## INTHE

## Supreme Court of the United States

JONATHAN ROBERTS AND CHARLES VAVRUSKA,

Petitioners,

## against

JAMES V. McDonald, in his official capacity as Commissioner for New York State Department of Health, et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

## CERTIFICATE OF COMPLIANCE

Pursuant to Supreme Court Rule 33.1(h), I hereby certify that the Brief in Opposition for respondent Department of Health and Mental Hygiene of the City of New York contains 4,174 words, excluding the parts of the document exempted by Supreme Court Rule 33.1(d).

/s/

Richard Dearing New York City Law Department 100 Church Street New York, New York 10007 (212) 356-2500

April 25, 2023