 30 days, you have a right
19 to appeal my decision.

20 And if I dismiss the summons or
21 reduce it in any way, the Department
22 of Health has an equal right to
23 appeal my decision if they disagree
24 with it, okay, sir?

25 MR. SIRI: Yes.

1 MR. LEUNG: All right. We are
2 going to get to the meat of the
3 hearing. Let me just -- okay.

4 The summons alleges that on
5 April 21st, 2019, at 9:00 in the
6 morning, during an inspection that
7 occurred at 585 Marcy Avenue,
8 apartment 2E, Brooklyn, New York, a
9 violation of New York City Health
10 Code 3.05, the penalty for this
11 violation is found in violation of
12 \$1,000.

13 The inspector wrote, in
14 response, the act of measles outbreak
15 in certain parts of Brooklyn, the New
16 York City Commissioner of Health
17 declared a public health emergency on
18 April 9th, 2019 and it published the
19 commissioner's order pursuant to
20 Article 3 of the New York City Health
21 Code ordering all persons who live,
22 work, or attend school within zip
23 codes 11205, 11206, 11211, and 11249
24 to be vaccinated against measles
25 within 48 hours of the order.

1 On April 17th 2019, a New York
2 City Board of Health unanimously
3 approved the resolution to the health
4 -- the public health emergency and
5 requirement that all persons living,
6 working, or attending school in these
7 affected zip codes be vaccinated.

8 The resolution further provides
9 that any person that is not
10 vaccinated or any parent and/or
11 guardian of the child who is not
12 vaccinated shall be fined unless they
13 demonstrate proof of immunity or that
14 the immunization is not medically
15 appropriate.

16 A copy of the order and
17 resolution are attached to this
18 summons for reference.

19 A review of Department of
20 Records shows that Respondent, child,
21 C.R., who is at least 6-months-old,
22 lives at 585 Marcy Avenue, apartment
23 2E, Brooklyn, New York 11216, which
24 is located in one of the affected zip
25 codes listed in the order.

1 On April 21st, 2019, a review
2 of the department's central
3 immunization registry, which collects
4 immunization records for all children
5 receiving vaccines in New York City
6 and is required to be updated by
7 medical providers, found the child
8 here has no record of measles
9 immunization. Respondent failed to
10 vaccinate child, C.R., or otherwise
11 submit acceptable proof of immunity
12 in violation of the order.

13 I am going to first turn to the
14 Department of Health and ask if they
15 have any documents or evidence that
16 you want to present.

17 MR. MERRILL: Yes, your Honor,
18 I have in my file -- I apologize --
19 but I have a copy of the order of the
20 Commissioner, which was issued on
21 April 9th --

22 (Indiscernible.)

23 MR. MERRILL: I also have, for
24 the record, as a reference, the Board
25 of Health resolution dated

1 April 17th, and this is --

2 MR. LEUNG: Okay. I am going
3 to mark the Commissioner's order as
4 Petitioner's 1 and the Board's
5 resolution as Petitioner's 2.

6 I am going to show them to Mr.
7 Siri and ask do you have any
8 objections to those being submitted
9 into evidence?

10 MR. SIRI: I have no objection
11 other than -- I have no objection,
12 your Honor.

13 MR. LEUNG: Okay. Those are
14 admitted into evidence.

15 (Whereupon, two documents were
16 marked individually as Petitioner's
17 Exhibits 1 and 2, for identification, as
18 of this date.)

19 MR. LEUNG: Anything else from
20 the Department of Health?

21 MR. MERRILL: In terms of
22 documents, no, your Honor.

23 MR. LEUNG: Okay. Do you have
24 any testimony that you want to
25 provide?

1 MR. MERRILL: Yes.

2 You know, again, this was --
3 the order was issued on April 9th
4 directing all residents, children who
5 live, go to school, that reside in
6 Williamsburg, be immunized.

7 After a case investigation,
8 this -- the registry, which has a
9 record of all vaccinations of
10 children in the city, was checked on
11 April 19th, and the Respondent's
12 child was found not to be vaccinated.

13 The NOV was issued and found
14 not submitted any proof or records of
15 immunity, there is no record for
16 medical exemption, the child's state
17 remains unvaccinated.

18 (Indiscernible.)

19 MR. LEUNG: Okay. Is that all
20 of the evidence that you are going to
21 present?

22 MR. MERRILL: Yes.

23 MR. LEUNG: Okay. Sir, do you
24 have any cross examination before we
25 present your argument or evidence?

1 MR. SIRI: Do you want me to
2 cross examine the attorney?

3 MR. LEUNG: You can ask the
4 attorney questions or --

5 MR. SIRI: Because I -- the
6 witness -- I mean --

7 MR. LEUNG: Go ahead.

8 MR. SIRI: It depends on the
9 fashion. We may -- I may deflect it
10 to her.

11 MR. LEUNG: It's pretty
12 liberal. If your question is a
13 medical question directed at the
14 attorney --

15 MR. SIRI: Yeah.

16 MR. LEUNG: -- they are allowed
17 to -- to have the doctor testify and
18 then --

19 MR. SIRI: Yeah.

20 MR. LEUNG: -- which then
21 addresses the question and then you
22 have an opportunity to ask the doctor
23 questions.

24 MR. SIRI: I would love, by the
25 way, to cross examine Tom, but I am

1 sure he would like that too much.

2 MR. LEUNG: I guess if you have
3 any questions is more appropriate.

4 MR. SIRI: Mr. Merrill, excuse
5 me, that said, I would -- I have got
6 a few preliminary arguments in the
7 form of motions to dismiss, as it
8 were, and I can present those.

9 MR. LEUNG: You sure can.

10 MR. SIRI: Okay. And then I
11 have -- and then I would like to get
12 into the meat.

13 MR. LEUNG: Okay.

14 MR. SIRI: If, you know --

15 MR. LEUNG: Sure.

16 MR. SIRI: If you don't believe
17 those should be ruled on, I don't
18 know if you rule on those on the spot
19 or not, but in the same way that you
20 ruled on the application before, you
21 could rule on these applications.

22 MR. LEUNG: Yeah. None of your
23 motions to dismiss I can rule on the
24 spot, I have to make a decision
25 ruling for that.

1 So what we are going to do is,
2 assuming -- we are going to go
3 through the entire possibilities.

4 So it's factually, we are going
5 to do it, and we are going to do it
6 procedurally, so go ahead.

7 MR. SIRI: That will make it
8 long. Okay. All right. Wonderful.

9 So, in terms of, first, I won't
10 call it an application to get a
11 ruling on now, but, I guess, the
12 first ground to dismiss this summons,
13 if you look at the summons, your
14 Honor, the operative language at the
15 end provides that, you know, and I
16 believe this is, you know, this is
17 what the violation is, the Respondent
18 failed to vaccinate child, C.R., or
19 otherwise submitting proof of
20 immunity in violation of the order --
21 it uses the word "order", "order" is
22 a defined term in the summons, okay?

23 MR. LEUNG: Right.

24 MR. SIRI: And the order was
25 issued on April 9th.

1 MR. LEUNG: Yes.

2 MR. SIRI: And by operation of
3 law, expired on April 17th. Okay.
4 Because under the applicable charter
5 provision, an order of the
6 Commissioner remains effective until
7 the next meeting of the Board of
8 Health. Okay.

9 I have the -- I can just read
10 the statutory part of the provision,
11 since I have it here.

12 MR. LEUNG: Okay. If I can
13 just -- I think I understand what
14 your -- I think I understand what
15 your, you know, your argument is.
16 Your argument is that the order
17 expired. If you want to address
18 this, I will address your ultimate
19 argument.

20 MR. SIRI: Sure.

21 MR. LEUNG: It's that the
22 Section 305, as alleged by the
23 Petitioner, alleges in the
24 alternative. They are saying it
25 violated the Commissioner's order and

1 the Health Board's resolution --

2 MR. SIRI: First, your Honor,
3 respectfully, I don't see that it
4 violated the resolution.

5 MR. LEUNG: Okay.

6 MR. SIRI: Which is completely
7 different than the order.

8 MR. LEUNG: Sure.

9 MR. SIRI: Substantively, in
10 many ways.

11 MR. LEUNG: You are right, in
12 that sense. It's technically --
13 okay. You address the issue that the
14 -- they are alleging that the Board,
15 on April 17th, if you look at the
16 summons, and I am just -- I am not
17 making the argument for them, I just
18 want you to address it to save time,
19 because it's a question that I am
20 going to ask.

21 Ultimately, on April 7th -- it
22 says on the summons, on April 17th,
23 2019, the New York City Board of
24 Health unanimously approved a
25 resolution continuing the public

1 health emergency and requirements.

2 So you are saying that the
3 continuing --

4 MR. SIRI: Yeah.

5 MR. LEUNG: -- the continuing of
6 the health emergency is one thing,
7 but the actual order to comply
8 expired on April 17th?

9 MR. SIRI: Well, I am actually
10 going to say two things.

11 MR. LEUNG: Yeah.

12 MR. SIRI: The first one, your
13 Honor, it only alleged violation of
14 the order. And the order, despite --
15 even though this violation, if you
16 look, it says that it continues the
17 public health emergency. It doesn't
18 say continued by way of the order.

19 And when you actually look at
20 the order and the resolution, nothing
21 in the resolution continued the
22 order.

23 And in fact, they apply to
24 different ages, to different people
25 in different situations, you know,

1 under the charter, okay, Section --
2 Article 3.05 --

3 MR. LEUNG: Counsel --

4 MR. SIRI: No problem. No
5 problem.

6 MR. LEUNG: No, no, I am
7 listening.

8 MR. SIRI: You are more
9 talented than I am.

10 MR. LEUNG: Go ahead.

11 MR. SIRI: So I've got -- it's
12 in Article 3, Section 3.0 of the
13 charter, it says that, you know, the
14 Commissioner's order is that -- that
15 the exercise of that power -- so, to
16 quote, "Any such acts of power shall
17 be effective only until the next
18 meeting of the Board". Okay. So, by
19 operation of law, it ends at the next
20 board meeting.

21 Unless, now, the Section 3.0
22 says the Board may -- may -- continue
23 or rescind, okay, the Commissioner's
24 -- let's just call it order, okay?
25 They have that choice. They could

1 have continued or rescinded.
2 Interestingly, it doesn't say
3 modified. They could have said --
4 they could have done it but they
5 didn't. The resolution, nowhere
6 therein, says they are continuing or
7 rescinding the order.

8 Instead, they did something of
9 their own making. And they have
10 every right. They can, I guess, do
11 that.

12 But what they didn't do was
13 provide in there that they are
14 continuing the order, nor provide
15 that they are rescinding the order.

16 And the only thing that's been
17 alleged in the violation, you can see
18 it in the summons, is the violation
19 of the order. And that order, by its
20 terms, expired -- by operation, it
21 expired on the 17th of April, the
22 violation at issue here, your Honor,
23 was issued -- was for occurrence on
24 April -- April 21, which would have
25 been four days after the expiration

1 of the order, hence, there cannot be
2 -- there cannot be a violation of an
3 order on that date since it was no
4 longer in existence.

5 MR. LEUNG: Okay. I am going
6 to turn to counsel for DOH and ask
7 how you respond.

8 MR. MERRILL: I am going to
9 start with the citation of the health
10 code, which is 305, and it says it is
11 in violation of the order --
12 (indiscernible) 305.

13 They would be in violation of
14 the Commissioner's order or it can be
15 a violation of any order for the
16 basis --

17 (Indiscernible.)

18 MR. LEUNG: And you are
19 referring to the actual statute,
20 3.05?

21 MR. MERRILL: Correct, the
22 health code section.

23 MR. LEUNG: Okay.

24 MR. MERRILL: And then in terms
25 of -- how is it the Commissioner

1 exercised, pursuant to the emergency,
2 was the Board's power, which exists
3 there, in 78 -- 148 -- 142 of the --
4 code.

5 The Commissioner did that on
6 April 9th in her power to declare an
7 emergency exists, only until the
8 Board meeting. But at the Board
9 meeting, it did issue an order that
10 requires all residents of
11 Williamsburg to be vaccinated.

12 The fact that it may have --
13 the Board -- the Board, in any such
14 exercise of its authority, under the
15 administrative code and charter, the
16 difference might be in the language
17 of that order, it doesn't change the
18 fact that the order, issued on
19 April 9th -- that was on April 15th
20 -- whatever date the Board met --

21 MR. LEUNG: 17th.

22 MR. MERRILL: The 17th. --
23 required all residents to be
24 vaccinated and that this person
25 violated that order as charged in the

1 -- as required by the that Health
2 Code Section 3.05.

3 MR. SIRI: I don't -- I don't
4 dispute, at all, that Section 3.05,
5 exactly as opposing counsel stated,
6 yeah, it -- it permits issuing
7 violations for violating any order,
8 resolution, anything. It could have
9 been for having rats in your
10 restaurant, right?

11 But you are only going to be
12 charged -- you have to be noticed of
13 what you are charged and the charging
14 language here was not for violating
15 the resolution, it was for violating
16 the order. That's what it --

17 MR. LEUNG: Respond to that.

18 MR. SIRI: May I make one more
19 point, your Honor?

20 MR. LEUNG: Yeah.

21 MR. SIRI: And I think it is
22 very telling that counsel kept
23 talking about the, you know, the
24 resolution applies to residents,
25 right?

1 Well, you know, it's a great
2 point to show you the difference
3 between the order and the resolution.
4 Because in the order, to be sure,
5 counsel's correct. It did apply. It
6 did apply to a resident. It
7 specifically provides that it applies
8 to any person who lives, works, or
9 resides within these certain zip
10 codes.

11 But if you look at the
12 resolution, it didn't include
13 residents, it only included the --
14 the people who live or work --

15 MR. LEUNG: Where are you
16 looking on the resolution? This
17 little paragraph?

18 MR. SIRI: Absolutely. So in
19 the order, if you look at the first
20 ordered paragraph, okay, and the very
21 first sentence says that any person
22 who lives, works, or resides --

23 MR. LEUNG: Right.

24 MR. SIRI: It's on the second
25 page.

1 MR. LEUNG: Got you.

2 MR. SIRI: So first, second
3 page, the operative ordered language
4 of the order --

5 MR. LEUNG: I got you. I got
6 you.

7 MR. SIRI: And go to
8 resolution, and you go and you look
9 at the -- to the resolved language,
10 and you, please, look at the second
11 resolve paragraph, it says that the
12 Board hereby -- any person who lives
13 or works within the affected zones.

14 They left out people who are
15 residents, meaning, if you reside in
16 there, and you have left, you are not
17 living there, right? So if you went
18 upstate, you are good, where the
19 order did apply to people who resided
20 there. So even if you left, you
21 were, apparently, still in violation,
22 amazingly.

23 I mean, so, you know, it's a
24 great, you know, it's a great
25 highlight to how what the Board did

1 was different than what the
2 Commissioner did.

3 MR. LEUNG: How do you -- I am
4 just looking at it briefly, to the
5 second to last resolve paragraph --

6 MR. SIRI: Please.

7 MR. LEUNG: -- and resolution.

8 MR. SIRI: That's right.

9 MR. MERRILL: I am looking at
10 the third -- the fourth one -- it
11 says the Board hereby declares that
12 any person who lives and works within
13 the affected zip codes shall be
14 vaccinated.

15 MR. LEUNG: Just tell me what
16 you are reading, is it the resolution
17 --

18 MR. MERRILL: I am reading the
19 order. I am reading the order, the
20 Board of Health resolution.

21 MR. LEUNG: And which resolve?

22 MR. MERRILL: The second page
23 at the very bottom.

24 MR. LEUNG: Okay. Under
25 "resolved"?

1 MR. MERRILL: Correct.

2 MR. LEUNG: First, second,
3 third, fourth --

4 MR. MERRILL: No, second
5 resolved.

6 The Board of Health hereby
7 declares that any person who lives,
8 who works within the affected zip
9 code shall be vaccinated. So it --
10 that's residents, people who live or
11 work within.

12 The next one goes onto -- it
13 does cover people who live --

14 MR. LEUNG: He pointed that
15 out, how do you want to respond?

16 MR. SIRI: Right. I think
17 there is a distinction between
18 children and adults, right? So...

19 MR. MERRILL: Any person. I
20 mean a think a person is a person. I
21 don't --

22 MR. SIRI: Well, in the way I
23 read it isn't that it -- it goes into
24 -- it -- it's a semantical point to
25 be sure, right?

1 MR. LEUNG: Okay.

2 MR. SIRI: But the operative
3 point -- you understand the argument?

4 MR. LEUNG: I understand the
5 argument.

6 Counsel for DOH says -- is
7 pointing to the second resolve, and
8 you are pointing at the second
9 resolve, saying you interpret it one
10 way --

11 MR. SIRI: Right. But the --
12 but the obviously more important
13 point is that, you know, the alleged
14 violation, as per the order, the
15 order was not in effect on the date
16 of the issuance of the summons.

17 And it wasn't, by anything, I
18 mean I don't see any language in the
19 resolution saying the order is hereby
20 continued.

21 MR. MERRILL: To respond to
22 that, if you go into the middle of
23 the NOV, I mean especially in the
24 resolution, again, with the fact that
25 on April 17th, the Board approved the

1 resolution continuing the public
2 health emergency and the requirement
3 that all persons living or working or
4 attending schools in these affected
5 zip codes be vaccinated against
6 measles.

7 The resolution further provides
8 that any person who is not vaccinated
9 by a parent or guardian of a child
10 who is not vaccinated shall be find
11 unless they demonstrate proof of
12 immunity. I think that NOV clearly
13 puts on the notice that the
14 resolutions and the facts, that they
15 are being charged with violating the
16 resolution.

17 MR. SIRI: I did not hear
18 anywhere in there that the resolution
19 was continued -- that the order was
20 continued from what was just read.

21 I mean I --

22 MR. MERRILL: I think that's
23 Section 3.05 --

24 MR. SIRI: I don't think that
25 applies. I think if you are going to

1 charge people and require them to
2 inject something into their
3 children's body, you should be clear
4 about, you know, whether the order is
5 continued.

6 You know, this section, the
7 charter is clear. They can continue
8 it or they can rescind it. The Board
9 didn't choose to do either of those.
10 It chose to issue -- I will give you
11 a few examples, just a few quick
12 examples, that I do know, of clear
13 differences.

14 I jumped on the resident point,
15 but I will -- so, for example, in the
16 order, okay, the order applied to
17 those over six months of age. The
18 resolution included those six months
19 of age.

20 MR. LEUNG: Can you just point
21 to --

22 MR. SIRI: Absolutely.

23 So if you look at the -- if you
24 look at the order, in the -- in -- it
25 is further ordered that the parent or

1 guardian of any child older than six
2 months of age --

3 MR. LEUNG: What paragraph are
4 you referring to?

5 MR. SIRI: It's the number
6 paragraph, it's the second to last
7 paragraph of the order, "it is
8 further ordered" --

9 MR. LEUNG: Okay. I see that.

10 MR. SIRI: Older than six
11 months. And then --

12 MR. LEUNG: Any child over six
13 months of age, okay.

14 MR. SIRI: And then if you look
15 at the resolution, it says that in
16 this -- and this is in the third to
17 last resolved paragraph, I don't know
18 the technical term for that --

19 (Indiscernible.)

