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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GREEN HAVEN PRISON PREPARATIVE MEETING :

of the RELIGIOUS SOCIETY of FRIENDS, an :

unincorporated association, YOHANNES JOHNSON, :

individually and as Clerk of Green Haven Prison Preparative :

Meeting, GREGORY THOMPSON, individually and as a :

member of Green Haven Prison Preparative Meeting :

NINE PARTNERS QUARTERLY MEETING of the :

RELIGIOUS SOCIETY of FRIENDS, an unincorporated :

association, DONALD BADGLEY, individually and as :

Co-Clerk of Nine Partners Quarterly Meeting, EMILY :

BOARDMAN, individually and as Co-Clerk of Nine :

Partners Quarterly Meeting, BULLS HEAD-OSWEGO :

MONTHLY MEETING, an unincorporated association, :

CAROLE YVONNE NEW, individually and as Clerk of :

Bulls Head-Oswego Monthly Meeting, :

DAVID LEIF ANDERSON, individually and as Treasurer :

of Bulls Head-Oswego Monthly Meeting, : **COMPLAINT**

POUGHKEEPSIE MONTHLY MEETING, an :

unincorporated association, FREDERICK DONEIT, SR., :

as Treasurer of Poughkeepsie Monthly Meeting, :

JULIA GIORDANO, MARGARET L. SEELY, SOLANGE :

MULLER and NEW YORK YEARLY MEETING :

of the RELIGIOUS SOCIETY of FRIENDS, INC., :

Plaintiffs, :

-against- :

NEW YORK STATE DEPARTMENT of CORRECTIONS :

and COMMUNITY SUPERVISION, ANTHONY ANNUCCI, :

in his capacity as ACTING COMMISSIONER of the :

Department of Corrections and Community Supervision, :

JEFF MCKOY, in his capacity as the DEPUTY :

COMMISSIONER for PROGRAM SERVICES of the :

Department of Corrections and Community Supervision, :

**ALICIA SMITH-ROBERTS, in her capacity as the
DIRECTOR of MINISTERIAL, FAMILY and VOLUNTEER :
SERVICES of the Department of Corrections and
Community Supervision, JAMIE LaMANNA, in his :
capacity as SUPERINTENDENT of Green Haven
Correctional Facility, JAIFA COLLADO, in her capacity :
as Deputy Superintendent of Programs at Green Haven
Correctional Facility, and MARLYN KOPP, in her capacity :
as DEPUTY SUPERINTENDENT of PROGRAM
SERVICES at Green Haven Correctional Facility, :**

Defendants. :

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Plaintiffs GREEN HAVEN PRISON PREPARATIVE MEETING of the RELIGIOUS SOCIETY of FRIENDS, YOHANNES JOHNSON, GREGORY THOMPSON, NINE PARTNERS QUARTERLY MEETING of the RELIGIOUS SOCIETY of FRIENDS, DONALD BADGLEY, EMILY BOARDMAN, BULLS HEAD-OSWEGO MONTHLY MEETING, CAROLE YVONNE NEW, DAVID LEIF ANDERSON, POUGHKEEPSIE MONTHLY MEETING, FREDERICK DONEIT, SR., JULIA GIORDANO, MARGARET L. SEELY, SOLANGE MULLER and NEW YORK YEARLY MEETING of the RELIGIOUS SOCIETY of FRIENDS, INC., as and for a Complaint against defendants NEW YORK STATE DEPARTMENT of CORRECTIONS and COMMUNITY SUPERVISION, ANTHONY ANNUCCI, in his capacity as ACTING COMMISSIONER of the Department of Corrections and Community Supervision, JEFF McKOY, in his capacity as the DEPUTY COMMISSIONER for PROGRAM SERVICES of the Department of Corrections and Community Supervision, ALICIA SMITH-ROBERTS, in her capacity as the DIRECTOR of MINISTERIAL, FAMILY and VOLUNTEER SERVICES of the Department of Corrections and Community Supervision, JAMIE LaMANNA, in his capacity as SUPERINTENDENT of Green Haven Correctional Facility, JAIFA COLLADO, in her capacity as

Deputy Superintendent of Programs at Green Haven Correctional Facility, and MARLYN KOPP, in her capacity as DEPUTY SUPERINTENDENT of PROGRAM SERVICES at Green Haven Correctional Facility, allege as follows:

