



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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November 19, 2020

Hon. Scott S. Harris  
Clerk of the Court  
c/o Ms. Mara Silver  
Supreme Court of the United States  
One First Street, N.E.  
Washington, D.C. 20543

**Re: *The Roman Catholic Diocese of Brooklyn, New York v. Cuomo*, No. 20A87**

Dear Mr. Harris,

I write regarding The Roman Catholic Diocese of Brooklyn, New York's application for injunctive relief in the above-captioned case.

The Diocese seeks to enjoin, as against its churches, the enforcement of New York State Executive Order 202.68's limits on the size of gatherings in houses of worship located in geographic micro-areas designated as "red zones" and "orange zones" in light of their dangerously high incidence of COVID-19 cases. As noted in Governor Andrew M. Cuomo's opposition (at pp. 16-18), at the time the Diocese filed its application, six of its churches were affected by the order—all in a single orange zone in Brooklyn. After the opposition was filed, the Governor announced that due to a reduction of cases in the area, this orange zone will be converted to a yellow zone effective this upcoming Friday, November 20, 2020. Gov. Andrew M. Cuomo, *Governor Cuomo Announces Updated COVID-19 Micro-Cluster Focus Zones* (Nov. 18, 2020), <https://www.governor.ny.gov/news/governor-cuomo-announces-updated-covid-19-micro-cluster-focus-zones-2>. Thus, effective tomorrow, *none* of the Diocese's churches will be affected by the gathering-size limits it seeks to enjoin.

Respectfully submitted,

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Solicitor General  
*Counsel for Respondent*

cc: Randy M. Mastro  
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