20 MR. SIRI: Sorry, third to last
21 resolved paragraph, it says that the
22 parent or guardian of any child six
23 months of age or older. So you have
24 a difference in terms of the age of
25 that -- that it applies to between

1 the resolution and the order. They
2 are saying that --

3 MR. LEUNG: You are saying
4 there is a month difference --

5 MR. SIRI: A month difference.

6 MR. LEUNG: Sorry, say it one
7 more time.

8 MR. SIRI: One month
9 difference. So the order did not
10 apply to six-month-olds.

11 MR. LEUNG: So when the child
12 is six months of age or older and we
13 estimate that child to be under
14 whatever how many days six months is,
15 are you saying that the statute is
16 written -- it has to -- by month
17 increments? I mean --

18 MR. SIRI: I'm just saying they
19 are different. I'm saying they are
20 different.

21 MR. LEUNG: Right.

22 MR. SIRI: I am saying that
23 what the Board did is different than
24 what the order did. I'll give you
25 some other changes.

1 MR. LEUNG: Go ahead. Okay. I
2 am going to make -- let the record
3 reflect that I understand your
4 argument regarding the six months
5 reference in the order and the six
6 months reference in the resolution.

7 MR. SIRI: Is it clear -- so
8 the order did not apply to
9 six-month-olds, meaning, they
10 couldn't issue a violation, a child
11 that was six months of age under the
12 order for not having an annual --

13 MR. LEUNG: Do you mean the
14 resolution --

15 MR. SIRI: Under the -- under
16 the order. The order of six months
17 was older than six months. The
18 resolution said six months or older.

19 So the --

20 MR. MERRILL: The resolution
21 brings in one extra day --

22 MR. SIRI: The resolution does
23 allow providing violations to those
24 who are six months of age.

25 MR. LEUNG: Okay.

1 MR. SIRI: Okay but what the
2 order does --

3 MR. LEUNG: And, Counsel, the
4 significance of that is what?

5 MR. SIRI: Well, for this
6 client, I have violations -- but for
7 this client, the significance is that
8 -- is that the Board didn't just --
9 first of all, it never says in the
10 resolution we are continuing the
11 order.

12 MR. LEUNG: Right. I
13 understand that --

14 MR. SIRI: Second -- and -- and
15 there are differences. It doesn't
16 say, okay, what you did, in the
17 order, we are continuing it. No, it
18 says, okay, we are going to have
19 different resolve language.

20 One is, we are going to apply a
21 different age group, two is, and this
22 also is critical, the order refers --
23 calls the people who are not
24 receiving the MMR the nuisance.

25 MR. LEUNG: Say that one more

1 time.

2 MR. SIRI: The order -- the
3 order characterizes the nuisance as
4 those who haven't received an MMR
5 shot.

6 MR. LEUNG: What paragraph are
7 you referring to?

8 MR. SIRI: So it's the -- okay.
9 So it's the second to last whereas
10 clause in the order.

11 MR. LEUNG: Okay.

12 MR. SIRI: I find that the
13 presence of any person in
14 Williamsburg lacking the MMR
15 vaccine...is therefore a nuisance.

16 MR. LEUNG: That's in the New
17 York City Health Administration Code
18 17-442, okay.

19 What do you want to point out
20 that's different in the order -- the
21 resolution?

22 MR. SIRI: And then the
23 resolution, if you look at the first
24 resolved paragraph, it says that the
25 outbreak poses a public nuisance.

1 So the, you know, the -- I will
2 let you find it.

3 MR. LEUNG: No, no, I found it.

4 MR. SIRI: So, you know, the
5 Board characterizes the outbreak as
6 the nuisance. The order
7 characterizes the folks who didn't
8 receive the MMR vaccine as the
9 nuisance, as just another example of
10 the difference.

11 I will give you another
12 example. The order --

13 MR. LEUNG: Counsel, I am going
14 to ask you to do two things.

15 Number one, I understand that
16 there is differences in language
17 between the order and the resolution,
18 I want you to go one step further and
19 give me a conclusion. And, therefore
20 --

21 MR. SIRI: Okay.

22 MR. LEUNG: -- give me the
23 significance of the difference in
24 language, how it supports your
25 argument.

1 MR. SIRI: Absolutely. Can I
2 just point out for the record another
3 --

4 MR. LEUNG: Sure. Yeah.

5 MR. SIRI: The order did not
6 apply to schools, preschools, or
7 child care.

8 MR. LEUNG: What are you
9 looking at here, just point to --

10 MR. SIRI: Sure. If you look
11 at the order language on the order,
12 if you look at the two order
13 paragraphs, it doesn't say anything
14 about school, preschool, child care.
15 It just said people who live, work,
16 or reside, okay?

17 MR. LEUNG: Okay.

18 MR. SIRI: Versus look at the
19 third to last resolved paragraph in
20 the resolution, it does include those
21 who are attending school, preschool,
22 or child care.

23 So you didn't have to live,
24 work, or reside in the affected zip
25 codes, okay?

1 MR. LEUNG: I understand your
2 argument.

3 MR. SIRI: Those are the few
4 other differences.

5 MR. LEUNG: Sure. No. Whatever
6 you want to put, I am not going to
7 cut you short --

8 MR. SIRI: Sure.

9 MR. LEUNG: What other things
10 do you want to point out that's a
11 difference between them?

12 MR. SIRI: Okay. And, so, the
13 order provided for criminal finds,
14 forfeiture --

15 MR. LEUNG: Which page are you
16 referring to?

17 MR. SIRI: Sure. Absolutely.
18 The last page under the warning.

19 MR. LEUNG: Right.

20 MR. SIRI: It provides for
21 criminal finds, forfeiture, and
22 imprisonment for not complying with
23 the order.

24 MR. LEUNG: What paragraph are
25 you referring to?

1 MR. SIRI: Under the warning --
2 oh, flip that page over. They are
3 saving the trees, that's good.

4 MR. LEUNG: Yes.

5 MR. SIRI: In the first
6 paragraph, under warnings --

7 MR. LEUNG: Got you.

8 MR. SIRI: The resolution does
9 not provide for forfeiture, for
10 criminal finds, or imprisonment.

11 MR. LEUNG: Okay. Well, let me
12 just say this. The warning isn't --
13 I mean I am just making an
14 observation, how do you address the
15 fact that this warning isn't the law?
16 I mean it's just pointing out what
17 the law provides and it's almost like
18 a label saying, hey, the law provides
19 that.

20 I mean the absence of this
21 warning doesn't mean that the law is
22 in effect and the presence of this
23 warning doesn't make the law in
24 effect. The law is what the law is.

25 MR. SIRI: Well, respectfully,

1 the Health Code provides discretion
2 to the Health Department to choose
3 the penalty.

4 MR. LEUNG: So you are saying
5 that the presence of this warning,
6 which gives you the warning that this
7 is a misdemeanor, that's in your --
8 in the absence of that warning in the
9 resolution is what you are pointing
10 out to? Is that what you are
11 pointing out?

12 MR. SIRI: I'll point out the
13 following words.

14 MR. LEUNG: Sure.

15 MR. SIRI: Right before that.
16 It's not just that this is the law.
17 It says that failure to comply with
18 this order is a violation and a
19 misdemeanor for which you may be
20 subject to these things.

21 MR. LEUNG: So where --

22 MR. SIRI: So it wasn't just
23 the general law.

24 MR. LEUNG: Right.

25 MR. SIRI: The point is that

1 that is what is being threatened
2 under the order --

3 MR. LEUNG: Right.

4 MR. SIRI: -- absent from the
5 resolution. Just another -- there
6 are other distinctions. I will -- I
7 can see them -- I can get to the end
8 if you want.

9 MR. LEUNG: No, you can -- you
10 can -- I just have to -- because I
11 have to write the decision, I have to
12 understand it all.

13 MR. SIRI: Yes. Sure. So that
14 is another -- is there -- so that is
15 another -- obviously, what the
16 penalty is --

17 MR. LEUNG: Can you just --

18 MR. SIRI: Yes.

19 MR. LEUNG: Can you explain to
20 me how you are pointing out
21 differences between the order and the
22 resolution?

23 MR. SIRI: Yes.

24 MR. LEUNG: To what end is that
25 supporting your motion to dismiss,

1 what is your --

2 MR. SIRI: Absolutely. What it
3 points out is this. I believe
4 counsel was saying that, well, you
5 know, the resolution talks about the
6 order itself, it continued it
7 somehow.

8 But the resolution never says
9 it continues it. And not only does
10 it not say that it continues it,
11 which is critical in continuing an
12 order, you have to say you continued
13 it or you withdrew it, they didn't do
14 either of those, right? It actually
15 has all kinds of differences.

16 The Board chose to do something
17 different, and that's fine, it chose
18 to do that. And, so, you have a
19 resolution that stands on its own.
20 You have an order that stands on its
21 own, okay?

22 This resolution --

23 MR. LEUNG: Can a resolution
24 add things and do things and also
25 continue the order, in your opinion?

1 MR. SIRI: If you look, and
2 it's not my opinion, if you look at
3 the charter provision, Section 3.01,
4 it says that the Board may continue
5 or rescind as soon as the
6 Commissioner's order -- it doesn't
7 say modify, it doesn't say amend, it
8 says continue or rescind it, and it
9 could have chose to do that --
10 Section 3.01 -- sorry, it's under the
11 Admission Code. It's under the
12 rules --

13 MR. LEUNG: It's the health
14 code.

15 MR. SIRI: Oh, it's the health
16 code. Well, they can leave here and
17 change it, if they want, I guess.

18 MR. LEUNG: You said what? You
19 have to give -- before we forget
20 everything you said, do you want to
21 address --

22 MR. MERRILL: I think Mr. Siri
23 is coming at this a little bit
24 backwards. If you look at 3.01, the
25 -- what he is saying, his position is

1 the Commissioner can act in an
2 emergency and then the Board's hands
3 are tied to do only what the
4 Commissioner has done or to rescind
5 in entirety.

6 But if you look at 3.01, what
7 that does is it gives the
8 Commissioner the authority in an
9 emergency to step up and to act and
10 use the Board's power, because of the
11 emergency, to, among other things,
12 exercise its powers to prevent,
13 mitigate, control, in cases of
14 emergency, provided that that will be
15 effective until the next Board of
16 Health meeting.

17 And the purpose is, if you look
18 at -- the chief's playing the role of
19 the Board, the Board comes in and
20 there is nothing that limits the
21 Board's authority and ability to take
22 whatever it deems to be appropriate
23 action to, you know, address that
24 emergency or that order.

25 So I agree that the orders are

1 not 100 percent amendable. There are
2 minor differences in them. But the
3 bottom line is with what was true and
4 that there was a resolution in effect
5 by the Board of Health, under its
6 power, to abate nuisances in the
7 city, directing all residents of
8 Williamsburg to be immunized. That
9 was violated and it is in the NOV.

10 I will point out one of the
11 differences here, you know, in terms
12 of the criminal language, which is
13 standard language we have in all of
14 our orders, even though we typically
15 won't enforce the penalty, the reason
16 it is not in there anymore is that we
17 are challenged, the Board's authority
18 was challenged in the Supreme Court.

19 And in the course of that
20 argument, what people were claiming,
21 we are going to be arresting people,
22 no, we never intended -- we were
23 going to enforce that civilly. And
24 that was going on at the same time
25 while we were going on between, you

1 know, the order and the Board's
2 action.

3 And, so, the Board's action
4 doesn't reference criminal stuff --
5 reference sanctions because we
6 acknowledge when the authority of the
7 Board was being challenged and the
8 authority was being held by the
9 Supreme Court, that we were going to
10 be enforcing that document.

11 The bottom line is I don't
12 agree with Mr. Siri, that the order
13 -- that there is anything that
14 requires the Board's resolution/order
15 to be identical in form to the
16 Commissioner's because it has the
17 authority, and she was using its
18 authority, to take the actions it
19 deems appropriate. And it did that
20 when it issued its resolution
21 continuing that people be vaccinated
22 and that's what this person violated.

23 MR. SIRI: Your Honor, I think,
24 maybe, we are agreeing then that the
25 order was null on the 17th and all

1 that remains --

2 MR. MERRILL: Was an order of
3 the Board.

4 MR. SIRI: -- was a resolution
5 of the Board --

6 MR. MERRILL: Which is an order
7 which directs all people.

8 MR. SIRI: But that's not
9 what's alleged in this. They are
10 alleging a violation of the order,
11 which is only the Commissioner's
12 order, not the resolution.

13 MR. MERRILL: The NOV clearly
14 says that you are required to be
15 vaccinated by the Board of Health
16 resolution. 3.05 references
17 resolution, the Board action, she
18 violated the Board action.

19 MR. SIRI: Yeah but the
20 violation -- the summons clearly
21 states says Respondent failed to
22 vaccinate child or submit acceptable
23 proof in violation of the, capital
24 "O", order, and order is defined as
25 the Commissioner's order.

1 And that was a nullity at the
2 time that this summons was issued,
3 irrespective of this, you know, the
4 nuisances are going to be modified.
5 The point is that order is gone.

6 MR. LEUNG: Do you want to
7 respond to that?

8 MR. MERRILL: Again, I think
9 there are semantics here. The
10 resolution is an order.

11 So if you read this NOV, it
12 clearly puts you on notice that there
13 is a requirement that you be
14 vaccinated that you are violating.

15 So I mean, you know, we can,
16 again, you know, the fact of the
17 matter is the resolution -- the use
18 of resolution -- the use of order,
19 there was a requirement that you be
20 vaccinated that's in this NOV that
21 wasn't complied with.

22 And 3.05 makes it clear that
23 the Board directs you to take action,
24 and you violate that, that is a
25 violation of 3.05.

1 MR. SIRI: I think the
2 violation alleges clearly what they
3 are alleging was violated and it only
4 says order.

5 MR. LEUNG: Before -- I think I
6 have enough to make a decision -- I
7 just want to clarify, factually, Mr.
8 Siri, there was an argument you made
9 regarding the child being either --
10 the order -- the difference between
11 the order and the resolution, one
12 being six months or older, and the
13 other one being --

14 MR. SIRI: I think that's a
15 secondary point.

16 MR. LEUNG: No, but I need to
17 establish for the record.

18 MR. SIRI: Yeah.

19 MR. LEUNG: Do you believe that
20 your client, again, your client, I
21 don't know if it's the parent or the
22 child, but do you believe that the
23 child at issue here falls factually
24 within that -- in other words, do you
25 believe that at the time of the

1 summons, that the child was exactly
2 at six-months-old or six months plus
3 one day?

4 MR. SIRI: No, I am not making
5 that argument based upon -- this
6 client was not six months of age.

7 MR. LEUNG: Or six months and
8 one day, correct?

9 MR. SIRI: No, that is not the
10 issue. The issue is that they are
11 charging that my client violated an
12 order on the 23rd -- on the 21st of
13 April, but that order was a nullity
14 by the April 17th. That's the issue.
15 The rest of it is window dressing,
16 everything else around it.

17 MR. LEUNG: So I have enough to
18 make a decision. I am just going to
19 summarize, and I will allow both
20 sides to make arguments, the issue in
21 this case appears to be whether or
22 not the -- first off, the
23 Petitioner's 1, which is the order of
24 the Health Department Commissioner
25 issued on April 9th, 2019, which

1 everyone agrees remained in effect
2 until the next scheduled Board of
3 Health meeting, which was on
4 April 17th. Petitioner's 2 is the
5 Board of Health resolution dated
6 April 17th.

7 There is a dispute as to
8 whether the language of the Board of
9 Health resolution, number one,
10 continued the order issued by the
11 health commissioner.

12 The record should reflect that
13 counsel, Mr. Siri, has made an
14 argument that there is no explicit
15 language in the resolution, P2, which
16 directly states, in sum and
17 substance, that the Commissioner's
18 order is hereby continued. There is
19 nothing expressed in that and that is
20 agreed that -- from the Health
21 Department -- that there is nothing
22 expressed.

23 The issue as to whether or not
24 continued is a factual issue,
25 irrespective of whether or not the

1 Department of Health conceives that,
2 I understand your argument.

3 The second issue is whether or
4 not the resolution, on its own,
5 Petitioner's 2, was something that
6 was alleged in the summons, putting
7 Respondent on notice that he needed
8 to comply with P2, the resolution.

9 And I understand both sides,
10 that's why we are here, and I will
11 allow both sides to make an argument.

12 Mr. Siri, is there anything
13 that you want to add?

14 MR. SIRI: Yeah, just to say
15 that even though it references the
16 resolution -- in fact, by referencing
17 resolution, it defines resolution in
18 this violation. It specifically
19 defines the word, if you look at
20 violation.

21 MR. LEUNG: Just for the
22 record, what are you reading, what
23 are you looking at?

24 MR. SIRI: Right. If you are
25 looking at the Summons --

1 MR. LEUNG: We are looking at
2 the summons. Go ahead.

3 MR. SIRI: You can see it
4 starts by referencing the
5 Commissioner's and it defines the
6 word "order"; do you see that?

7 MR. LEUNG: Just tell us --
8 state the language you are reading.

9 MR. SIRI: Absolutely. It says
10 -- so the violation description
11 begins: In response to the active
12 measles outbreak in certain parts of
13 Brooklyn and New York, City
14 Commissioner of Health declared a
15 public health emergency on April 9th,
16 2019 and published a commissioner's
17 order.

18 MR. LEUNG: Right.

19 MR. SIRI: Defined as order,
20 brackets, parenthesis, order, closed
21 parenthesis, closed bracket.

22 MR. LEUNG: Right.

23 MR. SIRI: So order means the
24 Commissioner's order. That expired
25 by operation of law on April 17th. I

1 believe there is no dispute about
2 that.

3 MR. LEUNG: Can I stop you
4 there?

5 MR. SIRI: Yeah.

6 MR. LEUNG: And I understand
7 your argument.

8 MR. SIRI: Yeah.

9 MR. LEUNG: Can you address
10 this argument? Because ultimately, I
11 have to write a decision, and this is
12 something that I want both sides to
13 address.