1. Plaintiffs bring this suit to secure their rights under the First Amendment to the United States Constitution, the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc *et seq.*, (“RLUIPA”), the federal civil rights law, 42 U.S.C. § 1983, and the freedom of religion guarantees in the New York State Constitution, Art. I, § 3, and law, the New York Correction Law § 610. Plaintiffs share the faith of the Religious Society of Friends, known as Quakers. For many years, Friends have held communal religious worship in many of the correctional facilities under the care of defendant New York State Department of Corrections and Community Supervision (“DOCCS”), and in particular at Green Haven Correctional Facility, in which outside Friends join with incarcerated Friends to worship, conduct business and socialize together. Although it previously permitted Friends to hold these meetings for worship and business at Green Haven Correctional Facility - known as “quarterly meetings” - and currently permits them at other maximum security facilities, since 2015 DOCCS has denied and is continuing to deny Plaintiffs the ability to conduct communal corporate worship and business at Green Haven Correctional Facility. Defendants’ actions have deprived and, if not restrained, will continue to deprive Plaintiffs of their constitutional and statutory rights to practice their religion free of government interference.

2. In addition, part of Friends’ religious practice is to meet regularly in meetings for worship with a concern for business. For many years, the members of Green Haven Prison Preparative Meeting have met weekly for worship with a concern for business. In July 2018, DOCCS unlawfully terminated those religious sessions in apparent retaliation for Plaintiffs’ efforts

to have quarterly meetings reinstated at Green Haven Correctional Facility . Even if not an act of retaliation, Defendants’ action deprives Plaintiffs and, if not restrained, will continue to deprive Plaintiffs of their constitutional and statutory rights to practice their religion free of government interference.

I.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 USCS § 1331 because Plaintiffs’ claims arise under the United States Constitution and laws, namely the First Amendment and 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc *et seq.*

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this district.

II.

PARTIES

5. Plaintiff **GREEN HAVEN PRISON PREPARATIVE MEETING of the RELIGIOUS SOCIETY of FRIENDS** (“Green Haven Meeting”) is an unincorporated meeting of the Religious Society of Friends, also known as Quakers. It holds meetings for worship and business, and engages in ministry, nurture and witness, within the Green Haven Correctional Facility (“Green Haven CF”) located in the Town of Beekman, Dutchess County, New York. The address of Green Haven CF is 594 Rt. 216, Stormville, New York 12582-0010.

6. Plaintiff **YOHANNES JOHNSON** (“Yohannes”) is a citizen of the United States of America, and resides at Green Haven CF. Yohannes is a member of the Religious Society of Friends and Clerk of Green Haven Meeting. Pursuant to Section 12 of the New York General

Associations Law, Yohannes is authorized as Clerk to maintain this action for Green Haven Meeting.

7. Plaintiff **GREGORY THOMPSON** (“Gregory”) is a citizen of the United States of America, and resides at Green Haven CF. Gregory is a member of Green Haven Meeting.

8. Plaintiff **NINE PARTNERS QUARTERLY MEETING of the RELIGIOUS SOCIETY of FRIENDS** (“Nine Partners Quarter”) is an unincorporated meeting of the Religious Society of Friends. It was established in 1783 and has held meetings for worship and business, and engaged in ministry, nurture and witness, for 235 years in the lower Hudson River valley region. Nine Partners Quarter consists of the Friends from seven (7) monthly meetings in Dutchess, Orange, Sullivan and Ulster Counties; to wit, Bulls Head-Oswego Monthly Meeting, Catskill Mountain Monthly Meeting, Cornwall Monthly Meeting, Green Haven Prison Preparative Meeting, New Paltz Monthly Meeting, Nine Partners Monthly Meeting and Poughkeepsie Monthly Meeting.

9. Plaintiff **DONALD BADGLEY** (“Donald”) is a citizen of the United States of America and resides at 7 Tall Pines Road, New Paltz, New York. Donald is a member of Poughkeepsie Monthly Meeting and Co-Clerk of Nine Partners Quarter. Pursuant to Section 12 of the New York General Associations Law, Donald is authorized as Co-Clerk to maintain this action for Nine Partners Quarter. He is also acting in his individual capacity as a Plaintiff in this action.

10. Plaintiff **EMILY BOARDMAN** (“Emily”) is a citizen of the United States of America and resides at 228 Sugar Loaf Mountain Road, Chester, New York. Emily is a member of Cornwall Monthly Meeting and Co-Clerk of Nine Partners Quarter. Pursuant to Section 12 of the New York General Associations Law, Emily is authorized as Co-Clerk to maintain this action for Nine Partners Quarter. She is also acting in her individual capacity as a Plaintiff in this action.

