

Permanent Injunction Issued Guaranteeing Free Exercise of Religious Worship in New York State

February 9, 2021

Case 1:15-cv-04034-UNA Document 44 Filed 02/09/17 Page 1 of 5 PageID #: 1370

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSOCIATE ISRAEL OF AMERICA, ASSOCIATE
ISRAEL OF NEW GARDEN HILLS, ASSOCIATE
ISRAEL OF WALLING, ASSOCIATE ISRAEL OF
MAXIMETER, NAME THOMAS MEINMAN,
NAME HERSCHEL FELTZ, STEVEN GARNITZBERG,

Defendants.

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ORDER
20-cv-4830

-against-

Andrew M. Cuomo, Governor of the
State of New York in his official
capacity,

Dedrick et al.

RESEARCH IN PROGRESS

Exemption under 202.48 applies (among other things) capacity limitations on houses of worship operating in areas that have been designated as red zones or orange zones. In red zones, "houses of worship shall be subject to a capacity limit of 25% of maximum occupancy or 10 people, whichever is fewer." In orange zones, houses of worship are "subject to a maximum capacity limit of 35% of maximum occupancy or 20 people, whichever is fewer."

Defendant issued Executive Order 201.69 on October 6, 2010, and has extended the restrictions five times without modification to the restrictions on freedom of worship. It

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In the culmination of a months-long legal battle between Agudath Israel of America and the Governor of New York over the state's restrictions on houses of worship, a federal District Court has now issued a permanent injunction against enforcement of all houses of worship specific limitations.

The District Court ruling in [Agudath Israel v. Cuomo](#) cemented and expanded upon previous rulings by the U.S. Supreme Court and the Court of Appeals for the Second Circuit, and prohibits the state from enforcing both the fixed numeric limits and the percentage of capacity limits in orange and red zones, as contained in the Governor's Executive Order. Both such limits do not exist in similarly situated places of business.

The Governor did not contest Agudath Israel's motion for a permanent injunction, and has committed to formally amend the contested Executive Order before the end of the month.

Commented Rabbi Chaim Dovid Zwiebel, Executive Vice President of Agudath Israel,

“We wish we wouldn’t have had to go to court. But we had no choice, as Agudath Israel vigorously opposes any action which jeopardizes individuals’ first amendment rights to freely exercise religion, or which restricts religious practices differently than other activities. Religious freedom is the bedrock and touchstone on which this nation was founded.

“At the same time, we forcefully reiterate our call for ongoing care and prudence - in all activities - in light of COVID-19.”

See Agudah’s collection of guidance documents and health initiatives, issued since early March 2020, [here](#), and most recently, timely guidance for festively, but safely, celebrating Purim, [here](#).