14 The following sentence on the
15 summons, which is the second full
16 sentence, on April 17th, 2019, a New
17 York City Board of Health unanimously
18 approved the resolution continuing
19 the public health emergency and
20 requirement that all persons living,
21 working, or attending school in these
22 affected zip codes be vaccinated
23 against measles --

24 MR. MERRILL: I would like to
25 make reference, your Honor, to that

1 one too, as well, which is the
2 resolution further provides that any
3 person who is not vaccinated or the
4 parent or guardian of a child shall
5 be fined unless they demonstrate
6 proof of immunity or that
7 immunization is not appropriate or --

8 MR. LEUNG: I guess the
9 question that I have is --

10 MR. SIRI: I would like to
11 continue reading it, your Honor,
12 because it goes on it and it says --
13 and I agree --

14 MR. LEUNG: No, no, I
15 understand you agree. Go ahead.

16 MR. SIRI: Yeah. And then it
17 goes on and it says in review of the
18 records. And then it ends by saying
19 that Respondents failed to vaccinate
20 -- in violation of the order. It is
21 alleging a violation of the order.
22 That is all that this violation --

23 MR. LEUNG: Mr. Siri, I
24 understand your argument that a
25 portion of the allegation on the

1 summons refers only to the order.
2 What I would like to address in my
3 question is the following sentence,
4 on April 17th, 2019, the New York
5 City Board of Health unanimously
6 approved a resolution --

7 MR. SIRI: That's right.

8 MR. LEUNG: And resolution is
9 in the paragraph --

10 MR. SIRI: That's right.

11 MR. LEUNG: Continuing the
12 public health emergency and
13 requirement that all persons living,
14 working, or attending school be
15 vaccinated against measles.

16 The resolution further provides
17 that any person who is not vaccinated
18 or the parent and/or guardian of the
19 child who is not vaccinated shall be
20 fined unless they demonstrate proof
21 of immunity or that immunization is
22 not medically appropriate.

23 How do those two sentences not
24 put your client on notice that they
25 were to comply with the resolution,

1 irrespective of your argument that
2 the final sentence only refers to the
3 order?

4 MR. SIRI: Because, your Honor,
5 words have meaning. And in the
6 violation description, it has to tell
7 you what you are in violation of.

8 The fact that it has -- I think
9 the fact that it even defined the
10 word resolution further supports why
11 they chose, your Honor, to say, at
12 the end, you are in violation of the
13 order, I don't know. That's their
14 choice. But that's what they chose
15 to say that my client was in
16 violation of.

17 It did not say my client was in
18 violation of the resolution in this
19 violation description. I think if
20 you want to -- we are not talking
21 here about giving somebody a little,
22 you know, you are talking here about
23 requiring an injection of a product
24 into somebody's body.

25 I think you need to give some

1 very clear and explicit notice of
2 what you are alleging they are
3 violating. I think if you don't
4 reference the right order, code,
5 section, that's on them.

6 That's the least, your Honor, a
7 minimum safeguard to due process -- a
8 minimal safeguard to due process
9 required you to make clear what is it
10 is you are violating.

11 They wrote you violated the
12 order, they chose to do that, you
13 know, that's it. If they wanted to
14 say you violated a resolution, they
15 could have done that.

16 It shouldn't have to be -- my
17 client is not a lawyer, who is not an
18 attorney, who doesn't speak English
19 that well, to try to figure out
20 precisely what it is, you know, they
21 are being claimed they are in
22 violation of. They should be able to
23 read it and say, okay, it says I am
24 violating the order, okay? Period.

25 MR. LEUNG: Okay. I don't know

1 if you answered my question but I
2 think you did.

3 You are saying that the final
4 sentence, because it contains the
5 alleged violation of the order,
6 controls because there is no sub --
7 there is no equivalent allegation.

8 In other words, there is no
9 Respondent failed to vaccinate child
10 or otherwise submit acceptable
11 immunity in violation of the order or
12 resolution, which is what you are
13 saying is required, if they are going
14 to allege that he violated the
15 resolution; is that a correct
16 summation?

17 MR. SIRI: Right. It should
18 say -- the charge should say, you
19 know, if you look at charging
20 documents, it says in charging
21 documents in criminal court, this is
22 what you violated. It tells you what
23 you violated.

24 It doesn't say in here my
25 client violated the order. It

1 doesn't say in here that they
2 violated the resolution. That's not
3 what's alleged.

4 MR. LEUNG: Anything else from
5 the other side?

6 MR. MERRILL: Your Honor, the
7 NOV is only -- to the extent that it
8 puts you on notice of the resolution,
9 it does that, and it cites 3.05, and
10 that's the doctor's --

11 MR. LEUNG: I have enough to
12 make a decision. Is there anything
13 else anyone wants to put on the
14 record before I close the hearing?

15 MR. SIRI: On just that
16 argument -- I have lots of other
17 arguments, that's just the first.

18 MR. LEUNG: You have other
19 things?

20 MR. SIRI: Oh, yeah, that's
21 just the first. That's just the
22 first argument. I have lots of
23 arguments. Oh, no.

24 MR. LEUNG: Let's move on --

25 MR. SIRI: You said you are

1 going to rule on that argument?

2 MR. LEUNG: No, I don't rule on
3 anything. I take things under the
4 advisement and I make decisions in
5 30 days.

6 The only thing that I ruled
7 here today was your request to have
8 the --

9 MR. SIRI: The hearing officer
10 --

11 MR. LEUNG: The issuing
12 officer --

13 MR. SIRI: I apologize, the
14 issuing officer.

15 MR. LEUNG: Because of that
16 hurdle, obviously, by rule, that you
17 are entitled to it, but I am going to
18 adjourn the hearing.

19 So whether or not we have the
20 hearing is determining on making that
21 decision. That's why --

22 But everything else, the motion
23 to dismiss, your arguments, I am
24 going to take under advertisement.

25 Since you have many other

1 decisions and we have many other
2 cases, I am going to ask you to move
3 on to your next argument.

4 MR. SIRI: Yes. Absolutely.
5 Okay.

6 So, the second ground, your
7 Honor, that we move on to that this
8 summons was not properly issued is
9 that pursuant to the New York
10 Administrative Code Section 17-148C,
11 okay, it provides that the Board's
12 resolution must be published for
13 three days before the public is
14 deemed to be on notice of the
15 requirements of the resolution.

16 MR. LEUNG: Okay.

17 MR. SIRI: Okay. If, your
18 Honor, would like, I can read into
19 the record the provision.

20 MR. LEUNG: I have it. You
21 don't need to read it.

22 MR. SIRI: Wonderful. I'll
23 keep going.

24 MR. LEUNG: So you are saying
25 it failed to do that?

1 MR. SIRI: Right. And I would
2 like to put into evidence -- do you
3 have the publications notice?

4 I so have the -- so I am going
5 to be handing, your Honor, a copy of
6 the city register, Notice of
7 Publication of the Resolution.

8 MR. LEUNG: I am going to mark
9 this as Respondent's -- did you put
10 anything else into evidence at all?

11 MR. SIRI: Not yet.

12 MR. LEUNG: Let the record
13 reflect that Respondent's 1 is a
14 printout of the New York City Record
15 of Online Reports for the Board of
16 Health Measles Resolutions, dated
17 4/17/2019, publication date lists
18 here as 4/22 to 4/24/2019.

19 Any objection for this coming
20 into evidence? The Department of
21 Health does not object. Respondent's
22 1 has been submitted into evidence.

23 (Whereupon, a document was marked
24 as Respondent's Exhibit 1, for
25 identification, as of this date.)

1 MR. LEUNG: What would you like
2 to comment upon this R1?

3 MR. SIRI: Sure. So the
4 publication, the three days, ended on
5 April 24th. But, yet, the violation
6 was issued on April 21st, that's the
7 date and time of occurrence written
8 on the summons, your Honor, which
9 means it was issued, not even during
10 the three days, which, itself,
11 wouldn't have been valid.

12 It was issued even before the
13 three days of notice that was
14 required for publishing the
15 resolution.

16 MR. LEUNG: Counsel for DOH?

17 MR. MERRILL: I just want --
18 (Indiscernible.)

19 MR. MERRILL: I think you can't
20 have it -- so, you know, if he is
21 going to say that the Board of Health
22 resolution was in effect, then the
23 order is still in effect. It can't
24 be -- it can't be that there is this
25 gap. So either one has to be -- it

1 can't be one or the other.

2 MR. SIRI: Two quick things.
3 Obviously, this is an argument in the
4 alternative, correct, in that -- I
5 just want to make it very clear for
6 the record that our position is the
7 resolution is not alleged to be
8 violated in this order -- excuse me
9 -- in this summons.

10 So I am arguing on the term
11 that that to the extent that you
12 found the resolution to actually be
13 in effect and that the resolution --
14 excuse me -- was alleged to have been
15 violated in the summons, despite it
16 not saying that in the summons.

17 It was not that effective --
18 that it was improper to have issued
19 this violation on the date of
20 issuance.

21 MR. LEUNG: Are you going to
22 respond --

23 MR. SIRI: And, now, to
24 directly to respond to Mr. Merrill's
25 point, the Board is free to pass the

1 resolution when it did, but that
2 doesn't change the notice
3 requirements, as we now --

4 MR. LEUNG: I understand what
5 you are saying, that the issue was on
6 4/21 and that the notice, provided by
7 this publication, was first published
8 for three days, beginning on April
9 22nd and ending on April 24th, and
10 that any summons should have been
11 issued on April 26th or 27th. The
12 fact that it was issued before it was
13 even published is insufficient notice
14 in terms of how it pertains to the
15 resolution. I understand your
16 argument and I understand your
17 position.

18 MR. MERRILL: It would be that
19 the order's date of effectiveness --
20 and when the resolution becomes
21 effective -- because the risk is
22 required and is put into effect and
23 you can't have it both ways --

24 MR. SIRI: Mr. Merrill may not
25 like the policy result of the way the

1 law works but that's what the law
2 provides. It says any -- the Board
3 power will be effective only until
4 the next meeting of the Board. It
5 was done at the Board meeting. It
6 was over.

7 The fact that there is a gap
8 between the Board meeting, right, and
9 when the notice is done -- and then
10 it issues summonses again --

11 MR. LEUNG: Can I ask a
12 relevant question?

13 MR. SIRI: Yes.

14 MR. LEUNG: Because that's what
15 I am going to look at at the hearing
16 --

17 MR. SIRI: Yes.

18 MR. LEUNG: The resolution was
19 valid, in effect, there wasn't
20 notice -- I'm sorry.

21 How do you deal with the issue
22 of -- the possible issue that
23 Petitioner might raise that the
24 Board, on the 19th, acted to continue
25 the Commissioner's April 9th order.

1 And although -- and on
2 April 21st, when your client was
3 served with the summons, the order --
4 I'm not saying -- I' m just saying
5 the order was in effect --

6 MR. SIRI: There was no
7 evidence. I assume counsel is, you
8 know, he is an attorney speaking,
9 there is no evidence on record, that
10 I'm aware of, here today so far that
11 shows that the resolution continued
12 the order, right?

13 Is it -- the only thing that
14 they pointed to is the resolution
15 language itself; is that correct?

16 MR. LEUNG: The resolution, the
17 summons, and the original order, so
18 all of the evidence that we have.

19 MR. SIRI: Right --

20 MR. LEUNG: And then --

21 MR. SIRI: Right. So,
22 nothing -- right. I would love to
23 see the language. I have read it a
24 few times. I don't see anything in
25 there that says the order of the

1 Commissioner hereby continues. There
2 is nothing in the notice.

3 So if -- what you are asking me
4 is but if you found it was continued,
5 right?

6 MR. LEUNG: Right.

7 MR. SIRI: Could a violation
8 still be issued under the order.

9 And my answer to that is no.
10 And here is why. I would say because
11 what takes the place of the order is
12 the resolution, and that's just the
13 way 3.01 is structured. It's just
14 the way, you know, laws are to be
15 enforced the way they are written.

16 And it says that any such
17 exercise of authority shall be
18 effective only until next meeting of
19 the Board.

20 So at the next meeting of the
21 Board, that Commissioner's order
22 became a legal nullity, which took
23 its place as the resolution.

24 MR. LEUNG: I don't want to --
25 I have done other cases and there are

1 situations where if the Board
2 continues the Commissioner's order or
3 finds that it's continued, that we
4 then have two live entities at that
5 point. And that's why I am asking
6 the question.

7 MR. SIRI: Yes.

8 MR. LEUNG: The live entity
9 being the Commissioner's order, and
10 then the Board's resolution. So you
11 have two live entities at that point.

12 The question that I have is
13 assuming that I find that service was
14 improper as to the resolution, I
15 would like, on the record, for you to
16 address the other possibility --

17 MR. SIRI: Yes.

18 MR. LEUNG: -- which is that the
19 resolution extended the order. And
20 although the resolution may not be
21 valid, because service was not
22 effected in a timely manner, as per
23 your argument, how do you address the
24 issue that the order could still be
25 alive at that point, by the Board's

1 action?

2 MR. SIRI: To the extent that
3 the order is, as you say, alive, by
4 operation of the resolution, it's
5 really the resolution that's alive
6 and the order becomes an exhibit to
7 it, essentially.

8 The order, itself, by operation
9 of law, is gone. It says any such
10 exercise of authority -- shall be
11 effective only until the next meeting
12 of the board. So that Commissioner's
13 order is a legal nullity.

14 That the resolution chose to
15 revise it, okay, the resolution chose
16 to do that, but it's the resolution
17 that's alive, and it's the resolution
18 that then requires notice.

19 What has happened in both
20 proceedings before, as you know, is
21 not binding, you know?

22 MR. LEUNG: I understand.

23 MR. SIRI: And the fact that,
24 you know, that folks have done things
25 certain ways can't change what the

1 law provides.

2 MR. LEUNG: And again, the
3 reason why I am saying this is that
4 when everyone leaves the room and I
5 have to write it, these are the
6 issues that I have to address.

7 How do you address the whereas
8 from -- the second from the third
9 from the bottom on Petitioner's 2,
10 the resolution?

11 MR. SIRI: Whereas second from
12 the bottom?

13 MR. LEUNG: Yeah. Third from
14 the bottom.

15 MR. SIRI: Third from the
16 bottom.

17 MR. LEUNG: Do you see that?

18 MR. SIRI: Yeah.

19 MR. LEUNG: Whereas pursuant --

20 MR. SIRI: I think that whereas
21 pursuant, that's actually supports
22 the point that I am making.

23 Whereas pursuant to Health Code
24 Section 3.01, the order issued by the
25 Commissioner is only in effect until

1 the Board of Health convenes and
2 either continues or rescinds the
3 Commissioner's exercise of authority.

4 Even though the Board made
5 clear, understood, what happens to
6 the order. It either needs to be
7 continued or rescinded, right?

8 MR. LEUNG: Right.

9 MR. SIRI: And it still doesn't
10 say in here --

11 MR. LEUNG: So what do you say
12 happened? What did the resolution do
13 to the order, in your opinion?

14 MR. SIRI: In my opinion, what
15 the resolution does is it doesn't
16 rescind it and it doesn't continue
17 it.

18 But for purposes of this
19 argument that I am making about
20 notice, I actually don't think that
21 that matters, does it?

22 MR. LEUNG: Well, the notice
23 matters to the resolution. I am
24 talking about the order.

25 So my question to you is: Your

1 position is that the resolution
2 doesn't address continuing or --

3 MR. SIRI: It doesn't address
4 continuing or rescinding, right,
5 that's right. But -- it doesn't, but
6 even if it did, it would be basically
7 revising the Commissioner's order as
8 through the resolution --

9 MR. LEUNG: We can talk a lot.
10 I am going to give the Department of
11 Health an opportunity.

12 Do you want to address some
13 important issues that I have been
14 asking?

15 MR. MERRILL: Yeah, I think you
16 have to go back and remember this was
17 an emergency that the Commissioner,
18 you know, acted appropriately.

19 The Board did continue the
20 require that people be vaccinated.
21 Now, there was exchange, yes or no,
22 whatever, but I think it cannot be,
23 you know, again, this is a remedial
24 action, too. The reason that
25 requirement has to still be in

1 effect. It had to be effective until

2 --

3 MR. LEUNG: What is your
4 position, Counsel, for DOH, regarding
5 what the Board did in its resolution
6 vis-à-vis the Commissioner's order;
7 did it rescind it, did it continue
8 it, or did it not address it in any
9 way?

10 MR. MERRILL: It doesn't -- it
11 doesn't -- it continued the basic
12 requirement, that people be immunized
13 until -- until this becomes
14 effective.

15 But I would argue that the
16 effective date of that is clearly --
17 it has to be the date that it is
18 served. And that until then, it
19 overcharged the NOV. There was a
20 requirement, under both, that people
21 be immunized.

22 And this woman was not
23 immunized, this child was not
24 immunized, and the child continues
25 not to be immunized, and that's a

1 violation of the order.

2 MR. SIRI: Objection, but
3 obviously --

4 MR. MERRILL: We can save a lot
5 of time --

6 MR. SIRI: Go ahead.

7 MR. LEUNG: Counsel, what is
8 your position, Mr. Merrill, as to
9 whether or not on April 21st, when
10 the summons was issued, as to whether
11 or not the Commissioner was ordered
12 -- Pl was or was not in effect?

13 MR. MERRILL: I -- I -- I -- I
14 think that the -- I think that the --
15 at that time, the resolution was in
16 effect, that the resolution -- it
17 says that it took effect immediately,
18 if you look at the last sentence.

19 And I would, again, I would --
20 so if you are going to say that the
21 service was short because it was
22 before the third publication, then I
23 think it's a service issue.

24 But I do believe, looking at
25 the terms of the resolution, it does

1 say effective immediately.

2 MR. LEUNG: All right. Is
3 there anything -- do you have any
4 other arguments? Because you said
5 you have a whole bunch.

6 MR. SIRI: Yeah. Oh, yes.

7 MR. LEUNG: Go ahead.

8 MR. SIRI: Third, your Honor,
9 may I -- may I just put on the record
10 constitutional arguments? I want to
11 say them to preserve them for appeal,
12 as I understand you can't rule on
13 them.

14 MR. LEUNG: Yes. You can put
15 anything you want on the record.

16 MR. SIRI: And I -- to be
17 efficient, I will just -- I will not
18 argue them, I will simply state what
19 violations, I believe, are occurred.

20 And, so, you know, I understand
21 the tribunal -- you can't deal with
22 constitutional with issues, but I
23 want to preserve for the record, that
24 holding Respondents in violation for
25 simply existing in their homes in the

1 state that God created them, issuing
2 them a violation for not injecting a
3 product into their children against
4 their informed decision violates the
5 constitutional rights to informed
6 consent under the New York State
7 Constitution and US Constitution,
8 parental choice, under the New York
9 State Constitution and US
10 Constitution, bodily integrity, under
11 the New York State and US
12 Constitution, free exercise of
13 religion under the New York State and
14 US Constitution, substantive due
15 process to life and liberty, under
16 the New York State and US
17 Constitution, procedural due process
18 under the New York State and United
19 States Constitution, the 9th
20 Amendment right, under the United
21 States Constitution, and the cruel
22 and unusual punishment, under the New
23 York State and United States
24 Constitution.

25 And I will also add that the,

1 you know, the Commissioner's order
2 and resolution be --

3 (Indiscernible.)

4 MR. SIRI: And these summons
5 are also in excess of jurisdiction.
6 We believe error of law, arbitrary
7 and capricious, an abuse of
8 discretion, an abuse of discretion as
9 to the measure and mode of the
10 penalty.