11. Plaintiff **BULLS HEAD-OSWEGO MONTHLY MEETING** (“Bulls Head

Meeting”) is an unincorporated meeting of the Religious Society of Friends, with its principal place of worship and business at 1323 Bulls Head Road, Clinton Corners, New York 12514. It holds meetings for worship and business, and engages in ministry, nurture and witness. Bulls Head Meeting is a member of Nine Partners Quarter, as well as of plaintiff New York Yearly Meeting of the Religious Society of Friends.

12. Plaintiff **CAROLE YVONNE NEW** (“Vonn”) is a citizen of the United States of America and resides at 12 Eagle Circle, Pleasant Valley, New York 12569. Vonn is a member and Clerk of Bulls Head Meeting. Pursuant to Section 12 of the New York General Associations Law, Vonn is authorized as Clerk to maintain this action for Bulls Head Meeting. She is also acting in her individual capacity as a Plaintiff in this action.

13. Plaintiff **DAVID LEIF ANDERSON** (“David”) is a citizen of the United States of America and resides at 5 Longview Road, Clinton Corners, New York 12514, New York. David is a member and Treasurer of Bulls Head Meeting. Pursuant to Section 12 of the New York General Associations Law, David is authorized as Treasurer to maintain this action for Bulls Head Meeting. He is also acting in his individual capacity as a Plaintiff in this action.

14. Plaintiff **POUGHKEEPSIE MONTHLY MEETING** (“Poughkeepsie Meeting”) is an unincorporated meeting of the Religious Society of Friends, with its principal place of worship and business at 249 Hooker Avenue, Poughkeepsie, New York 12603. It holds meetings for worship and business, and engages in ministry, nurture and witness. Poughkeepsie Meeting is a member of Nine Partners Quarter, as well as of New York Yearly Meeting of the Religious Society of Friends. Green Haven Meeting is under the care of Poughkeepsie Meeting.

15. Plaintiff **FREDERICK DONEIT, SR.** (“Frederick”) is a citizen of the United States

of America and resides at 34 Lincoln Drive, Poughkeepsie, New York. Frederick is a member and Treasurer of Poughkeepsie Meeting. Pursuant to Section 12 of the New York General Associations Law, Frederick is authorized as Treasurer to maintain this action for Poughkeepsie Meeting.

16. Plaintiff **JULIA GIORDANO** (“Julia”) is a citizen of the United States of America and resides at 65 Second Avenue, Apt. #3G, New York, New York 10003. Julia is a member of Bulls Head Meeting.

17. Plaintiff **MARGARET L. SEELY** (“Margaret”) is a citizen of the United States of America and resides at 635 Riverside Drive, Apt 7A, New York, New York 10031. Margaret is an attender at Bulls Head Meeting.

18. Plaintiff **SOLANGE MULLER** (“Solange”) is a citizen of the United States of America and resides at 279 Silver Mountain Road, Millerton, New York 12546. Solange is a member of Bulls Head Meeting.

19. Plaintiff **NEW YORK YEARLY MEETING OF THE RELIGIOUS SOCIETY OF FRIENDS, INC.** (“NYYM” or “New York Yearly Meeting”) is a New York not-for-profit religious corporation organized under Section 15 of the New York Religious Corporations Law as the governing or advisory umbrella organization for the Friends Meetings in New York, part of Connecticut and northern New Jersey. Its principal place of business is at 15 Rutherford Place, New York, New York 10003. Nine Partners Quarter and its constituent meetings, including Green Haven Meeting, are members of NYYM. Among other things, NYYM propounds and revises *Faith and Practice, The Book of Discipline of the New York Yearly Meeting of the Religious Society of Friends* (2018 ed.) (<http://nyym.org/book/faith-and-practice>) (hereinafter, cited as “*Faith and Practice*”). *Faith and Practice* provides trusted guidance for Friends within NYYM on the bases and fruits of

Friends' faith and on Friends' methods of practice and process. New York Yearly Meeting represents the interests of its members, pursuant to the direction of its membership, to redress the deprivation of their constitutional right to worship with Green Haven Meeting and its members and attenders.

20. Defendant **NEW YORK STATE DEPARTMENT of CORRECTIONS and COMMUNITY SUPERVISION** ("DOCCS") is an agency of the State of New York created pursuant to Section 5 of the New York Correction Law. Its principal place of business is The State Office Building Campus, 1220 Washington Avenue, Albany, NY 12226.

