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| <b>Matter of Doe v Ithaca City Sch. Dist.</b>                                                                                                                                                                                  |
| 2026 NY Slip Op 32086(U)                                                                                                                                                                                                       |
| January 7, 2026                                                                                                                                                                                                                |
| Supreme Court, Tompkins County                                                                                                                                                                                                 |
| Docket Number: Index No. EF2025-1078                                                                                                                                                                                           |
| Judge: Elizabeth Aherne                                                                                                                                                                                                        |
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| This opinion is uncorrected and not selected for official publication.                                                                                                                                                         |

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF TOMPKINS

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In the matter of the Application of JANE DOE, as parent and  
natural guardian of her minor children JOHN DOE and  
SARAH DOE,

**ORDER**

Petitioners,

Index No. EF2025-1078

v.

ITHACA CITY SCHOOL DISTRICT and DR. LUVELLE  
BROWN,

Respondents.

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**WHEREAS** Petitioners Jane Doe, as parent and natural guardian of her minor children John Doe and Sarah Doe (“Petitioners”), by and through their attorneys Davenport Law PLLC, initiated this action pursuant to CPLR Article 78 on December 11, 2025, via Petition, seeking an Order: annulling, vacating, and setting aside the determinations of Respondents denying the medical exemptions as arbitrary, capricious, affected by an error of law, and an abuse of discretion; directing Respondents to perform the non-discretionary, ministerial duty enjoined upon them by law to immediately accept John Doe’s and Sarah Doe’s valid medical exemptions and permit them to attend school; and declaring, pursuant to CPLR § 3001, that the medical exemptions submitted on behalf of John Doe and Sarah Doe are valid and sufficient under New York Public Health Law § 2164(8) and that Respondents’ refusal to accept them is contrary to law and void; and

**WHEREAS** Petitioners moved, on December 16, 2025, by order to show cause, for a preliminary injunction enjoining and restraining Respondents, their officers, agents, employees, and all persons acting in concert with them, from barring, excluding, or otherwise preventing John Doe and Sarah Doe from attending Northeast Elementary School and participating in all related educational programs and activities based on Respondents’ October 17, 2025 denials of their

medical exemptions and directing Respondents to immediately reinstate John Doe and Sarah Doe as enrolled students at Northeast Elementary School, with full access to all classes, related services, special-education services (for John), and school-related activities during the pendency of this proceeding; and

**WHEREAS** Respondents, by and through their attorneys Bond, Schoeneck & King, PLLC, having answered the Petition and opposed the order to show cause for a preliminary injunction on December 29, 2025; and

**WHEREAS** the parties appeared for oral argument before me on the Petition and order to show cause on January 6, 2026; and

**NOW**, upon considering: (1) the Notice of Petition, dated December 11, 2025 (NYSCEF Doc. No. 19); (2) the Verified Petition, dated December 8, 2025 (NYSCEF Doc. No. 1); (3) the affirmation of Chad A. Davenport, Esq., dated December 11, 2025, with attached exhibits (NYSCEF Doc. Nos. 3-18); (4) Petitioners' Memorandum of Law in Support, dated December 11, 2025 (NYSCEF Doc. No. 23); (5) Respondents' Answer, dated December 29, 2025; (6) the affirmation of Karl Z. Deuble, Esq., dated December 29, 2025, with attached exhibits (NYSCEF Doc. Nos. 26-29); (7) the affirmation of Dr. Luvelle Brown, dated December 29, 2025 (NYSCEF Doc. No. 30); (8) Respondents' Memorandum of Law in Opposition, dated December 29, 2025 (NYSCEF Doc. No. 31); (9) the affirmation of Chad A. Davenport, Esq., dated January 4, 2026, with attached exhibits (NYSCEF Doc. Nos. 34-39); and (10) Petitioners' Memorandum of Law in Reply, dated January 4, 2026 (NYSCEF Doc. No. 40); and

**UPON** considering the above-referenced papers, submitted by the parties, and the oral arguments before me, for the reasons discussed on the record on January 6, 2026; it is hereby

**ORDERED** that Petitioners' order to show cause for a preliminary injunction is **DENIED**;  
and it is further

**ORDERED** that the Petition is **DISMISSED** in its entirety, with prejudice, and it is further

**ORDERED** that the Decision of this Court, issued on the record on January 6, 2026, is  
hereby incorporated by reference and made a part hereof; and it is further

**ORDERED** that any notice of appeal of this Order must include, as an attachment, the  
transcript of the January 6, 2026 appearance.

Dated: January 7, 2026

**ENTERED:**

**Hon. Elizabeth  
Aherne**

Digitally signed by Hon. Elizabeth Aherne  
Tompkins County Supreme Court  
Sixth Judicial District  
Date: Colleen McColgin, 1/7/2026, 10:07:44 AM

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Hon. Elizabeth Aherne, J.S.C.