11 And I would just like to
12 preserve those for the record, your
13 Honor.

14 I would also ask that in order
15 for me to properly address most of
16 those arguments, I would need to
17 conduct discovery.

18 And because of that, I am going
19 to make an application to depose the
20 Commissioner of the New York City
21 Department of Health, who issued the
22 resolution, as well as the -- to the
23 extent that, you know, if, your
24 Honor, found that the resolution was
25 effective here, I would also seek to

1 depose the representative of the
2 Board of Health.

3 MR. LEUNG: We have
4 representatives from the Board of
5 Health here, which --

6 MR. SIRI: The actual -- the
7 head of the Board of Health. I would
8 seek to have both of those
9 individuals.

10 MR. LEUNG: The Commissioner of
11 the Department of Health?

12 MR. SIRI: Is that the person
13 who is in charge of the Department of
14 Health.

15 MR. LEUNG: I have to check.

16 MR. SIRI: Thank you very much.
17 Then I would just seek to depose the
18 Commissioner of the Department of
19 Health.

20 MR. LEUNG: Can you just state
21 the basis for your discovery request?

22 MR. SIRI: Sure, your Honor.
23 The basis of the application is that
24 in order to make fulsome record as to
25 the violations of the New York State

1 Constitution and the US Constitution,
2 and as to various other provisions of
3 law, including C.P.L.R. -- it's
4 Article 78 of the C.P.L.R., and
5 having a fulsome record as to the
6 factual basis upon which the
7 Commissioner decided every single
8 sentence in the resolution and the
9 order is necessary.

10 I could -- I don't want to
11 belabor it, but there are lots of
12 representation in the order that, for
13 example, that measles -- with regard
14 to the measles, with regard to the
15 MMR, with regard to the safety and
16 efficacy of that product, as well as
17 with regard to the concerns regarding
18 the measles virus. And those
19 underpin the ultimate order in here.
20 And I think that the Commissioner
21 should have to answer to, you know,
22 be able to be put to the proof of her
23 claims in this order in order to
24 actually address those constitutional
25 and other grounds, which I understand

1 you can't adjudicate at this level.

2 I would also --

3 MR. LEUNG: Before that, can I
4 put on the record that we have the
5 physician here, who is a
6 representative of the Department of
7 Health, who can address those
8 underpinning questions that you have.

9 So, again, I am going to ask
10 you: What is it about the
11 Commissioner, herself, that you would
12 like to ask that cannot be answered
13 by the physician here regarding those
14 specific questions that you just
15 addressed?

16 MR. SIRI: Well, the
17 Commissioner issued the order, your
18 Honor.

19 MR. LEUNG: Well, I understand
20 that, but we have representatives of
21 the Commissioner here, who are
22 standing in for her, in terms of
23 representing them here.

24 MR. SIRI: And they are
25 speaking on her behalf?

1 MR. LEUNG: They are
2 representatives of the department,
3 just like district attorneys are
4 represented by assistant district
5 attorneys, general counsel is here
6 for them.

7 MR. SIRI: Right. So, as you
8 know, when you bring those cases, you
9 bring them against the actual
10 Commissioner, in their capacity,
11 obviously, as the Commissioner of the
12 Department, but again, it's the
13 Commissioner, themselves.

14 And, so, I am asking: Are they
15 speaking on behalf of the
16 Commissioner here today?

17 MR. LEUNG: You can ask him the
18 question. How do you want to address
19 this?

20 MR. MERRILL: I am having a
21 hard time understanding how -- I
22 think this is just harassment. I am
23 having a hard time --

24 MR. SIRI: I object to that.

25 MR. MERRILL: Hear me out.

1 MR. SIRI: It's okay.

2 MR. MERRILL: I am having a
3 hard time understanding how a
4 deposition relevant.

5 If you believe this is
6 unconstitutional -- which, by the
7 way, the Court has to agree to have a
8 deposition -- then, okay, you should
9 be able to articulate how
10 unconstitutional regardless of
11 deposing the Commissioner on what she
12 believes and science believes on
13 measles and the efficacy of the virus
14 -- of the MMR.

15 I should point out there was
16 litigation challenging the order, it
17 was upheld, so the constitutional
18 arguments were rejected.

19 In terms of the free exercise,
20 that was rejected in Prince versus
21 the City of New York. And it was,
22 again, more recently, it was rejected
23 in the unsuccessful challenge to the
24 New York State, elimination of the
25 religious exemption to vaccine.

1 So, again, you can put on
2 record that you believe all of these
3 things are unconstitutional, you can
4 -- not everyone is going to agree
5 with you, and a lot of courts haven't
6 -- but to come out and say, well, I
7 need to depose the -- and, you know,
8 ask a whole bunch of questions on the
9 medicine and why you believe measles
10 is bad and why you believe the MMR is
11 safe, I don't think -- I am having a
12 really hard time understanding how it
13 goes to those -- arguments.

14 MR. SIRI: So the only -- the
15 first instance I heard was on the
16 free exercise, not all of the other
17 grounds that I raised, just one --

18 MR. LEUNG: I --

19 MR. SIRI: And second, I am not
20 here in response to your question,
21 your Honor, on whether or not they
22 are speaking on behalf of the
23 Commissioner who actually issued the
24 order.

25 MR. LEUNG: Okay. I think

1 that's a hyper -- a technical
2 question. They are a representative
3 of the agency, which the Commissioner
4 is the head of.

5 So you are saying do they
6 directly represent and speak for the
7 Commissioner. I mean that's -- I
8 don't know -- I don't know if you
9 want to ask --

10 MR. MERRILL: So, again, I'm
11 not sure, I am taking a poke here, I
12 don't know what he wants to ask.

13 If he wants to ask our position
14 on measles and vaccines, Dr. Rosen
15 will speak to the, you know, the
16 agency --

17 MR. LEUNG: Do you know based
18 on your -- so, Counsel, based upon
19 your record, you may have more basis
20 for your reason for deposing the
21 Commissioner. I am going to deny you
22 because I believe that this doctor
23 here can answer those questions.

24 I am going to give you the full
25 opportunity to start. If you want to

1 ask the doctor questions, please do.

2 MR. SIRI: I will get to those.
3 I have just a few more quick,
4 procedural things.

5 Is it a little warm for anybody
6 here?

7 MR. LEUNG: It is. You can
8 open the door.

9 MR. SIRI: Yeah?

10 MR. LEUNG: That's the only way
11 we can get circulation in this
12 defective room, so I apologize.

13 MR. SIRI: No problem. I
14 usually like it warm. I can -- I
15 never want to make anybody sweat.

16 MR. LEUNG: Okay. Go ahead,
17 Counsel.

18 EXAMINATION BY

19 MR. AARON SIRI, ESQ.:

20 Q. I'm sorry, was it Dr. --

21 A. Rosen.

22 Q. Good morning. I am going to ask you
23 a few questions, Dr. Rosen. If you don't
24 understand any of the questions at any time,
25 please let me know, okay?

1 A. Yes.

2 MR. SIRI: And the witness was
3 sworn in?

4 MR. LEUNG: Yes, she was.

5 Q. And you understand that you are
6 testifying under the penalty of perjury,
7 correct?

8 A. Correct.

9 Q. In order to streamline some of my
10 questions, I am going to give you a list of
11 acronyms, and if you can tell me what they
12 mean, this way we have defined terms as we go
13 through some questioning relating to the
14 order.

15 HHS, what does that stand for, do
16 you know?

17 A. Oh, man, Health and Human Services.

18 Q. Yes, I believe it's the Department
19 of Health and Human Services.

20 And CDC?

21 A. Centers for Disease Control.

22 Q. And Prevention, correct?

23 Have you ever worked for the CDC or
24 have been involved with the CDC?

25 A. I have.

1 Q. When did you work for the CDC?

2 A. From 2007 through 2009.

3 Q. And what did you do there?

4 A. I served as an epidemic and
5 intelligence service officer.

6 Q. And you are aware that HHS is the
7 department under which the CDC -- is an
8 agency under the department of HHS, correct?

9 A. Correct.

10 Q. And what does the FDA stand for?

11 A. Food and Drug Administration.

12 Q. And ASIP?

13 A. Advisory Committee on Immunization
14 Practices.

15 Q. And that is a committee within the
16 CDC, correct?

17 A. Correct.

18 Q. And they are the ones who,
19 essentially, are the -- is the board that
20 decides the CDC's vaccination schedule that
21 most physicians in the country follow,
22 correct?

23 A. They make the national
24 recommendations for the routine immunization
25 program.

1 Q. So when you pull up the CDC
2 immunization schedule, that's the schedule
3 that ASIP has voted upon, essentially?

4 A. Well, it's the ACIP recommendation.

5 Q. Yep. And the IOM?

6 A. That's the Institute of Medicine.

7 Q. And that's part of the National
8 Academy of Sciences?

9 A. Correct.

10 Q. And that is not part of HHS, unlike
11 the CDC and FDA, correct?

12 A. Correct.

13 Q. They are an independent body?

14 A. Correct.

15 Q. They are hired to conduct science --
16 scientific reviews, right?

17 A. I can't speak to the process for
18 hiring.

19 Q. Is the CDC -- fair enough. Have you
20 worked for any other federal health agencies
21 other than the CDC?

22 A. No. Well, I was with the
23 Commissioned Corps --

24 Q. With the what?

25 A. I was an employee of the

1 Commissioned Corps when I was based at the
2 CDC; it's the US Public Health Service.

3 Q. Great. So you got to wear the
4 regalia?

5 A. I did.

6 Q. Are you familiar with the National
7 Childhood Vaccination Act of 1986?

8 A. I am not very familiar.

9 Q. But are you at least aware that it
10 is the act that gave immunity to liability to
11 pharmaceutical companies for injuries caused
12 by their vaccine products?

13 A. I don't know the details.

14 Q. I am asking for your -- what your
15 knowledge is. Are you aware of whether or
16 not pharmaceutical companies can be sued for
17 injuries caused by their vaccine products?

18 A. I am not aware.

19 Q. You don't know. Okay. So what do
20 you know about the National Childhood
21 Vaccination Act of 1986?

22 A. I -- that's -- I don't know
23 anything, really, about that act.

24 Q. Nothing at all. So you are not
25 aware that the manufacturer of the MMR

1 vaccine, Merck, cannot be sued for injuries
2 caused by their MMR vaccine?

3 A. I am not familiar with the process
4 for manufacturing companies.

5 Q. Are you aware -- but are you aware
6 that -- if you could answer yes or no on that
7 one --

8 A. No, I am not aware.

9 Q. You are not aware of that. So you
10 are not aware that Merck can be sued for
11 injuries caused by the MMR vaccine?

12 A. No.

13 Q. What is a virus?

14 A. A virus is a -- it's an infectious
15 disease particle that can lead to illness of
16 which measles is one example.

17 Q. How does it lead to illness?

18 A. It enters a person's body through
19 different possible routes; it could be
20 respiratory, it could be through the blood,
21 and it can replicate, and it can cause -- it
22 can infect different organs of the body and
23 cause symptoms.

24 Q. Viruses replicate and they take over
25 cells in the body, either they go into DNA or

1 they can enter through their fluids, right?

2 A. Correct.

3 Q. And they can -- the cells -- okay --
4 right. Okay. And usually, the route of
5 infection is actually the mucosal surfaces,
6 right, your eyes, your intestinal tract, your
7 lungs; that's the normal route that a human
8 being would be contacted with a virus,
9 correct?

10 A. That's a common route, yes.

11 Q. Did you discuss your appearance or
12 testimony here today with anybody before
13 today, before this hearing starting?

14 A. Yes, at work, it was discussed that
15 I would be attending here.

16 Q. Who did you discuss that with?

17 A. The people that are in the room.

18 Q. Other than your conversations with
19 counsel, anybody that wasn't an attorney?

20 MR. LEUNG: I am going to just
21 put on the record -- what I am going
22 to do is I am going to allow you to
23 ask relevant questions of the doctor.

24 I understand --

25 MR. SIRI: I am just getting a

1 foundation going. I am taking
2 long --

3 MR. LEUNG: The reason I am
4 cutting this short -- I am asking you
5 to cut this short is I want you to
6 get to the issues regarding the
7 policy. I think you had some policy
8 issues.

9 I don't want this to be a
10 runaround. I know you asked for a
11 deposition of the Commissioner and I
12 am asking you whether or not the
13 doctor --

14 (Indiscernible.)

15 MR. LEUNG: So what I am going
16 to do is just limit your questions to
17 relevancy as to what we are here for,
18 which is the hearing.

19 We have nine other cases. I
20 understand you have to -- I am giving
21 you a lot of leeway. Normally, I
22 don't have hearings that last an
23 hour, we don't have that time, but I
24 am giving you a lot of leeway to ask
25 her questions.

1 Who she spoke to in preparation
2 of this I don't believe is relevant.
3 If you are going to challenge her
4 credibility regarding her knowledge
5 of medical science and things of that
6 nature -- it is not a full-blown
7 trial. We don't have the resources
8 and the time for that. I am going to
9 ask you to get to the relevant
10 questions.

11 MR. SIRI: Can I ask her about
12 her background?

13 MR. LEUNG: You can.

14 Q. Can you tell us about -- just what's
15 your education, what degrees do you hold?

16 A. I have a bachelor in science from
17 Cornell University, an M.D. from Stony Brook
18 Medical Center, I completed a residency in
19 internal medicine at NYU, I completed a
20 fellowship at the CDC as an epidemic
21 intelligence service officer where I worked
22 with Respiratory Diseases branch.

23 I have been at the New York City
24 Department of Health since 2009. I am
25 currently the Director of Epidemiology and

1 Surveillance for the Bureau of Immunizations.
2 We oversee surveillance and outbreak
3 investigations for vaccines, preventible
4 diseases, including measles.

5 Q. Thank you. Now, in the summons, it
6 states that the review of Department of
7 Records, it shows that Respondent, who is at
8 least six-months-old, lives at -- and it
9 provides an address which is located in one
10 of the affected zip codes.

11 How did the Department determine the
12 Respondent's address?

13 A. This person was exposed to --
14 identified as having been exposed to measles.
15 And when an exposure occurs -- so, for
16 example, if somebody is exposed at a medical
17 facility, the address -- the name and the
18 address of the people exposed are provided to
19 the Health Department. So--

20 Q. By the physician's office?

21 A. By the place where the exposure
22 occurred. So, for example, if it was -- if
23 the exposure occurred at an outpatient
24 medical provider's office, the address would
25 have been provided by that provider.

1 Q. And, so, who was providing these
2 names and addresses; was it medical
3 providers, typically?

4 A. A majority of the exposures that
5 occurred did happen in medical settings, so
6 it was the healthcare facility that would
7 have --

8 MR. LEUNG: I will limit the
9 questions to this child, not policy.

10 As to this child, Doctor, do
11 you know how the Department of Health
12 came in possession of his -- this
13 address?

14 MR. SIRI: Sure.

15 THE WITNESS: I don't know the
16 details of where this particular
17 person was exposed.

18 MR. LEUNG: Okay. Counsel,
19 next question.

20 Q. But how did you get the address,
21 from who?

22 A. As I mentioned, I don't know for
23 this particular child, where they were
24 exposed, to have acquired the list of people
25 exposed.

1 So if they were exposed in a
2 healthcare facility, it would have been the
3 healthcare facility.

4 Q. But you don't know the name of the
5 healthcare facility that provided that
6 information?

7 A. We could obtain that; I do not have
8 that.

9 Q. And you don't know -- and just know
10 that you believe that the address came from
11 that unknown facility -- unnamed facility?

12 A. An address would have been provided
13 by the -- at the setting of exposure. I
14 don't know if it was a medical facility but
15 it, for example, if it were, that's where we
16 would have received the initial address.

17 We also have access to the citywide
18 -- the New York Citywide Immunization
19 Registry, which -- in which providers are
20 required to enter vaccination records to all
21 -- for all -- for doses administered to all
22 children in New York City. That's another
23 source of address information.

24 Q. And that registry, does it sometimes
25 have -- is it sometimes missing immunizations

1 that have been administered?

2 A. The vast majority, because it is
3 required by law for providers in New York
4 City to enter doses that were administered,
5 it is highly complete, it is not 100 percent
6 complete.

7 And, so, typically in the setting of
8 an exposure to measles, when people are
9 identified as having been exposed, if we
10 identify a child who doesn't have
11 documentation of immunization, if they had
12 been exposed in a healthcare facility, we
13 would typically reach out to the healthcare
14 facility and ask if they have any
15 supplemental records that haven't been
16 entered into the CIR.

17 We would also try contacting -- we
18 may try contacting the family of the person
19 who is exposed and request additional
20 information.

21 Q. But you don't know the name of the
22 health facility for this Respondent, correct?

23 A. I do not know where this person was
24 exposed.

25 Q. And, so, you are assuming that that

1 happened in this instance, you don't know for
2 sure, correct?

3 A. I know -- I am assuming it was.

4 Q. You are assuming that the procedure
5 that you just outlined, for confirming
6 records, happened in this instance, but you
7 don't know?

8 A. I don't know where this person was
9 exposed. I do know that for every person
10 who's exposed to measles, and who received a
11 summons, before someone receives the summons,
12 they are looked up in the Citywide
13 Immunization Registry.

14 Q. And who did that in this instance?

15 A. One of the staff at the Department.

16 Q. You didn't do it?

17 A. No.

18 Q. What's the name of the Respondent in
19 this case?

20 A. What do you mean, the child or the
21 Respondent?

22 Q. The Respondent. I assume you are
23 not charging the child, but go ahead.

24 A. Malky Tabak.

25 Q. And what's the name of the child --

1 her child?

2 A. We have been going only by initials.

3 MR. LEUNG: I am not going to
4 allow that for privacy reasons. We
5 are going to use initials.

6 Q. Let me ask you this: Do you know
7 the name of the child?

8 A. I do not.

9 Q. Do you know of whether the
10 Respondent's child had moderate or severe
11 acute illness, with or without fever, at the
12 date and time the summons -- the violation
13 listed on this summons?

14 A. I know that we do not have
15 documentation of any contraindication to
16 having been vaccinated.

17 Q. Please answer my question. Do you
18 know whether Respondent's child had moderate
19 or severe acute illness, with or without
20 fever, at the date and time listed on the
21 violation of the summons?

22 A. I do not. But --

23 Q. Do you know whether Respondent's
24 child had a severe allergic reaction after a
25 previous dose of any vaccine?

1 A. We don't have any documentation of
2 such a reaction.

3 Q. Please answer the question. Do you
4 know whether or not Respondent's child had a
5 severe allergic reaction after a previous
6 dose of any vaccine?

7 A. No.

8 Q. Do you know whether Respondent's
9 child had a severe allergic reaction after
10 previous dose of any other drug?

11 A. We don't have any such
12 documentation.

13 Q. Okay. I will ask you again. Do you
14 know whether Respondent's child had a severe
15 allergic reaction after a previous dose of
16 any other drug?