21. Defendant **GREEN HAVEN CORRECTIONAL FACILITY** ("Green Haven CF") is a maximum security prison owned and operated by defendant DOCCS, located in the Town of Beekman, Dutchess County, New York. DOCCS gives its address as 594 Rt. 216, Stormville, New York 12582-0010.

22. Defendant **ANTHONY ANNUCCI** ("AC Annucci"), is the Acting Commissioner of DOCCS and is being sued herein in that capacity. His principal place of business is at The State Office Building Campus, 1220 Washington Avenue, Albany, NY 12226.

23. Defendant **JEFF McKOY**, is the Deputy Commissioner for Program Services of DOCCS and is being sued herein in that capacity. His principal place of business is at The State Office Building Campus, 1220 Washington Avenue, Albany, NY 12226.

24. Defendant **ALICIA SMITH-ROBERTS** is the Director of Ministerial, Family and Volunteer Services at DOCCS and is being sued herein in that capacity. Her principal place of business is at The State Office Building Campus, 1220 Washington Avenue, Albany, NY 12226.

25. Defendant **JAMIE LaMANNA**, is Superintendent of Green Haven Correctional Facility and is being sued herein in that capacity. His principal place of business is at 594 Rt. 216, Stormville, New York 12582-0010.

26. Defendant **JAIFA COLLADO** (“DSPS Collado”), at the time of the events described herein, was Deputy Superintendent of Programs at Green Haven Correctional Facility and is being sued herein in that capacity. Upon information and belief, DSPS Collado is now the Superintendent of Shawangunk Correctional Facility, 200 Quick Road, Wallkill New York 12589.

27. Defendant **MARLYN KOPP** (“DSPS Kopp”) is Deputy Superintendent of Program Services at Green Haven Correctional Facility and is being sued herein in that capacity. Her principal place of business is at 594 Rt. 216, Stormville, New York 12582-0010.

28. For the matters and events set forth herein, Defendants, and each of them, acted and/or is acting under color of New York law, statutes, ordinances, regulations, customs and/or usage.

III.

FACTS

1. The Nature of Faith and Practice in the Religious Society of Friends.

29. The Religious Society of Friends arose in England in the Seventeenth Century, during the turbulence of the English Civil War, the Puritan Commonwealth, the restoration of the monarchy and the translation into English and wide distribution of the Bible, in particular the King James Version. The earliest Friends were concerned by and reacted against the rigidification of faith and practice in the established church and sought a return to the spirit of community and equality that

animated the first followers of Jesus Christ. Their experience of direct communion with God - that, in the words of George Fox, a principal founder of Quakerism, “*There is one, even Christ Jesus, that can speak to thy condition.*” - led to the insight that the ultimate authority governing the individual is the Voice of God, the Spirit of Truth, the Inner Light as the individual seeker experiences it and tests it and seeks to be obedient to it.

30. This Quaker concept of “that of God in every person” underlies Friends’ belief that an individual can access that “still, small voice within” without requiring the mediating influence of clergy. As described in *Faith and Practice* (at 21):

“We approach the meeting for worship confidently, listening to the still, small voice within. Each worshipper is a listener. In active waiting, we strive to dissociate the mind from distractions and to focus inwardly. As each of us helps and strengthens others in this process, worship becomes a corporate experience.”

31. Hence, Friends believe that “[t]he call to ministry may come to any worshipper, and the more we listen, the more we ourselves become aware of - and are able to follow - spiritual leadings. . . .” (*Faith and Practice* at 23.) In this way, the individual experience of the Divine can become the vehicle for corporate spiritual growth. As described in *Faith and Practice* (at 11):

“We urge Friends to accept one another’s revelations with tender hearts, knowing that anyone can speak truth, and we can participate in one another’s joy in spiritual growth. Such shared experiences enrich our faith.”

32. Through this process of corporate testing of individual experience of the Inner Light, Friends collectively experience continuous revelation of God's Word, and a group of individual seekers becomes the Society of Friends. As a result, Friends historically rejected the role of clergy, doctrine, rites and ritual as superfluous and even an impediment to discerning the guidance of the Divine. As the earliest Friends said when providing advice on Friends' practices:

"Dearly beloved Friends, these things we do not lay upon you as a rule or form to walk by, but that all, with the measure of light which is pure and holy, may be guided: and so in the light walking and abiding, these may be fulfilled in the Spirit, not from the letter, for the letter killeth, but the Spirit giveth life." (Advices from the Elders at Balby, England (1656).)

33. Thus, unlike virtually all other Western religions, Friends' concepts of authority and doctrine flow upward from the individual to the group, rather than down from an ecclesiastic authority or body to the laity. As noted in *Faith and Practice* (at 29):

"The Religious Society of Friends does not impose laws or rules for conduct upon its members. Instead, it lays upon us the responsibility to live by the Spirit of Light and Truth in each of us and provides Advices and Queries as an aid to faithfulness. This Spirit can direct every aspect of our lives if we open ourselves to it. It can enable us to reach out to the same Spirit in others."

**2. Quaker Meetings for Worship
With A Concern for Business.**

34. Over time, Friends developed practices to facilitate collectively testing and supporting individual and group leadings or actions. Individual leadings or conduct would be subject to the group's shared insight through gathered discernment in “meetings for worship with a concern for business.” Out of these experiences emerged the Quaker ethic of mutual accountability by which individual discernment is blended into the group. This ethic is a process, rather than a theory or a set of dogmas; it is unscripted in ways that lead to “openings” or revelations both for the individual and the community; and it is an activity born of collective commitment and concern, rooted in a coherent, shared set of ideas about the nature of meaning and truth. The practice of the Quaker ethic can be described as involving five stages or aspects: quieting impulses, addressing concerns, gathering consensus, finding clearness, and bearing witness.

35. Experience with this process evolved into the unique modern Quaker style of faith and practice. Truth is not prescribed by rules. Rather, Friends eschew dogma in order to facilitate individual and group revelation through a concern for the Inner Light present in each person. Corporate decisions are not made by vote or the force of authority. Rather, Friends strive to find answers through the sometimes arduous process of communal deliberation until a "sense of the meeting" or consensus is reached. Out of these corporate discernments come new understandings or revelations of the Divine, of Truth, of the call of the Living Spirit and guidance of the Inner Light. In short, Friends’ “meeting for worship with a concern for business” is the manner by which Friends’ faith and practice evolves and by which Friends test and affirm ministry and witness.

36. As a result, Friends’ “meetings for business” are an extension of their “meetings for worship,” to be conducted in the same sense of expectant waiting for divine guidance. As described

in *Faith and Practice*, at 26:

“We look with tender hearts, especially during meetings for worship with a concern for business, for one another’s spiritual vision. Truths of the Spirit may come from any of us. . . . We search for ways to meet human need in shared worship and open ourselves to disagreement as a path to God’s higher truths. The Spirit leads our community to creative action, occasionally in ways that transcend reason, as we listen for God’s voice in our prayers and in the message we have for each other.”

37. Friends developed some essentials of their faith and practice in “advices and queries,” which are included in *Faith and Practice*. Advice 16 addresses the conduct of Friends’ meetings for business. It states:

“Friends’ business meetings are meetings for worship with a concern for business. When there seems to be disagreement, a free expression of all opinions should be encouraged. Those who speak in meetings for business are advised not to be unduly persistent in advocacy or opposition, but, after having fully expressed their views, to recognize the generally expressed sense of the meeting. A deep and seeking silence can help to reconcile seemingly opposing points of view. Meetings should be conducted in the spirit of wisdom, forbearance, and love.”

38. For these (and other) reasons, the conduct of business meetings - meetings for worship with a concern for business - are not distinct from Quaker meetings for worship and constitute a central part of Friends' practice of their faith.

3. Quarterly Meetings

39. Four times a year, Friends in the monthly meetings in an area (a county or group of counties) gather *"to worship and counsel together and conduct business of common interest and concern."* *Faith and Practice* at 91. Hence, the "Quarterly" Meeting.

40. The conduct of quarterly meetings plays an important role in Friends' religious practice. *Faith and Practice* counsels (at 102) that:

"Among the more important services quarterly or equivalent meetings perform are the creation of opportunities for social mingling and better acquaintance of Friends from different meetings and the conduct of special meetings for discussion and consideration of the deeper interests of the Religious Society of Friends. To that end, these meetings are encouraged to organize a variety of social functions as well as educational and inspirational events such as lectures, institutes, conferences, worship-sharing groups, or special interest discussion groups, which may help to unite Friends in matters of common concern."

41. *Faith and Practice* further provides (at p. 102):

"Where the activities and interests of the associated meetings may warrant, the quarterly . . . meeting will hold meetings for business

involving the entire membership of the constituent monthly meetings and appoint officers and various standing committees according to its needs.”