17 A. No.

18 Q. Do you know whether Respondent's
19 child had a severe allergic reaction in the
20 past to a vaccine component?

21 A. We don't have such documentation.

22 Q. Yes or no, please.

23 A. No.

24 Q. Do you know whether Respondent's
25 child is allergic to gelatin?

1 A. We don't have such documentation. I
2 am not aware of this child, no.

3 Q. Are you aware of whether or not the
4 child is allergic to gelatin?

5 A. No.

6 Q. Do you know whether the child is
7 allergic to chicken embryo cells?

8 A. No.

9 Q. Do you know whether the child is
10 allergic to human diploid fibroblasts?

11 A. No.

12 Q. Do you know whether the Respondent's
13 child is allergic to fetal bovine serum?

14 A. No.

15 Q. Do you know whether the child is
16 allergic to neomycin?

17 A. No.

18 Q. Do you know whether the Respondent's
19 child is allergic to sorbitol?

20 A. No.

21 Q. Do you know whether the Respondent's
22 child has severe immunodeficiency or any kind
23 of immunodeficiency?

24 A. No.

25 Q. Do you know whether the Respondent's

1 child has a family history of altered
2 immunocompetence?

3 A. No.

4 Q. Are you aware of whether the child
5 -- the Respondent's child has received,
6 within the last 11 months, any antibody
7 containing blood products?

8 A. No.

9 Q. Are you aware whether the
10 Respondent's child has a history of
11 thrombocytopenia?

12 A. No.

13 Q. Are you aware that the Respondent's
14 child has thrombocytopenic purpura?

15 A. No.

16 Q. Are you aware that all of the items
17 I just listed there are some of the
18 contraindications to the MMR vaccine listed
19 by the CDC and adopted by the New York State
20 Department of Health?

21 A. Some are.

22 Q. Which ones aren't?

23 A. So, you did -- you did list
24 contraindications to vaccination, several of
25 the ingredients that you listed to the

1 vaccine would not cause an allergic reaction.

2 I think your point was to say that a
3 contraindication would be a severe allergic
4 reaction to a vaccine or a component and
5 that's correct.

6 Q. So you are saying that having an --
7 you are saying that it's not a
8 contraindication to be allergic to some of
9 the ingredients in the vaccine that I have
10 just listed?

11 A. I am saying that it is a
12 contraindication if you are allergic to a
13 vaccine component. I am saying that allergic
14 reactions are not expected to all of the
15 ingredients that you just listed.

16 Q. And how do you know that?

17 A. Because we know what common
18 allergies are.

19 Q. When you say "we", who do you mean?

20 A. Common -- common allergies would be
21 to something -- or an allergic reaction could
22 occur typically to something like neomycin or
23 gelatin.

24 Q. And those are contained in the MMR
25 vaccine?

1 A. Correct.

2 Q. But you don't know whether this
3 child has an allergy to those, correct?

4 A. I know that this family did not
5 submit medical documentation.

6 Q. Do you know whether this child had
7 allergic reaction to gelatin or neomycin
8 before this summons was issued?

9 A. I do not.

10 Q. Now, your violation is based on
11 Respondent's not providing the MMR vaccine to
12 their child, correct?

13 A. Correct. And I -- and not
14 submitting documentation of immunity or a
15 medical contraindication.

16 Q. Does the benefit outweigh the risk
17 for injecting the MMR vaccine into this
18 child?

19 A. Based on the information we have,
20 yes.

21 Q. But you don't know whether or not
22 this child has any of the contraindications
23 that we just listed, correct?

24 A. Well, that the -- they were notified
25 that they -- if there were medical

1 contraindication, that that documentation
2 should be submitted.

3 Q. Before the summons was issued, did
4 the Health Department know whether this child
5 had any of the contraindications we just went
6 through?

7 A. No and that's why the family was
8 given an opportunity to submit that
9 documentation.

10 Q. So when the summons was issued, and
11 sitting here today, you don't know whether
12 the child was a contraindication to any of
13 the -- to the MMR vaccine, correct?

14 A. Correct.

15 Q. Okay. So I am going to ask you
16 again. Sitting here today, do you know
17 whether the benefits of the MMR vaccine
18 outweigh the risks for this child?

19 A. Based on the information that we
20 currently have received, yes.

21 MR. LEUNG: I am going to ask
22 you to move on to a different
23 subject. Go ahead. Ask.

24 Q. Did you contact the Respondents to
25 ask if their child had received the MMR

1 vaccine?

2 A. I cannot comment on this particular
3 case.

4 Q. You don't know? I am asking for
5 your knowledge. You are here testifying
6 on --

7 A. Yes, I know that we do not have any
8 documentation of vaccination or a medical --

9 Q. I am asking: Did you contact the
10 Respondent to ask if their child had received
11 the MMR vaccine?

12 A. I did not.

13 Q. Do you know -- do you have specific
14 knowledge of somebody at the Health
15 Department contacting the Respondent to ask
16 if their child had received the MMR
17 vaccination?

18 A. I -- I don't have access to that
19 information right now, it is possible that
20 someone from the Health Department called the
21 family.

22 Q. But you don't know?

23 A. We can -- we can confirm that, I
24 just --

25 Q. But I am asking -- but you don't

1 know, right?

2 A. I do not know.

3 Q. Did anybody from the Health
4 Department contact this Respondent to ask if
5 their child is a contraindication to the MMR
6 vaccine?

7 MR. LEUNG: Let me just say,
8 Doctor, to the best -- to your own
9 personal knowledge, you can't speak
10 to anyone else, just to your own
11 personal knowledge.

12 I am going to ask to take a
13 break. Just give me two seconds. I
14 am just going to pause the hearing
15 for a second.

16 (Whereupon, a brief recess was
17 taken at this time.)

18 * * * *

19

20

21

22

23

24

25

1 C E R T I F I C A T E
2

3 I, JACQUELINE N. FAUGHT, a shorthand
4 reporter and Notary Public within and for
5 the State of New York, do hereby certify:

6 That the witness(es) whose testimony
7 is hereinbefore set forth was duly sworn by
8 me, and the foregoing transcript is a true
9 record of the testimony given by such
10 witness(es).

11 I further certify that I am not related to
12 any of the parties to this action by blood or
13 marriage, and that I am in no way interested
14 in the outcome of this matter.

15
16
17
18
19
20
21 _____
JACQUELINE N. FAUGHT
22
23
24
25

* E R R A T A *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CASE NAME :

DATE OF DEPOSITION :

NAME OF WITNESS :

PAGE LINE

----- CHANGE :-----

REASON :-----

----- CHANGE :-----

REASON :-----

----- CHANGE :-----

REASON :-----

----- CHANGE :-----

REASON :-----

----- CHANGE :-----

REASON :-----

----- CHANGE :-----

REASON :-----

----- CHANGE :-----

WITNESS SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE

ME THIS ___ DAY OF _____, 20__

A	58:23 81:1	administra...	81:3,5,17	amendable	89:19 90:23
A-A-R-O-N	84:24	1:1 32:15	allegation	55:1	applications
4:17	120:12	72:10	11:3 65:25	Amendment	24:21
a.m 1:14	actions 56:18	Admission	69:7	88:20	applied 40:16
Aaron 2:6	active 63:11	53:11	allegations	and/or 19:10	applies 33:24
4:17 97:19	acts 29:16	admit 6:24	8:3,10 9:6	66:18	34:7 39:25
abate 55:6	actual 5:16	admitted	9:10	annual 43:12	41:25
ability 54:21	28:7 31:19	21:14	allege 69:14	answer 79:9	apply 28:23
able 7:2	90:6 93:9	adopted	alleged 10:9	91:21 96:23	34:5,6
10:18 68:22	acute 111:11	114:19	10:10 26:22	102:6	35:19 42:10
91:22 94:9	111:19	adults 37:18	28:13 30:17	111:17	43:8 44:20
absence	add 15:10,24	advertisem...	38:13 57:9	112:3	47:6
49:20 50:8	52:24 62:13	71:24	62:6 69:5	answered	appropriate
absent 51:4	88:25	advise 17:6	70:3 75:7	69:1 92:12	10:24 12:2
Absolutely	additional	17:16	75:14	answers 16:6	16:16 19:15
4:23 34:18	14:24	advisement	alleges 18:4	antibody	24:3 54:22
40:22 47:1	109:19	71:4	26:23 59:2	114:6	56:19 65:7
48:17 52:2	address 13:3	Advisory	alleging	anybody 97:5	66:22
63:9 72:4	26:17,18	99:13	27:14 57:10	97:15	appropriat...
abuse 89:7,8	27:13,18	against- 1:8	59:3 65:21	103:12,19	84:18
Academy	49:14 53:21	age 40:17,19	68:2	119:3	appropriat...
100:8	54:23 64:9	41:2,13,23	allergic	anymore	8:15 9:24
acceptable	64:13 66:2	41:24 42:12	111:24	55:16	15:20
6:24 7:5	80:16,23	43:11,24	112:5,9,15	apartment	approved
10:14,21	82:6,7 84:2	44:21 60:6	112:19,25	3:10 18:8	19:3 27:24
20:11 57:22	84:3,12	agencies	113:4,7,10	19:22	38:25 64:18
69:10	85:8 89:15	100:20	113:13,16	apologize	66:6
access 108:17	91:24 92:7	agency 96:3	113:19	20:18 71:13	April 18:5,18
118:18	93:18 106:9	96:16 99:8	115:1,3,8	97:12	19:1 20:1
accuracy	106:12,17	ages 28:24	115:12,13	apparently	20:21 21:1
6:18	106:18,24	agree 12:16	115:21	35:21	22:3,11
ACIP 100:4	107:13,20	54:25 56:12	116:7	appeal 17:19	25:25 26:3
acknowledge	108:10,12	65:13,15	allergies	17:23 87:11	27:15,21,22
56:6	108:16,23	94:7 95:4	115:18,20	appear 5:18	28:8 30:21
acquired	addressed	agreed 61:20	allergy 116:3	7:15,25	30:24,24
107:24	92:15	agreeing	allow 43:23	13:1,18	32:6,19,19
acronyms	addresses	56:24	60:19 62:11	appearance	38:25 60:13
98:11	23:21 107:2	agrees 61:1	103:22	7:19 103:11	60:14,25
act 18:14	adjourn	ahead 4:20	111:4	appears	61:4,6
54:1,9	71:18	23:7 25:6	allowed	60:21	63:15,25
101:7,10,21	adjudicate	29:10 43:1	23:16	applicable	64:16 66:4
101:23	92:1	63:2 65:15	altered 114:1	26:4	74:5,6 76:8
acted 77:24	administered	86:6 87:7	alternative	application	76:9,11
84:18	108:21	97:16	26:24 75:4	7:24 12:24	77:25 78:2
action 54:23	109:1,4	110:23	amazingly	13:7,16	86:9
56:2,3	Administra...	117:23	35:22	14:3 15:11	arbitrary
57:17,18	45:17 99:11	alive 80:25	amend 53:7	24:20 25:10	89:6

argue 13:24 85:15 87:18	110:22	53:24	114:7	bovine 113:13	72:2 79:25 93:8 104:19
arguing 75:10	assuming 25:2 80:13	bad 95:10	120:12	board 19:2	bracket 63:21
argument 14:14 22:25 26:15,16,19 27:17 38:3 38:5 43:4 46:25 48:2 55:20 59:8 60:5 61:14 62:2,11 64:7,10 65:24 67:1 70:16,22 71:1 72:3 75:3 76:16 80:23 83:19	attached 109:25 110:3,4 19:17	based 9:7 13:8 14:4 60:5 96:17 96:18 101:1 116:10,19 117:19	20:24 26:7 27:14,23 29:18,20,22 32:8,8,13 32:13,20 35:12,25 36:11,20 37:6 38:25 40:8 42:23 44:8 46:5 52:16 53:4 54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	brackets 63:20	caused 102:21,23 115:1
arguments 14:16 15:14 24:6 60:20 70:17,23 71:23 87:4 87:10 89:16 94:18 95:13	attending 19:6 39:4 47:21 64:21 66:14 103:15	basic 85:11	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	branch 105:22	cause 13:17
arresting 55:21	attorney 2:6 3:21 23:2,4 23:14 68:18 78:8 103:19	basically 84:6	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	break 119:13	causes 100:1,11,19 100:21 101:2 105:20 114:19
arrived 7:3	attorneys 3:11 93:3,5	basis 6:13 7:25 8:7,10 31:16 90:21 90:23 91:6 96:19	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	brief 119:16	CDC 98:20 98:23,24 99:1,7,16 100:1,11,19 100:21 101:2 105:20 114:19
Article 18:20 29:2,12 91:4	August 1:13 3:4	beginning 76:8	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	briefly 36:4	CDC's 99:20
articulate 94:9	authority 32:14 54:8 54:21 55:17 56:6,8,17 56:18 79:17 81:10 83:3	begins 63:11	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	bring 93:8,9	cells 102:25 103:3 113:7
ASIP 99:12 100:3	Avenue 2:7 3:10 18:7 19:22	begun 3:2	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	brings 43:21	Center 105:18
asked 13:15 14:2 16:2 104:10	aware 78:10 99:6 101:9 101:15,18 101:25 102:5,5,8,9 102:10 113:2,3 114:4,9,13 114:16	behalf 14:15 92:25 93:15 95:22	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	Brook 105:17	Centers 98:21
asking 79:3 80:5 84:14 93:14 101:14 104:4,12 118:4,9,25	B	belabor 91:11	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	Brooklyn 18:8,15 19:23 63:13	central 20:2
assistant 93:4	bachelor 105:16	believe 7:1 8:4 9:2 10:16 16:11 24:16 25:16 52:3 59:19 59:22,25 64:1 86:24 87:19 89:6 94:5 95:2,9 95:10 96:22 98:18 105:2 108:10	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	Bureau 106:1	certain 18:15 34:9 63:12 81:25
assume 78:7	backwards	benefit 116:16	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	call 14:16 25:10 29:24	certify 120:5 120:11
		benefits 117:17	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	called 118:20	challenge 94:23 105:3
		best 119:8	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	calls 44:23	challenged 55:17,18 56:7
		binding 81:21	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	capable 9:19	challenging 94:16
		bit 53:23	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	capacity 93:10	change 32:17 53:17 76:2 81:25
		blood 102:20	54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	capital 57:23	CHANGE:... 121:6,8,10 121:12,14 121:16
			54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	capricious 89:7	CHANGE:... 121:18
			54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	care 47:7,14 47:22	
			54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	case 12:22 14:13 22:7 60:21 110:19 118:3 121:2	
			54:15,19,19 55:5 56:7 57:3,5,15 57:17,18 58:23 61:2 61:5,8 64:17 66:5 73:15 74:21 75:25 77:2 77:4,5,8,24 79:19,21 80:1 81:12 83:1,4 84:19 85:5 90:2,4,7 99:19	cases 54:13	

changes	111:18,24	108:22	34:10 36:13	103:10	87:10,22
42:25	112:4,9,14	109:4	39:5 47:25	115:17,20	88:5 91:24
characterizes	112:19,25	citywide	64:22	115:20	94:17
45:3 46:5,7	113:2,4,6,9	108:17,18	106:10	companies	contact 9:17
charge 17:7	113:13,15	110:12	collects 20:3	101:11,16	117:24
40:1 69:18	113:19,22	civily 55:23	come 95:6	102:4	118:9 119:4
90:13	114:1,4,5	claimed	comes 54:19	Complaint	contacted
charged	114:10,14	68:21	coming 53:23	3:7	103:8
32:25 33:12	116:3,6,12	claiming	73:19	complete	contacting
33:13 39:15	116:18,22	55:20	comment	109:5,6	109:17,18
charging	117:4,12,18	claims 6:21	74:2 118:2	completed	118:15
33:13 60:11	117:25	91:23	Commissio...	105:18,19	contained
69:19,20	118:10,16	clarify 59:7	100:23	completely	115:24
110:23	119:5	clause 45:10	101:1	27:6	containing
charter 26:4	child's 22:16	clear 40:3,7	commissio...	complied	114:7
29:1,13	Childhood	40:12 43:7	18:16 20:20	58:21	contains 69:4
32:15 40:7	101:7,20	58:22 68:1	26:6 31:25	comply 11:4	continue
53:3	children 20:4	68:9 75:5	32:5 36:2	11:13 28:7	29:22 40:7
check 9:12	22:4,10	83:5	54:1,4,8	50:17 62:8	52:25 53:4
90:15	37:18 88:3	clearly 39:12	60:24 61:11	66:25	53:8 65:11
checked	108:22	57:13,20	63:14 79:1	complying	77:24 83:16
11:22,23	children's	58:12 59:2	82:25 84:17	48:22	84:19 85:7
22:10	40:3	85:16	86:11 89:20	component	continued
chicken	choice 29:25	client 10:13	90:10,18	112:20	28:18,21
113:7	67:14 88:8	14:15 15:7	91:7,20	115:4,13	30:1 38:20
chief's 54:18	choose 40:9	17:11 44:6	92:11,17,21	conceives	39:19,20
child 6:23	50:2	44:7 59:20	93:10,11,13	62:1	40:5 52:6
10:25 11:16	chose 40:10	59:20 60:6	93:16 94:11	concerns	52:12 61:10
12:12,14	52:16,17	60:11 66:24	95:23 96:3	91:17	61:18,24
19:11,20	53:9 67:11	67:15,17	96:7,21	conclusion	78:11 79:4
20:7,10	67:14 68:12	68:17 69:25	104:11	7:4 46:19	80:3 83:7
22:12 25:18	81:14,15	78:2	commissio...	conditions	85:11
39:9 41:1	CIR 109:16	client's 17:9	11:13 18:19	12:13	continues
41:12,22	circulation	clients 12:10	21:3 26:25	conduct	28:16 52:9
42:11,13	97:11	close 70:14	29:14,23	89:17	52:10 79:1
43:10 47:7	citation 31:9	closed 63:20	31:14 53:6	100:15	80:2 83:2
47:14,22	cites 70:9	63:21	56:16 57:11	confirm	85:24
57:22 59:9	city 1:4 18:9	code 18:10,21	57:25 61:17	118:23	continuing
59:22,23	18:16,20	31:10,22	63:5,16,24	confirming	27:25 28:3
60:1 65:4	19:2 20:5	32:4,15	77:25 79:21	110:5	28:5 30:6
66:19 69:9	22:10 27:23	33:2 37:9	80:2,9	consent 88:6	30:14 39:1
85:23,24	45:17 55:7	45:17 50:1	81:12 83:3	Constitution	44:10,17
107:9,10,23	63:13 64:17	53:11,14,16	84:7 85:6	88:7,7,9,10	52:11 56:21
109:10	66:5 73:6	68:4 72:10	89:1	88:12,14,17	64:18 66:11
110:20,23	73:14 89:20	82:23	committee	88:19,21,24	84:2,4
110:25	94:21	codes 18:23	99:13,15	91:1,1	contraindic...
111:1,7,10	105:23	19:7,25	common	constitutio...	111:15