42. Through these gatherings, individual leadings and insights that have been tested by Friends in their Monthly Meeting are shared and further tested by a broader Society of Friends in the Quarterly Meeting, and then again by the still broader Society of Friends gathered in their Yearly Meeting. *Faith and Practice* (at 28) describes this process:

“A personal concern, meant for us individually, might become a concern involving our meeting. Individual concerns can become the means by which the community can bring the power of the Spirit into social action. The method Friends have developed to do this involves the progression and deepening of concerns from monthly to quarterly to yearly meetings. This process is another part of our gospel order, by which we wait with a concern and test it individually, then with a friend or family member, then with a group of Friends and the monthly meeting itself, and finally with quarterly and yearly meetings. Friends are thus available at each step to ‘test the concern in the Light,’ to consider the concern in relation to all they know about the situation and the persons involved and, most important, to hold the concern up to the light of the Inward Teacher. . . .”

43. Because Friends in Green Haven Meeting are physically restricted, the only way they can participate in this process of discernment and revelation, and the only way Friends in Nine

Partners Quarter can receive and benefit from the Green Haven Meeting Friends' experience of God's guidance, is through holding quarterly meetings inside Green Haven CF.

4. Green Haven Meeting.

44. Green Haven Meeting has served as religious home for inmates at Green Haven CF seeking Quaker worship, fellowship and community since 1976.

45. There currently are approximately 8 inmates registered with Green Haven CF as part of Green Haven Meeting, with as many as 10-13 incarcerated men attending for some occasions.

46. Until the action of DOCCS in July 2018 discussed below, the practice of Friends in Green Haven Meeting was to meet three (3) times a week: Friday evenings for approximately 2 hours for worship; Thursday evenings in a book club for approximately 2 hours; Saturdays for worship with a concern for business for approximately 1.5 hours.

47. From 1980 on (until 2015), Friends in Nine Partners Quarter (and from other Meetings within NYYM) came into Green Haven CF for full day gatherings with Green Haven Meeting Friends at least once a year. These events generally took place on a Saturday and included worship, business and fellowship, as well as lunch paid for by the visiting Friends. Initially they were known as "seminars", and then as "Quaker family days", and ultimately as "quarterly meetings".

48. These quarterly meetings were the manner by which Green Haven Friends could participate in the discernment, testing and evolution of Friends' faith and practice.

49. Similar Quaker quarterly meeting gatherings take place, or previously took place, in other facilities under DOCCS' charge, including at Auburn Correctional Facility, Otisville Correctional Facility and Sing Sing Correctional Facility.

5. DOCCS Religious Programs and Practices.

50. DOCCS Directive 4202 (7/24/2014), entitled “*Religious Programs and Practices*”, “*covers the religious rights and obligations of inmates and Chaplains within [DOCCS] facilities.*”

51. Directive 4202 provides that “*The Division of Ministerial, Family and Volunteer Services (MFVS), which falls under the jurisdiction of the Deputy Commissioner for Program Services, is responsible for ensuring that all religious programs and practices are carried out in accordance with the established tenets and practices of the faiths, the United States Constitution, as well as the policies and procedures of DOCCS.*”

52. Directive 4202 further provides that “*For religions not represented by DOCCS Chaplains, the Director of MFVS will seek advice on matters of religious doctrine, practice, and tradition from recognized religious authorities in the outside community.*”

53. None of the DOCCS Chaplains is a member of the Religious Society of Friends. Rather, upon information and belief, the DOCCS Chaplain assigned to Green Haven Meeting is an Orthodox Jew.

54. Upon information and belief, for the matters described herein, the Director of MFVS did not and has not consulted with recognized religious authorities in the Friends community to obtain advice on matters of religious doctrine, practice and/or tradition.

55. Directive 4202 further provides that the Director of Ministerial, Family and Volunteer Services “*reports to the Assistant Commissioner for Program Services.*”

56. Directive 4202 sets forth the Policy of DOCCS to promote religious experiences of persons under its supervision. It states:

“In recognition of the First Amendment right of ‘religious liberty’ and in pursuit of the objective of assisting inmates to live as law abiding citizens, it is the intent of DOCCS to extend to inmates as much spiritual assistance as possible, as well as to provide as many opportunities as feasible for the practice of their chosen faiths, consistent with the safe and secure operations of the DOCCS correctional facilities.”