115:3,8,12	78:7 85:4	dated 20:25	19:13 39:11	determine	discussed
116:15	86:7 93:5	61:5 73:16	65:5 66:20	10:20	103:14
117:1,12	96:18 97:17	David 1:18	deny 96:21	106:11	disease 98:21
119:5	103:19	3:3	department	determined	102:15
contraindic...	107:18	day 43:21	1:4 2:2 3:6	16:17	diseases
114:18,24	counsel's	60:3,8	3:12,15,19	determining	105:22
116:22	34:5	121:23	3:22 4:4,10	71:20	106:4
117:5	country	days 17:18	11:2 17:21	difference	dismiss 17:20
control 54:13	99:21	30:25 42:14	19:19 20:14	32:16 34:2	24:7,23
98:21	COUNTY	71:5 72:13	21:20 50:2	41:24 42:4	25:12 51:25
controls 69:6	1:2	74:4,10,13	60:24 61:21	42:5,9	71:23
convenes	couple 12:10	76:8	62:1 73:20	46:10,23	dispute 33:4
83:1	17:4	deal 77:21	84:10 89:21	48:11 59:10	61:7 64:1
conversatio...	course 55:19	87:21	90:11,13,18	differences	distinction
103:18	court 55:18	decided 91:7	92:6 93:2	40:13 44:15	37:17
copy 19:16	56:9 69:21	decides 99:20	93:12 98:18	46:16 48:4	distinctions
20:19 73:5	94:7	decision	99:7,8	51:21 52:15	51:6
Cornell	courts 95:5	17:17,19,23	105:24	55:2,11	district 93:3
105:17	cover 37:13	24:24 51:11	106:6,11,19	different 27:7	93:4
Corps 100:23	created 88:1	59:6 60:18	107:11	28:24,24,25	DNA 102:25
101:1	credibility	64:11 70:12	110:15	36:1 42:19	doctor 23:17
correct 5:13	105:4	71:21 88:4	114:20	42:20,23	23:22 96:22
8:12 11:14	criminal	decisions	117:4	44:19,21	97:1 103:23
11:15 31:21	48:13,21	71:4 72:1	118:15,20	45:20 52:17	104:13
34:5 37:1	49:10 55:12	declare 32:6	119:4	102:19,22	107:10
60:8 69:15	56:4 69:21	declared	department's	117:22	119:8
75:4 78:15	critical 44:22	18:17 63:14	20:2	diploid	doctor's
98:7,8,22	52:11	declares	depends 23:8	113:10	70:10
99:8,9,16	cross 5:20 8:6	36:11 37:7	depose 89:19	directed	doctors 16:20
99:17,22	22:24 23:2	deemed	90:1,17	23:13	document
100:9,11,12	23:25	72:14	95:7	directing	56:10 73:23
100:14	cruel 88:21	deems 54:22	deposing	22:4 55:7	documenta...
103:2,9	currently	56:19	94:11 96:20	directly	109:11
109:22	105:25	defective	deposition	61:16 75:24	111:15
110:2 115:5	117:20	97:12	94:4,8	96:6	112:1,12,21
116:1,3,12	cut 48:7	defined 25:22	104:11	Director	113:1 116:5
116:13,23	104:5	57:24 63:19	121:3	105:25	116:14
117:13,14	cutting 104:4	67:9 98:12	description	directs 57:7	117:1,9
counsel 2:2		defines 62:17	63:10 67:6	58:23	118:8
4:1,2 5:4	D	62:19 63:5	67:19	disagree	documents
6:11 7:23	date 21:18	definitive 7:4	despite 28:14	17:16,23	20:15 21:15
13:8,23	31:3 32:20	deflect 23:9	75:15	discovery	21:22 69:20
29:3 31:6	38:15 73:17	degrees	details	89:17 90:21	69:21
33:5,22	73:25 74:7	105:15	101:13	discretion	DOH 3:24
38:6 44:3	75:19 76:19	demanding	107:16	50:1 89:8,8	4:8 8:17,24
46:13 52:4	85:16,17	6:4 12:19	determinat...	discuss	9:7 13:23
61:13 74:16	111:12,20	demonstrate	7:16	103:11,16	31:6 38:6
	121:3				

74:16 85:4 doing 9:20 12:9 16:22 dollars 17:9 door 97:8 dose 111:25 112:6,10,15 doses 108:21 109:4 double 13:13 Dr 2:10 9:4 9:13,15 11:22 96:14 97:20,23 dressing 60:15 drug 10:3 99:11 112:10,16 due 68:7,8 88:14,17 duly 120:7	efficacy 91:16 94:13 efficient 87:17 either 40:9 52:14 59:9 74:25 83:2 83:6 102:25 elimination 94:24 embryo 113:7 emergency 18:17 19:4 28:1,6,17 32:1,7 39:2 54:2,9,11 54:14,24 63:15 64:19 66:12 84:17 employee 100:25 ended 74:4 ends 29:19 65:18 enforce 55:15 55:23 enforced 79:15 enforcing 56:10 English 68:18 enter 103:1 108:20 109:4 entered 109:16 enters 102:18 entire 25:3 entirety 54:5 entities 80:4 80:11 entitled 71:17 entity 80:8 epidemic 99:4 105:20 Epidemiolo...	105:25 equal 17:22 equivalent 69:7 error 89:6 especially 38:23 ESQ 2:3,4,6 97:19 essentially 81:7 99:19 100:3 establish 13:24 15:19 59:17 established 14:12 16:17 estate 4:22 estimate 42:13 everybody 10:4 evidence 20:15 21:9 21:14 22:20 22:25 73:2 73:10,20,22 78:7,9,18 exactly 33:5 60:1 examination 22:24 97:18 examine 5:20 8:6 23:2,25 example 10:19 40:15 46:9,12 91:13 102:16 106:16,22 108:15 examples 40:11,12 excess 89:5 exchange 84:21 excuse 9:11	24:4 75:8 75:14 exemption 16:8 22:16 94:25 exemptions 12:5 exercise 29:15 32:14 54:12 79:17 81:10 83:3 88:12 94:19 95:16 exercised 32:1 exhibit 73:24 81:6 Exhibits 21:17 existence 31:4 existing 87:25 exists 32:2,7 expected 115:14 expiration 30:25 expired 26:3 26:17 28:8 30:20,21 63:24 explain 7:3 9:5 51:19 explaining 9:18 explicit 61:14 68:1 exposed 106:13,14 106:16,18 107:17,24 107:25 108:1 109:9 109:12,19 109:24 110:9,10	exposure 106:15,21 106:23 108:13 109:8 exposures 107:4 expressed 61:19,22 extended 80:19 extent 70:7 75:11 81:2 89:23 extra 43:21 eyes 103:6	14:21 15:8 100:19 falls 59:23 familiar 101:6,8 102:3 family 109:18 114:1 116:4 117:7 118:21 far 78:10 fashion 23:9 FAUGHT 120:3,21 FDA 99:10 100:11 federal 100:20 fellowship 105:20 fetal 113:13 fever 111:11 111:20 fibroblasts 113:10 figure 68:19 file 20:18 final 67:2 69:3 find 39:10 45:12 46:2 80:13 finds 48:13 48:21 49:10 80:3 fine 52:17 fined 19:12 65:5 66:20 first 13:9 20:13 25:9 25:12 27:2 28:12 34:19 34:21 35:2 37:2 44:9 45:23 49:5 60:22 70:17 70:21,22
<hr/> E <hr/> E 1:17,17 2:1 2:1 120:1,1 121:1 education 105:15 effect 38:15 49:22,24 55:4 61:1 74:22,23 75:13 76:22 77:19 78:5 82:25 85:1 86:12,16,17 effected 80:22 effective 26:6 29:17 54:15 75:17 76:21 77:3 79:18 81:11 85:1 85:14,16 87:1 89:25 effectiveness 76:19				<hr/> F <hr/> F 1:17 120:1 facility 106:17 107:6 108:2 108:3,5,11 108:11,14 109:12,14 109:22 fact 11:25 28:23 32:12 32:18 38:24 49:15 58:16 62:16 67:8 67:9 76:12 77:7 81:23 facts 12:22 39:14 factual 61:24 91:6 factually 25:4 59:7,23 failed 6:22 20:9 25:18 57:21 65:19 69:9 72:25 failure 11:3,5 11:7,9,12 50:17 fair 7:21 13:19 14:9	

76:7 95:15	67:10	65:12,17	grounds	63:14,15	120:7
flip 49:2	120:11	95:13	91:25 95:17	64:17,19	hey 49:18
Floor 2:7		going 5:8	group 44:21	66:5,12	HHS 98:15
fluids 103:1	G	6:11 7:21	guardian	73:16,21	99:6,8
folks 46:7	gap 74:25	8:18,23	19:11 39:9	74:21 82:23	100:10
81:24	77:7	11:1 12:20	41:1,22	83:1 84:11	highlight
follow 5:9	gelatin	12:21 13:9	65:4 66:18	89:21 90:2	35:25
99:21	112:25	14:5,7,19	guess 24:2	90:5,7,11	highly 109:5
following	113:4	14:23 16:20	25:11 30:10	90:14,19	hired 100:15
50:13 64:14	115:23	18:2 20:13	53:17 65:8	92:7 98:17	hiring 100:18
66:3	116:7	21:2,6		98:19	history 114:1
Food 99:11	general 2:2	22:20 25:1	H	100:20	114:10
foregoing	3:25 4:2	25:2,4,5	handing 73:5	101:2	hold 105:15
120:8	10:3 50:23	27:20 28:10	hands 54:2	105:24	holding 87:24
forfeiture	93:5	31:5,8	happen 107:5	106:19	homes 87:25
48:14,21	genetic 16:21	33:11 39:25	happened	107:11	Honor 4:17
49:9	getting 16:21	43:2 44:18	81:19 83:12	109:22	6:16 9:1
forget 53:19	16:21	44:20 46:13	110:1,6	114:20	15:21,24
form 24:7	103:25	48:6 55:21	happens 7:12	117:4	16:12 20:17
56:15	give 5:5 14:23	55:23,24,25	83:5	118:14,20	21:12,22
forth 120:7	40:10 42:24	56:9 58:4	harassment	119:3	25:14 27:2
forward 14:6	46:11,19,22	60:18 69:13	93:22	healthcare	28:13 30:22
found 17:8	53:19 67:25	71:1,17,24	hard 93:21	107:6 108:2	33:19 56:23
18:11 20:7	84:10 96:24	72:2,23	93:23 94:3	108:3,5	64:25 65:11
22:12,13	98:10	73:4,8	95:12	109:12,13	67:4,11
46:3 75:12	119:13	74:21 75:21	head 90:7	hear 39:17	68:6 70:6
79:4 89:24	given 117:8	77:15 84:10	96:4	93:25	72:7,18
foundation	120:9	86:20 89:18	health 1:4 2:2	heard 95:15	73:5 74:8
104:1	gives 50:6	92:9 95:4	3:6,13,16	hearing 3:3	87:8 89:13
four 30:25	54:7	96:21,24	3:19,22 4:4	5:18 7:13	89:24 90:22
fourth 36:10	giving 13:6	97:22 98:10	4:10 11:2	7:15,21	92:18 95:21
37:3	67:21	103:20,21	17:22 18:9	13:2,10,20	HONORA...
free 75:25	104:20,24	103:22	18:16,17,20	14:4,5,9,22	1:18
88:12 94:19	go 4:20 5:8	104:1,15	19:2,3,4	15:8,18	hour 104:23
95:16	14:6 22:5	105:3,8	20:14,25	17:2 18:3	hours 18:25
frequently	23:7 25:2,6	111:2,3,5	21:20 26:8	70:14 71:9	human 98:17
16:2	29:10 35:7	117:15,21	27:1,24	71:18,20	98:19 103:7
full 64:15	35:8 38:22	119:12,14	28:1,6,17	77:15	113:10
96:24	43:1 46:18	good 4:16	31:9,22	103:13	hurdle 13:3
full-blown	63:2 65:15	13:17 16:20	33:1 36:20	104:18	71:16
105:6	84:16 86:6	35:18 49:3	37:6 39:2	119:14	Hygiene 1:5
fulsome	87:7 97:16	97:22	45:17 50:1	hearings 1:1	2:2
90:24 91:5	98:12	great 34:1	50:2 53:13	5:9 104:22	hyper 96:1
further 19:8	102:25	35:24,24	53:15 54:16	hearsay	
39:7 40:25	110:23	101:3	55:5 57:15	13:11,13	I
41:8 46:18	117:23	ground 25:12	60:24 61:3	held 56:8	I' 78:4
65:2 66:16	God 88:1	72:6	61:5,9,11	hereinbefore	identical
	goes 37:12,23		61:20 62:1		56:15

identification 21:17 73:25	15:8	109:20	interpret 38:9	104:8	59:21 67:13	
identified 106:14 109:9	important 38:12 84:13	116:19	interpreter 5:12	issuing 6:4,7 6:13,17 7:1 7:19,25 8:4 10:17 12:25 13:14,18 14:1,8,20 33:6 71:11 71:14 88:1	67:22 68:13 68:20,25 69:19 74:20 78:8 79:14 81:20,21,24 84:18,23 87:20 89:1 89:23 91:21 93:8 95:7 96:8,8,12 96:15,17 97:25 98:16 101:13,19 101:20,22 104:10 107:11,15 107:22 108:4,9,9 108:14 109:21,23 110:1,3,7,8 110:9 111:6 111:9,14,18 111:23 112:4,8,14 112:18,24 113:6,9,12 113:15,18 113:21,25 115:16,17 116:2,4,6 116:21 117:4,11,16 118:4,7,13 118:22 119:1,2	
identify 109:10	importantly 10:23	informed 88:4,5	intestinal 103:6	items 114:16		
illness 102:15 102:17 111:11,19	imprisonm... 48:22 49:10	ingredients 114:25 115:9,15	investigation 22:7			
immediately 86:17 87:1	improper 75:18 80:14	initial 108:16 initials 111:2 111:5	investigatio... 106:3			
immunity 6:24 7:6,8 10:15,21 11:18 16:7 19:13 20:11 22:15 25:20 39:12 65:6 66:21 69:11 101:10 116:14	in-person 13:25	inject 40:2 injecting 88:2 116:17	involved 98:24	<hr/> J <hr/>		
immunizati... 11:18 12:7 19:14 20:3 20:4,9 65:7 66:21 99:13 99:24 100:2 108:18 109:11 110:13	inability 15:6 inappropri... 12:8,14	injection 8:16 67:23	IOM 100:5 irrespective 58:3 61:25 67:1	JACQUEL... 120:3,21		
immunizati... 106:1 108:25	include 34:12 47:20	injuries 101:11,17 102:1,11	issuance 38:16 75:20	Jennifer 2:10 4:5		
immunized 9:9 10:25 11:6,8,10 11:17 22:6 55:8 85:12 85:21,23,24 85:25	included 34:13 40:18	inspection 18:6	issue 3:6 27:13 30:22 32:9 40:10 43:10 59:23 60:10,10,14 60:20 61:23 61:24 62:3 76:5 77:21 77:22 80:24 86:23	John 1:12 Joseph 2:11 4:12		
immunoco... 114:2	including 8:13,14 13:23 91:3 106:4	inspector 5:17,20,24 6:9 10:8 18:13	issued 3:9 9:7 9:10,11 11:10 16:15 16:18 20:20 22:3,13 25:25 30:23 32:18 56:20 58:2 60:25 61:10 72:8 74:6,9,12 75:18 76:11 76:12 79:8 82:24 86:10 89:21 92:17 95:23 116:8 117:3,10	jumped 40:14		
immunodef... 113:22,23	incorrectly 8:2	instance 95:15 110:1 110:6,14	issues 77:10 82:6 84:13 87:22 104:6	jurisdiction 89:5		
impartial 13:20 14:22	increments 42:17	instances 12:5		<hr/> K <hr/>		
	independent 100:13	Institute 100:6		Kaplan 11:22 keep 72:23 kept 33:22 kind 113:22 kinds 52:15 know 8:2,14 10:12,16 12:1,4 15:13 16:7 16:12,20 22:2 24:14 24:18 25:15 25:16 26:15 28:25 29:13 33:23 34:1 35:23,24 38:13 40:4 40:6,12 41:17 46:1 46:4 52:5 54:23 55:11 56:1 58:3 58:15,16		
	indication 12:11	insufficient 76:13		knowledge 101:15 105:4 118:5 118:14 119:9,11		
	indiscernible 6:10 14:18 20:22 22:18 31:12,17	integrity 88:10		<hr/> L <hr/>		
	individuals 90:9	intelligence 99:5 105:21		L-O-R-A-I... 3:21		
	infect 102:22	intended 55:22		L0 3:8		
	infection 103:5	interested 120:13		label 49:18		
	infectious 102:14	Interestingly 30:2				
	information 108:6,23	internal 105:19				

lacking 45:14	15:16,22,25	68:25 70:4	114:17,18	looks 3:8	mean 6:8
language	17:1,4,10	70:11,18,24	114:25	Lorraine 2:4	10:11 17:13
25:14 32:16	17:15 18:1	71:2,11,15	115:10,15	3:20	23:6 35:23
33:14 35:3	21:2,13,19	72:16,20,24	116:23	lot 84:9 86:4	37:20 38:18
35:9 38:18	21:23 22:19	73:8,12	listening 29:7	95:5 104:21	38:23 39:21
44:19 46:16	22:23 23:3	74:1,16	lists 73:17	104:24	42:17 43:13
46:24 47:11	23:7,11,16	75:21 76:4	litigation	lots 70:16,22	49:13,16,20
55:12,13	23:20 24:2	77:11,14,18	94:16	91:11	49:21 58:15
61:8,15	24:9,13,15	78:16,20	little 34:17	love 23:24	96:7 98:12
63:8 78:15	24:22 25:23	79:6,24	53:23 67:21	78:22	110:20
78:23	26:1,12,21	80:8,18	97:5	lungs 103:7	115:19
law 26:3	27:5,8,11	81:22 82:2	live 18:21		meaning
29:19 49:15	28:5,11	82:13,17,19	22:5 34:14	M	16:14 35:15
49:17,18,21	29:3,6,10	83:8,11,22	37:10,13	m 78:4	43:9 67:5
49:23,24,24	31:5,18,23	84:9 85:3	47:15,23	M-E-R-R-I...	means 63:23
50:16,23	32:21 33:17	86:7 87:2,7	80:4,8,11	3:17	74:9
63:25 77:1	33:20 34:15	87:14 90:3	lives 19:22	M.D 105:17	measles
77:1 81:9	34:23 35:1	90:10,15,20	34:8,22	maintained	18:14,24
82:1 89:6	35:5 36:3,7	92:3,19	35:12 36:12	11:21	20:8 39:6
91:3 109:3	36:15,21,24	93:1,17	37:7 106:8	majority 12:3	63:12 64:23
laws 79:14	37:2,14	95:18,25	living 19:5	12:17 107:4	66:15 73:16
lawyer 68:17	38:1,4	96:17 97:7	35:17 39:3	109:2	91:13,14,18
lead 102:15	40:20 41:3	97:10,16	64:20 66:13	making 27:17	94:13 95:9
102:17	41:9,12	98:4 103:20	LO 3:8	30:9 49:13	96:14
leave 8:18	42:3,6,11	104:3,15	located 19:24	60:4 71:20	102:16
53:16	42:21 43:1	105:13	106:9	82:22 83:19	106:4,14
leaves 82:4	43:13,25	107:8,18	long 25:8	Malky 1:9	109:8
leeway	44:3,12,25	111:3	104:2	3:9 110:24	110:10
104:21,24	45:6,11,16	117:21	longer 31:4	man 98:17	measure 89:9
left 35:14,16	46:3,13,22	119:7	look 14:25	manner	meat 17:2
35:20	47:4,8,17	level 92:1	25:13 27:15	80:22	18:2 24:12
legal 79:22	48:1,5,9,15	liability	28:16,19	manufactu...	medical 8:15
81:13	48:19,24	101:10	34:11,19	101:25	9:18,24
let's 29:24	49:4,7,11	liberal 13:12	35:8,10	manufactu...	11:24 12:5
70:24	50:4,14,21	13:13 23:12	40:23,24	102:4	15:20 16:8
Leung 1:18	50:24 51:3	liberty 88:15	41:14 45:23	Marcy 3:9	20:7 22:16
3:1,3,18,23	51:9,17,19	life 88:15	47:10,12,18	18:7 19:22	23:13 105:5
4:2,7,11,14	51:24 52:23	limit 104:16	53:1,2,24	mark 21:3	105:18
4:18,20,23	53:13,18	107:8	54:6,17	73:8	106:16,24
5:1,15,23	58:6 59:5	limits 54:20	62:19 69:19	marked	107:2,5
6:2,7,11,19	59:16,19	line 55:3	77:15 86:18	21:16 73:23	108:14
7:9,12,18	60:7,17	56:11 121:5	looked	marriage	116:5,15,25
8:9,20,23	62:21 63:1	list 98:10	110:12	120:13	118:8
9:21 10:1,5	63:7,18,22	107:24	looking 34:16	matter 11:25	medically
11:1,7,12	64:3,6,9	114:23	36:4,9 47:9	58:17	10:24 12:2
12:15,20	65:8,14,23	listed 19:25	62:23,25	120:14	12:7 16:15
13:5 15:3,6	66:8,11	111:13,20	63:1 86:24	matters 83:21	19:14 66:22
				83:23	

medicine 95:9 100:6 105:19	minor 55:2 misdemean... 50:7,19	117:22 mucosal 103:5	88:8,11,13 88:16,18,22 89:20 90:25 94:21,24 105:23 108:18,22 109:3 114:19 120:5	NYU 105:19	okay 3:1,23 4:3,11,14 4:18,19,21 5:6,23 6:2,3 7:9 8:20 10:1 12:15 15:16,16,22 17:24 18:3 21:2,13,23 22:19,23 24:10,13 25:8,22 26:3,8,12 27:5,13 29:1,18,23 29:24 31:5 31:23 34:20 36:24 38:1 40:16 41:9 41:13 43:1 43:25 44:1 44:16,18 45:8,11,18 46:21 47:16 47:17,25 48:12 49:11 52:21 68:23 68:24,25 72:5,11,16 72:17 81:15 94:1,8 95:25 97:16 97:25 101:19 103:3,4 107:18 112:13 117:15
meeting 26:7 29:18,20 32:8,9 54:16 61:3 77:4,5,8 79:18,20 81:11	missing 108:25 mitigate 54:13 MMR 12:18 44:24 45:4 45:14 46:8 91:15 94:14 95:10 101:25 102:2,11 114:18 115:24 116:11,17 117:13,17 117:25 118:11,16 119:5	N N 2:1 120:3 120:21 name 3:3,13 106:17 108:4 109:21 110:18,25 111:7 121:2 121:4 names 107:2 national 99:23 100:7 101:6,20 nature 105:6 necessary 7:20 15:19 91:9 necessity 9:18 11:25 13:14 need 5:3,12 5:16 13:24 17:15 59:16 67:25 72:21 89:16 95:7 needed 62:7 needs 83:6 neomycin 113:16 115:22 116:7 never 44:9 52:8 55:22 97:15 New 1:2,4,12 1:12 2:7,7 18:8,9,15 18:20 19:1 19:23 20:5 27:23 45:16 63:13 64:16 66:4 72:9 73:14 88:6	nine 104:19 normal 103:7 Normally 104:21 Notary 120:4 notice 39:13 58:12 62:7 66:24 68:1 70:8 72:14 73:3,6 74:13 76:2 76:6,13 77:9,20 79:2 81:18 83:20,22 noticed 33:12 notified 116:24 NOV 9:11 16:2 22:13 38:23 39:12 55:9 57:13 58:11,20 70:7 85:19 NOVs 9:7 nuisance 44:24 45:3 45:15,25 46:6,9 nuisances 55:6 58:4 null 56:25 nullity 58:1 60:13 79:22 81:13 number 41:5 46:15 61:9 NYC 1:1 2:2	O O 1:17 57:24 oath 7:13 13:10 object 73:21 93:24 objection 21:10,11 73:19 86:2 objections 21:8 observation 49:14 observing 4:13 obtain 108:7 obviously 38:12 51:15 71:16 75:3 86:3 93:11 occur 115:22 occurred 18:7 87:19 106:22,23 107:5 occurrence 30:23 74:7 occurs 106:15 office 1:1 106:20,24 officer 3:4 5:16 6:5,8 6:14,17 7:2 7:15,25 8:4 10:17 12:25 13:15,18 14:1,8,20 15:19 71:9 71:12,14 99:5 105:21 officer's 7:19 official 9:12 oh 49:2 53:15 70:20,23 87:6 98:17	4:3,11,14 4:18,19,21 5:6,23 6:2,3 7:9 8:20 10:1 12:15 15:16,16,22 17:24 18:3 21:2,13,23 22:19,23 24:10,13 25:8,22 26:3,8,12 27:5,13 29:1,18,23 29:24 31:5 31:23 34:20 36:24 38:1 40:16 41:9 41:13 43:1 43:25 44:1 44:16,18 45:8,11,18 46:21 47:16 47:17,25 48:12 49:11 52:21 68:23 68:24,25 72:5,11,16 72:17 81:15 94:1,8 95:25 97:16 97:25 101:19 103:3,4 107:18 112:13 117:15 older 41:1,10 41:23 42:12 43:17,18 59:12 ones 99:18 114:22 Online 73:15 open 97:8 operation
MENTAL 1:4 mentioned 107:22 Merck 102:1 102:10 Merrill 2:3 3:15,16,23 3:25 5:25 9:1 11:5,9 11:14 15:23 16:1 20:17 20:23 21:21 22:1,22 24:4 31:8 31:21,24 32:22 36:9 36:18,22 37:1,4,19 38:21 39:22 43:20 53:22 57:2,6,13 58:8 64:24 70:6 74:17 74:19 76:18 76:24 84:15 85:10 86:4 86:8,13 93:20,25 94:2 96:10 Merrill's 75:24 met 32:20 middle 38:22 minimal 68:8 minimum 68:7	mode 89:9 moderate 111:10,18 modified 30:3 58:4 modify 53:7 month 42:4,5 42:8,16 months 40:17 40:18 41:2 41:11,13,23 42:12,14 43:4,6,11 43:16,17,18 43:24 59:12 60:2,6,7 114:6 morning 3:5 4:16 18:6 97:22 motion 51:25 71:22 motions 24:7 24:23 move 70:24 72:2,7	move 70:24 72:2,7	NYU 105:19	okay 3:1,23 4:3,11,14 4:18,19,21 5:6,23 6:2,3 7:9 8:20 10:1 12:15 15:16,16,22 17:24 18:3 21:2,13,23 22:19,23 24:10,13 25:8,22 26:3,8,12 27:5,13 29:1,18,23 29:24 31:5 31:23 34:20 36:24 38:1 40:16 41:9 41:13 43:1 43:25 44:1 44:16,18 45:8,11,18 46:21 47:16 47:17,25 48:12 49:11 52:21 68:23 68:24,25 72:5,11,16 72:17 81:15 94:1,8 95:25 97:16 97:25 101:19 103:3,4 107:18 112:13 117:15 older 41:1,10 41:23 42:12 43:17,18 59:12 ones 99:18 114:22 Online 73:15 open 97:8 operation	

26:2 29:19	45:20 46:6	ordering	parent 19:10	Period 68:24	place 79:11
30:20 63:25	46:12,17	18:21	39:9 40:25	perjury 6:21	79:23
81:4,8	47:5,11,11	orders 54:25	41:22 59:21	98:6	106:21
operative	47:12 48:13	55:14	65:4 66:18	permissible	playing 54:18
25:14 35:3	48:23 50:18	organs	parental 88:8	13:11	please 3:14
38:2	51:2,21	102:22	parenthesis	permits 33:6	35:10 36:6
opinion 52:25	52:6,12,20	original	63:20,21	perplexed	97:1,25
53:2 83:13	52:25 53:6	78:17	Park 2:7	14:25	111:17
83:14	54:24 56:1	outbreak	part 26:10	person 19:9	112:3,22
opportunity	56:12,25	18:14 45:25	100:7,10	32:24 34:8	plus 60:2
8:5 14:24	57:2,6,10	46:5 63:12	particle	34:21 35:12	point 33:19
23:22 84:11	57:12,24,24	106:2	102:15	36:12 37:7	34:2 37:24
96:25 117:8	57:25 58:5	outcome	particular	37:19,20,20	38:3,13
opposing	58:10,18	120:14	9:25 12:12	39:8 45:13	40:14,20
33:5	59:4,10,11	outlined	107:16,23	56:22 65:3	45:19 47:2
order 6:25	60:12,13,23	110:5	118:2	66:17 90:12	47:9 48:10
9:8 13:19	61:10,18	outpatient	parties 13:22	106:13	50:12,25
16:4 18:19	63:6,17,19	106:23	120:12	107:17	55:10 58:5
18:25 19:16	63:20,23,24	outweigh	parts 18:15	109:18,23	59:15 75:25
19:25 20:12	65:20,21	116:16	63:12	110:8,9	80:5,11,25
20:19 21:3	66:1 67:3	117:18	pass 75:25	person's	82:22 94:15
22:3 25:20	67:13 68:4	overcharged	pause 119:14	102:18	115:2
25:21,21,24	68:12,24	85:19	penalty 6:21	personal	pointed 37:14
26:5,16,25	69:5,11,25	oversee 106:2	17:7 18:10	119:9,11	78:14
27:7 28:7	74:23 75:8		50:3 51:16	persons	pointing 38:7
28:14,14,18	77:25 78:3	P	55:15 89:10	18:21 19:5	38:8 49:16
28:20,22	78:5,12,17	P 2:1,1	98:6	39:3 64:20	50:9,11
29:14,24	78:25 79:8	P-E-O-N-E	penicillin	66:13	51:20
30:7,14,15	79:11,21	3:21	10:4	pertains	points 52:3
30:19,19	80:2,9,19	P1 86:12	Peone 2:4	76:14	poke 96:11
31:1,3,11	80:24 81:3	P2 61:15 62:8	3:20,20	Petitioner 1:6	policy 76:25
31:14,15	81:6,8,13	page 34:25	people 12:3	7:22 9:3	104:7,7
32:9,17,18	82:24 83:6	35:3 36:22	12:17 14:13	26:23 77:23	107:9
32:25 33:7	83:13,24	48:15,18	28:24 34:14	Petitioner's	portion 65:25
33:16 34:3	84:7 85:6	49:2 121:5	35:14,19	21:4,5,16	poses 45:25
34:4,19	86:1 89:1	paper 16:25	37:10,13	60:23 61:4	position 3:24
35:4,19	89:14 90:24	paragraph	40:1 44:23	62:5 82:9	4:8 53:25
36:19,19	91:9,12,19	34:17,20	47:15 55:20	pharmaceu...	75:6 76:17
38:14,15,19	91:23,23	35:11 36:5	55:21 56:21	101:11,16	84:1 85:4
39:19 40:4	92:17 94:16	41:3,6,7,17	57:7 84:20	physician 4:9	86:8 96:13
40:16,16,24	95:24 98:9	41:21 45:6	85:12,20	4:11 92:5	possession
41:7 42:1,9	98:14	45:24 47:19	103:17	92:13	107:12
42:24 43:5	order's 76:19	48:24 49:6	106:18	physician's	possibilities
43:8,12,16	ordered	66:9	107:24	106:20	25:3
43:16 44:2	34:20 35:3	paragraphs	109:8	physicians	possibility
44:11,17,22	40:25 41:8	47:13	percent 55:1	12:6 99:21	80:16
45:2,3,10	86:11	paralegal	109:5	piece 16:25	possible
		4:13			

102:19	procedural	109:3	18:19 32:1	4:6	114:5
118:19	88:17 97:4	provides 19:8	72:9 82:19	R-U-S-S-O	117:20,25
power 29:15	procedurally	25:15 34:7	82:21,23	4:13	118:10,16
29:16 32:2	25:6	39:7 48:20	put 3:13 6:12	R1 74:2	receives
32:6 54:10	procedure	49:17,18	10:6,8 48:6	raise 77:23	110:11
55:6 77:3	110:4	50:1 65:2	66:24 70:13	raised 95:17	receiving
powers 54:12	proceed 5:24	66:16 72:11	73:2,9	rare 12:4,13	20:5 44:24
Practices	proceedings	77:2 82:1	76:22 87:9	rats 33:9	recess 119:16
99:14	81:20	106:9	87:14 91:22	reach 12:8	recommen...
precisely	process 68:7	providing	92:4 95:1	109:13	100:4
68:20	68:8 88:15	43:23 107:1	103:21	reaching 9:16	recommen...
preliminary	88:17	116:11	puts 39:13	reaction	99:24
12:23 24:6	100:17	proving 10:9	58:12 70:8	111:24	record 3:2,14
preparation	102:3	provision	putting 62:6	112:2,5,9	6:12 15:14
105:1	product	26:5,10		112:15,19	20:8,24
preschool	12:18 67:23	53:3 72:19	Q	115:1,4,21	22:9,15
47:14,21	88:3 91:16	provisions	question 16:3	116:7	43:2 47:2
preschools	products	91:2	23:12,13,21	reactions	59:17 61:12
47:6	101:12,17	public 18:17	27:19 65:9	115:14	62:22 70:14
presence 6:4	114:7	19:4 27:25	66:3 69:1	read 26:9	72:19 73:12
45:13 49:22	program	28:17 39:1	77:12 80:6	37:23 39:20	73:14 75:6
50:5	99:25	45:25 63:15	80:12 83:25	58:11 68:23	78:9 80:15
present 2:9	proof 6:24	64:19 66:12	93:18 95:20	72:18,21	87:9,15,23
5:20 14:13	7:6,8 10:14	72:13 101:2	96:2 107:19	78:23	89:12 90:24
20:16 22:21	10:21 16:7	120:4	111:17	reading	91:5 92:4
22:25 24:8	16:8 19:13	publication	112:3	36:16,18,19	95:2 96:19
preserve	20:11 22:14	73:7,17	questioning	62:22 63:8	103:21
87:11,23	25:19 39:11	74:4 76:7	98:13	65:11	120:9
89:12	57:23 65:6	86:22	questions	real 4:22	recording 3:2
pretty 23:11	66:20 91:22	publications	16:6 23:4	really 13:11	records 9:12
prevent	properly 72:8	73:3	23:23 24:3	13:13 81:5	19:20 20:4
54:12	89:15	published	92:8,14	95:12	22:14 65:18
preventible	provide 8:16	18:18 63:16	95:8 96:23	101:23	106:7
106:3	21:25 30:13	72:12 76:7	97:1,23,24	reason 13:15	108:20
Prevention	30:14 49:9	76:13	98:10	55:15 82:3	109:15
98:22	provided	publishing	103:23	84:24 96:20	110:6
previous	48:13 54:14	74:14	104:16,25	104:3	reduce 17:21
111:25	76:6 106:18	pull 100:1	105:10	REASON:-...	reference
112:5,10,15	106:25	punishment	107:9	121:7,9,11	19:18 20:24
Prince 94:20	108:5,12	88:22	quick 40:11	121:13,15	43:5,6 56:4
printout	provider	purpose	75:2 97:3	121:17	56:5 64:25
73:14	106:25	54:17	quote 29:16	reasons 111:4	68:4
privacy 111:4	provider's	purposes		receive 12:17	references
problem	106:24	83:18	R	46:8	57:16 62:15
15:17 17:14	providers	purpura	R 1:17 2:1	received 16:9	referencing
29:4,5	20:7 107:3	114:14	120:1 121:1	45:4 108:16	62:16 63:4
97:13	108:19	pursuant	121:1	110:10	referring
			R-O-S-E-N		