57. While this Policy promises to maximize inmates’ spiritual opportunities, in fact, Directive 4202 restricts the ability of inmates to explore their spiritual development and devotion. Among other things, Directive 4202 prohibits an inmate from participating in religious programs offered by faiths other than his “designated religion” more than three (3) times a year, at most (hereinafter, the “Three Times Rule”). It states:

“Ordinarily an inmate may attend only the religious programs of his or her designated religion as noted in facility records. However, it is acceptable for those who desire to learn more about the religious practices of another faith to request permission to attend up to three classes/services per year from the Chaplain of that faith group. In case there is no Chaplain of that faith group, the request should be made to the Coordinating Chaplain.”

58. Directive 4202 also obligates the Director and Coordinators in DOCCS' Division of Ministerial, Family and Volunteer Services to be fully conversant with the practices of faiths not represented by a DOCCS Chaplain. It states:

“The [Ministerial Program Coordinators], in consultation with the Director of MFVS or designee, will provide all necessary information [with regard to the tenets, practices, holy day observances, etc.] where a particular faith is not represented by an employee Chaplain.”

59. Upon information and belief, for the matters described herein, the Ministerial Program Coordinators and Director of MFVS did not and have not provided accurate information regarding the beliefs, practices and observances of the Society of Friends.

60. Directive 4202 further provides that *“The Superintendent or designee, in consultation with the assigned Chaplain for the affected faith group and the Director of MFVS or designee, shall resolve any conflicts pertaining to the scheduling and conduct of worship services.”*

6. DOCCS Division of Ministerial, Family & Volunteer Services.

61. DOCCS Directive 4200 (11-28-12), entitled “Functions of the Division of Ministerial, Family & Volunteer Services”, sets forth *“the mission and internal organization of the Division of Ministerial, Family & Volunteer Services.”* It states the mission of MFVS as:

“The mission of the Division is to:

“A. Enable inmates, with the assistance of paid staff, contractors, and community volunteers, to practice their religious faith and fulfill their religious obligations in accordance with

Directive #4202, 'Religious Programs and Practices,' the Religious Calendar, and the provisions of the U.S. Constitution guaranteeing all citizens the right to free exercise of their religion.

“B. Contribute to the mission of the Department of Corrections and Community Supervision in returning to the community men and women who have begun their rehabilitation and are better equipped for reintegration as responsible members of society.

“These goals shall be met through the scheduling of worship services and other religious activities, including religious education and pastoral counseling that responds to the mandates of the respective faith communities, the standards of the American Correctional Association, and applicable law, consistent with the safe and secure operation of a correctional facility.”

62. Directive 4200 also sets out the chain of command and provides that *“A Director oversees the Division under the direction of the Assistant Commissioner for Program Services.”*

63. Directive 4200 provides that it is the responsibility of the Director, together with the Assistant Director for Ministerial Services, *“to ensure that inmates are given the opportunity to exercise their constitutional right to practice a chosen faith.”*

64. Directive 4200 also describes the “Coordinating Chaplain” position as a Facility Chaplain who is selected by the Deputy Superintendent for Program Services. The Coordinating

Chaplain is “*assigned the responsibility for coordination of the total facility religious program and related administrative tasks.*” The Directive notes that “*To carry out their responsibilities, the Coordinating Chaplains meet regularly with the Deputy Superintendent for Program Services.*”

7. DOCCS Religious Holy Day Calendar.

65. Each year, DOCCS officials in its central offices in Albany (hereinafter, “DOCCS Albany”) prepare and distribute an annual “Religious Holy Day Calendar” applicable to all of the correctional facilities under DOCCS’ care. The management of the individual correctional facilities, however, can schedule additional religious activities for the various faiths in their facilities.

66. Directive 4202 specifies that each “*faith group*” can hold “*one designated family event*” each year.

67. A family day enables outsiders to join inmates of their faith for joint worship, celebration and fellowship.

68. The Religious Holy Day Calendar identifies the Society of Friends as “Protestant,” together with nineteen (19) other faiths.

69. The Religious Holy Day Calendar assigns Pentecost as the “Family Day Event” for all of the faiths designated as Protestant.

70. Thus, the Religious Holy Day Calendar page for the Society of Friends states that “*The one Protestant Family Event . . . is Pentecost.*”

71. Quakers do not celebrate Pentecost, and historically did not participate in religious holidays at all.

72. The Religious Holy Day Calendar page for the Society of Friends also states that the equipment Friends may have for worship consists of “*Bible, altar, altar cloth, 2 electric candles*

(open flame candles may be used under supervision of staff and volunteers).”