31:19 41:4 45:7 48:16 48:25 refers 44:22 66:1 67:2 reflect 10:6 43:3 61:12 73:13 regalia 101:4 regard 91:13 91:14,15,17 regarding 8:14 43:4 59:9 85:4 91:17 92:13 104:6 105:4 regardless 94:10 register 73:6 registry 11:19 20:3 22:8 108:19 108:24 110:13 rejected 94:18,20,22 related 120:11 relating 98:13 relevancy 104:17 relevant 77:12 94:4 103:23 105:2,9 religion 88:13 religious 94:25 remained 61:1 remains 22:17 26:6 57:1 remedial 84:23	remember 84:16 replicate 102:21,24 reporter 120:4 Reports 73:15 represent 96:6 representat... 91:12 representat... 90:1 92:6 96:2 representat... 3:12 90:4 92:20 93:2 represented 93:4 representing 92:23 request 7:24 12:25 71:7 90:21 109:19 requested 7:7 10:19 requesting 6:13 require 40:1 84:20 required 13:18 14:8 14:21 16:23 20:6 32:23 33:1 57:14 68:9 69:13 74:14 76:22 108:20 109:3 requirement 19:5 39:2 58:13,19 64:20 66:13 84:25 85:12 85:20	requirements 28:1 72:15 76:3 requires 32:10 56:14 81:18 requiring 67:23 rescind 29:23 40:8 53:5,8 54:4 83:16 85:7 rescinded 30:1 83:7 rescinding 30:7,15 84:4 rescinds 83:2 reside 22:5 35:15 47:16 47:24 resided 35:19 residency 105:18 resident 34:6 40:14 residents 11:11 22:4 32:10,23 33:24 34:13 35:15 37:10 55:7 resides 34:9 34:22 resolution 19:3,8,17 20:25 21:5 27:1,4,25 28:20,21 30:5 33:8 33:15,24 34:3,12,16 35:8 36:7 36:16,20 38:19,24 39:1,7,16 39:18 40:18	41:15 42:1 43:6,14,18 43:20,22 44:10 45:21 45:23 46:17 47:20 49:8 50:9 51:5 51:22 52:5 52:8,19,22 52:23 55:4 56:20 57:4 57:12,16,17 58:10,17,18 59:11 61:5 61:9,15 62:4,8,16 62:17,17 64:18 65:2 66:6,8,16 66:25 67:10 67:18 68:14 69:12,15 70:2,8 72:12,15 73:7 74:15 74:22 75:7 75:12,13 76:1,15,20 77:18 78:11 78:14,16 79:12,23 80:10,14,19 80:20 81:4 81:5,14,15 81:16,17 82:10 83:12 83:15,23 84:1,8 85:5 86:15,16,25 89:2,22,24 91:8 resolution/... 56:14 resolutions 39:14 73:16 resolve 35:11 36:5,21	38:7,9 44:19 resolved 35:9 36:25 37:5 41:17,21 45:24 47:19 resources 105:7 respectfully 27:3 49:25 respiratory 102:20 105:22 respond 8:25 9:22 31:7 33:17 37:15 38:21 58:7 75:22,24 respondent 1:10 2:6 4:15 6:22 7:5,7,20,23 9:4,25 17:13 19:20 20:9 25:17 57:21 62:7 69:9 106:7 109:22 110:18,21 110:22 118:10,15 119:4 Responden... 22:11 73:9 73:13,21,24 106:12 111:10,18 111:23 112:4,8,14 112:18,24 113:12,18 113:21,25 114:5,10,13 116:11 Respondents 65:19 87:24 117:24	response 18:14 63:11 95:20 rest 60:15 restaurant 33:10 result 76:25 review 12:9 19:19 20:1 65:17 106:6 reviews 100:16 revise 81:15 revising 84:7 right 5:11,14 5:19 6:1,3 6:19 7:14 8:23 10:3 10:11 17:11 17:18,22 18:1 25:8 25:23 27:11 30:10 33:10 33:25 34:23 35:17 36:8 37:16,18,25 38:11 42:21 44:12 48:19 50:15,24 51:3 52:14 62:24 63:18 63:22 66:7 66:10 68:4 69:17 73:1 77:8 78:12 78:19,21,22 79:5,6 83:7 83:8 84:4,5 87:2 88:20 93:7 100:16 103:1,4,6 118:19 119:1 rights 5:8 88:5 risk 76:21 116:16
---	--	---	---	--	--

risks 117:18	42:18,19,22	36:5,22	105:21	7:17 8:8,13	60:9 61:13
role 54:18	49:18 50:4	37:2,4 38:7	Services	8:21 9:21	62:12,14,24
room 82:4	52:4 53:25	38:8 41:6	98:17,19	9:23 10:2	63:3,9,19
97:12	65:18 69:3	44:14 45:9	set 120:7	10:11 12:15	63:23 64:5
103:17	69:13 72:24	62:3 64:15	setting	12:16 13:4	64:8 65:10
Rosen 2:10	75:16 76:5	72:6 82:8	108:13	15:1,5,12	65:16,23
4:5,5,9 9:5	78:4,4 82:3	82:11 95:19	109:7	15:18 16:11	66:7,10
9:14,15	96:5 115:6	119:15	settings 107:5	17:1,3,9,14	67:4 69:17
11:22 96:14	115:7,11,13	secondary	severe 111:10	17:25 21:7	70:15,20,25
97:21,23	says 6:16	59:15	111:19,24	21:10 23:1	71:9,13
ROTH 1:9	10:13 27:22	seconds	112:5,9,14	23:5,8,15	72:4,17,22
route 103:4,7	28:16 29:13	119:13	112:19	23:19,24	73:1,11
103:10	29:22 30:6	section 26:22	113:22	24:4,10,14	74:3 75:2
routes 102:19	31:10 34:21	29:1,12,21	115:3	24:16 25:7	75:23 76:24
routine 99:24	35:11 36:11	31:22 33:2	short 48:7	25:24 26:2	77:13,17
rule 14:5,7,11	38:6 41:15	33:4 39:23	86:21 104:4	26:20 27:2	78:6,19,21
24:18,21,23	41:21 44:9	40:6 53:3	104:5	27:6,9 28:4	79:7 80:7
71:1,2,16	44:18 45:24	53:10 68:5	shorthand	28:9,12	80:17 81:2
87:12	50:17 52:8	72:10 82:24	120:3	29:4,8,11	81:23 82:11
ruled 24:17	53:4,8	see 27:3	shot 45:5	33:3,18,21	82:15,18,20
24:20 71:6	57:14,21	30:17 38:18	show 21:6	34:18,24	83:9,14
rules 7:13,13	59:4 63:9	41:9 51:7	34:2	35:2,7 36:6	84:3 86:2,6
13:10 53:12	65:12,17	63:3,6	showing	36:8 37:16	87:6,8,16
ruling 12:23	68:23 69:20	78:23,24	13:17	37:22 38:2	89:4 90:6
13:6 14:19	77:2 78:25	82:17	shows 19:20	38:11 39:17	90:12,16,22
24:25 25:11	79:16 81:9	seek 89:25	78:11 106:7	39:24 40:22	92:16,24
runaround	86:17	90:8,17	side 70:5	41:5,10,14	93:7,24
104:10	schedule	semantical	sides 14:4	41:20 42:5	94:1 95:14
Russo 2:11	99:20 100:2	37:24	60:20 62:9	42:8,18,22	95:19 97:2
4:12,12	100:2	semantics	62:11 64:12	43:7,15,22	97:9,13,19
	scheduled	58:9	SIGNATU...	44:1,5,14	98:2 103:25
S	61:2	sense 27:12	121:21	45:2,8,12	105:11
S 2:1	school 18:22	sentence	significance	45:22 46:4	107:14
S-I-R-I 4:17	19:6 22:5	34:21 64:14	44:4,7	46:21 47:1	sitting 117:11
safe 12:1	47:14,21	64:16 66:3	46:23	47:5,10,18	117:16
95:11	64:21 66:14	67:2 69:4	simple 16:19	48:3,8,12	situations
safeguard	schools 39:4	86:18 91:8	16:24	48:17,20	28:25 80:1
68:7,8	47:6	sentences	simply 87:18	49:1,5,8,25	six 40:17,18
safety 91:15	science 94:12	66:23	87:25	50:12,15,22	41:1,10,12
sanctions	100:15	serum 113:13	single 91:7	50:25 51:4	41:22 42:12
56:5	105:5,16	served 16:3	sir 17:24	51:13,18,23	42:14 43:4
save 5:10	Sciences	78:3 85:18	22:23	52:2 53:1	43:5,11,16
27:18 86:4	100:8	99:4	Siri 2:6 4:16	53:15,22	43:17,18,24
saving 49:3	scientific	service 80:13	4:17,19,21	56:12,23	59:12 60:2
saying 10:7	100:16	80:21 86:21	4:24 5:7,14	57:4,8,19	60:6,7
26:24 28:2	second 34:24	86:23 99:5	5:22 6:6,15	59:1,8,14	six-month...
38:9,19	35:2,10	101:2	6:20 7:11	59:18 60:4	42:10 43:9
42:2,3,15					

six-months... 60:2 106:8	103:13	substantiate 10:18	82:21	talks 52:5	15:13,18
So-- 106:19	starts 63:4	substantive 88:14	Supreme 55:18 56:9	technical 41:18 96:1	26:13,14
sole 17:7	63:8 87:18	Substantiv... 27:9	sure 4:25 5:2	technically 27:12	33:21 37:16
somebody 67:21	88:1,6,9,11	substitute 13:25	6:15 9:1	tedious 17:6	37:20 39:12
106:16	88:13,16,18	sued 101:16	15:25 24:1	tell 36:15	39:22,24,25
118:14	88:23 90:20	102:1,10	24:9,15	63:7 67:6	53:22 56:23
somebody's 67:24	90:25 94:24	sum 61:16	26:20 27:8	98:11	58:8 59:1,5
soon 53:5	114:19	summarize 8:1 60:19	34:4 37:25	105:14	59:14 67:8
sorbitol 113:19	120:5	summation 69:16	47:4,10	telling 33:22	67:19,25
sorry 17:13	stated 33:5	summons 1:7	48:5,8,17	tells 69:22	68:3 69:2
41:20 42:6	states 57:21	3:7 6:8,16	50:14 51:13	term 25:22	74:19 82:20
53:10 77:20	61:16 88:19	8:11 14:11	74:3 90:22	41:18 75:10	83:20 84:15
97:20	88:21,23	17:20 18:4	96:11	terms 9:16,17	84:22 86:14
source 108:23	106:6	19:18 25:12	107:14	11:24 21:21	86:14,23
space 5:2	statute 31:19	25:13,22	110:2	25:9 30:20	91:20 93:22
speak 68:18	42:15	27:16,22	surfaces 103:5	31:24 41:24	95:11,25
96:6,15	statutory 26:10	30:18 38:16	surveillance 106:1,2	55:11 76:14	104:7 115:2
100:17	step 46:18	57:20 58:2	swear 5:4	86:25 92:22	third 36:10
119:9	54:9	60:1 62:6	swears 6:18	94:19 98:12	37:3 41:16
speaking 78:8 92:25	Stony 105:17	62:25 63:2	sweat 97:15	testify 9:14	41:20 47:19
93:15 95:22	stop 64:3	64:15 66:1	swore 10:17	9:15 11:23	82:8,13,15
specific 92:14	streamline 98:9	72:8 74:8	sworn 8:3	14:15 23:17	86:22 87:8
118:13	Street 1:12	75:9,15,16	98:3 120:7	testifying 98:6 118:5	Thomas 2:3
specifically 34:7 62:18	structured 79:13	76:10 78:3	121:22	testimony 5:5	3:16
specifics 8:22	stuff 56:4	78:17 86:10	symptoms 102:23	10:6 14:1	threatened 51:1
spell 3:14	sub 69:6	89:4 106:5	<hr/>	21:24	three 72:13
spoke 105:1	subject 50:20	110:11,11	T 120:1,1	103:12	74:4,10,13
spot 24:18,24	117:23	111:12,13	121:1	120:6,9	76:8
staff 110:15	submit 7:5,8	111:21	Tabak 1:9	testing 16:21	thrombocy... 114:11
stand 15:15	10:14 20:11	116:8 117:3	3:9 110:24	thank 5:1,6	114:14
98:15 99:10	57:22 69:10	117:10	take 4:22	90:16 106:5	ticket 5:17
standard 15:4 55:13	116:5 117:8	summons 77:10	54:21 56:18	thing 15:24	tied 54:3
standing 92:22	submitted 21:8 22:14	supplement 15:10	58:23 71:3	28:6 30:16	time 27:18
stands 52:19	73:22 117:2	supplement... 109:15	71:24	71:6 78:13	42:7 45:1
52:20	submitting 16:7,25	supporting 51:25	102:24	things 17:5	55:24 58:2
start 31:9	25:19	supports 46:24 67:10	119:12	28:10 46:14	59:25 74:7
96:25	116:14		taken 119:17	48:9 50:20	86:5,15
starting 61:17	SUBSCRI... 121:22		takes 79:11	52:24,24	93:21,23
	substance 61:17		talented 29:9	54:11 70:19	94:3 95:12
			talk 84:9	71:3 75:2	97:24
			talking 33:23	81:24 95:3	104:23
			67:20,22	97:4 105:5	105:8
			83:24	think 9:2,13	111:12,20
				10:23 12:21	119:17

timely 80:22	94:6,10	usually 97:14	77:19 80:21	88:2 111:12	49:6
times 78:24	95:3	103:4	various 9:16	111:21	wasn't 38:17
today 3:6	underpin		16:22 91:2	116:10	50:22 58:21
13:23 14:6	91:19	V	vast 12:3,17	violations	77:19
71:7 78:10	underpinni...	vaccinate	109:2	33:7 43:23	103:19
93:16	92:8	6:23 20:10	versus 47:18	44:6 87:19	way 17:21
103:12,13	understand	25:18 57:22	94:20	90:25	23:25 24:19
117:11,16	7:17 13:4	65:19 69:9	violate 58:24	virus 91:18	28:18 37:22
Tom 23:25	15:2,5,21	vaccinated	violated	94:13	38:10 76:25
tract 103:6	26:13,14	18:24 19:7	26:25 27:4	102:13,14	79:13,14,15
transcript	38:3,4 43:3	19:10,12	32:25 55:9	103:8	85:9 94:7
120:8	44:13 46:15	22:12 32:11	56:22 57:18	Viruses	97:10 98:12
trees 49:3	48:1 51:12	32:24 36:14	59:3 60:11	102:24	120:13
trial 13:10	62:2,9 64:6	37:9 39:5,8	68:11,14	vis-à-vis 85:6	ways 27:10
105:7	65:15,24	39:10 56:21	69:14,22,23	voted 100:3	76:23 81:25
TRIALS 1:1	76:4,15,16	57:15 58:14	69:25 70:2		wear 101:3
tribunal	81:22 87:12	58:20 64:22	75:8,15	W	went 35:17
87:21	87:20 91:25	65:3 66:15	violates 88:4	waive 5:15,25	117:5
triple 13:12	92:19 97:24	66:17,19	violating 33:7	6:3	Williamsbu...
true 12:19	98:5 103:24	84:20	33:14,15	want 4:24	11:11 22:6
55:3 120:8	104:20	111:16	39:15 58:14	8:22 10:5,8	32:11 45:14
truth 5:6	understand...	vaccination	68:3,10,24	20:16 21:24	55:8
try 68:19	93:21 94:3	99:20 101:7	violation 6:18	23:1 26:17	window
109:17,18	95:12	101:21	6:20,25	27:18 37:15	60:15
turn 7:22	understood	108:20	8:17 10:13	45:19 46:18	wish 15:9
8:24 11:1	83:5	114:24	16:14,14,18	48:6,10	withdrew
20:13 31:6	United 88:18	118:8,17	17:8 18:9	51:8 53:17	52:13
two 21:15	88:20,23	vaccinations	18:11,11	53:20 58:6	witness 23:6
28:10 44:21	University	9:13 22:9	20:12 25:17	59:7 62:13	98:2 107:15
46:14 47:12	105:17	vaccine 9:19	25:20 28:13	64:12 67:20	121:4,21
66:23 75:2	unknown	12:1,14	28:15 30:17	74:17 75:5	witness(es)
80:4,11	108:11	45:15 46:8	30:18,22	79:24 84:12	120:6,10
119:13	unnamed	94:25	31:2,11,13	87:10,15,23	witnesses
type 16:22	108:11	101:12,17	31:15 35:21	91:10 93:18	14:16
typically	unsuccessful	102:1,2,11	38:14 43:10	96:9,25	woman 85:22
55:14 107:3	94:23	111:25	50:18 57:10	97:15 104:5	Wonderful
109:7,13	unusual	112:6,20	57:20,23	104:9	25:8 72:22
115:22	88:22	114:18	58:25 59:2	wanted 68:13	word 25:21
	unvaccinated	115:1,4,9	62:18,20	wants 9:4,4	62:19 63:6
U	22:17	115:13,25	63:10 65:20	70:13 96:12	67:10
ultimate	updated 20:6	116:11,17	65:21,22	96:13	words 13:21
26:18 91:19	upheld 94:17	117:13,17	67:6,7,12	warm 97:5,14	14:6,12
ultimately	upstate 35:18	118:1,11	67:16,18,19	warning	50:13 59:24
27:21 64:10	use 5:2 54:10	119:6	68:22 69:5	48:18 49:1	67:5 69:8
unanimously	58:17,18	vaccines 10:2	69:11 74:5	49:12,15,21	work 16:22
19:2 27:24	111:5	20:5 96:14	75:19 79:7	49:23 50:5	18:22 34:14
64:17 66:5	uses 25:21	106:3	86:1 87:24	50:6,8	37:11 47:15
unconstitut...		valid 74:11		warnings	

47:24 99:1 103:14 worked 98:23 100:20 105:21 working 19:6 39:3 64:21 66:14 works 34:8 34:22 35:13 36:12 37:8 77:1 wouldn't 74:11 write 51:11 64:11 82:5 written 8:11 17:17 42:16 74:7 79:15 wrote 5:17 14:10 18:13 68:11	66:4 72:9 73:14 88:6 88:8,11,13 88:16,18,23 89:20 90:25 94:21,24 105:23 108:18,22 109:3 114:19 120:5	28:8 30:21 32:21,22 38:25 56:25 60:14 61:4 61:6 63:25 64:16 66:4 1986 101:7,21 19th 22:11 77:24	33:2,4 39:23 57:16 58:22,25 70:9 30 17:18 71:5 30198-19L0 1:7 3:7 305 26:22 31:10,12
<hr/> X <hr/>	<hr/> Z <hr/>	<hr/> 2 <hr/>	<hr/> 4 <hr/>
x 1:3,11	zip 18:22 19:7,24 34:9 36:13 37:8 39:5 47:24 64:22 106:10 zones 35:13	2 21:5,17 61:4 62:5 82:9 20 121:23 200 2:7 2007 99:2 2009 99:2 105:24 2019 1:13 3:4 18:5,18 19:1 20:1 27:23 60:25 63:16 64:16 66:4 21 30:24 21st 18:5 20:1 60:12 74:6 78:2 86:9 22nd 76:9 23rd 60:12 24th 74:5 76:9 26th 76:11 27th 76:11 28 1:13 28th 3:4 2A 3:10 2E 18:8 19:23	4/17/2019 73:17 4/21 76:6 4/22 73:18 4/24/2019 73:18 48 18:25
<hr/> Y <hr/>	<hr/> 0 <hr/>	<hr/> 3 <hr/>	<hr/> 5 <hr/>
yeah 7:11 8:18 11:9 15:12 23:15 23:19 24:22 28:4,11 33:6,20 47:4 57:19 59:18 62:14 64:5,8 65:16 70:20 82:13,18 84:15 87:6 97:9 Yep 100:5 York 1:2,4,12 1:12 2:7,7 18:8,9,16 18:20 19:1 19:23 20:5 27:23 45:17 63:13 64:17	<hr/> 1 <hr/> 1 21:4,17 60:23 73:13 73:22,24 1,000 17:8,10 18:12 10:11 1:14 3:5 100 55:1 109:5 11 114:6 11205 18:23 11206 18:23 11211 18:23 11216 19:23 11249 18:23 142 32:3 148 32:3 15th 32:19 17-148C 72:10 17-442 45:18 17th 2:7 19:1 21:1 26:3 27:15,22	3 18:20 29:12 3.0 29:12,21 3.01 53:3,10 53:24 54:6 79:13 82:24 3.05 18:10 29:2 31:20	6-months-old 19:21 66 1:12
			<hr/> 6 <hr/> 6 32:3 91:4 7th 27:21
			<hr/> 7 <hr/> 7 32:3 91:4 7th 27:21
			<hr/> 8 <hr/> 8
			<hr/> 9 <hr/> 9:00 18:5 9th 18:18 20:21 22:3 25:25 32:6 32:19 60:25 63:15 77:25 88:19