73. Quakers do not use an altar, altar cloth or candles in their worship.

74. Upon information and belief, in derogation of its stated policy, DOCCS did not and has not consulted with recognized religious authorities in the Friends community in determining the religious calendar and practices for incarcerated Friends.

6. Termination of Quarterly Meetings at Green Haven CF

75. As described above (¶¶ 47-49), full-day quarterly meetings have been held at Green Haven Correctional Facility since 1980. These quarterly meetings generally lasted from morning worship through mid-afternoon, and included fellowship over a meal (lunch) paid for by Friends from the surrounding Monthly Meetings.

76. Upon information and belief, the Green Haven quarterly meetings were approved at the correctional facility level - *i.e.*, by the responsible officers or employees at Green Haven CF (hereinafter, “DOCCS Green Haven”).

77. In 2012, Green Haven Meeting, by its then member Thaddeus Davis, requested that DOCCS Albany add quarterly meetings to the page for the Society of Friends in DOCCS’ annual Religious Holy Day Calendar.

78. In response, then Director of Ministerial, Family, and Volunteer Services, Cheryl Morris stated: *“Please be advised that the Quaker faith is included in the 2012 Religious Calendar which is available for your review in the Law Library. The Religious Calendar is created annually in consultation with outside religious authorities to verify minimum requirements for the various faith groups. In the future, you should direct any religious requests and concerns to your facility chaplain.”*

79. DOCCS Albany, however, did not add quarterly meetings to the Religious Holy Day Calendar page for the Society of Friends. Rather, as described above, it assigned Pentecost as the event incarcerated and outside Quakers could celebrate together.

80. In 2013, Green Haven Meeting, through Thaddeus Davis, appealed to the ultimate arbiter at DOCCS Albany, defendant Jeff McKoy, DOCCS Deputy Commissioner for Program Services, to have quarterly meetings added to the programs for Friends in the Religious Holy Day Calendar.

81. Deputy Commissioner McKoy rejected the appeal by letter dated November 22, 2013.

82. Deputy Commissioner McKoy represented that the denial was based on information provided by “Quaker religious authorities”:

“All information regarding Quaker Holy Days [sic] and their proper observance is collected annually by the Division of Ministerial, Family, and Volunteer Services in consultation with Quaker religious authorities.”

83. He also declined to share any of this “information” with Green Haven Meeting members: *“Department protocols mandate that this information is not to be received by inmates.”*

84. Upon information and belief, contrary to Deputy Commissioner McKoy’s representation, *“information regarding Quaker Holy Days [sic] and their proper observance”* was not and is not collected annually by the Division of Ministerial, Family, and Volunteer Services or by any other group or person(s) within DOCCS Albany. Indeed, no such information could have been collected as there is no such thing as the “proper observance” of “Quaker Holy Days.”

85. Upon information and belief, contrary to Deputy Commissioner McKoy's representation, DOCCS Albany did not and does not consult with recognized "Quaker religious authorities" in determining the permitted religious practices of incarcerated Friends.

86. Upon information and belief, in fact, DOCCS Albany's decisions regarding incarcerated Friends, and Green Haven Meeting in particular, were not and are not based on informed consideration of Quaker beliefs, practices, etc.

87. Moreover, because DOCCS policy prevented the members of the Green Haven Meeting, and continues to prevent them and Plaintiffs generally, from learning the bases for the decisions affecting Green Haven Meeting, Plaintiffs were and continue to be unable to ascertain and address the reasons for DOCCS Albany's decisions and have been frustrated in attempting to appeal or otherwise rectify DOCCS' denial of a religious accommodation.

88. Deputy Commissioner McKoy also directed Green Haven Meeting members to deal with DOCCS Green Haven regarding religious program requests. He stated:

"In regard to the facility Religious Events Calendar, you should first address your religious concerns at the facility level through the Coordinating Chaplain who is in the best position to help you. If you are not satisfied with the response, you should contact the Deputy Superintendent for Program Services."

89. By this determination, Deputy Commissioner McKoy dictated the administrative and appellate process members of Green Haven Meeting were to follow in making and appealing requests for religious accommodations.

90. In accordance with Deputy Commissioner McKoy's direction, Green Haven Meeting, through Thaddeus Davis, made their request for quarterly meetings in 2015 to the responsible staff at DOCCS Green Haven, namely Wayne Carroll, RPL II/Special Subjects Supervisor and Rev. Dr. Gideon Jebamani, Protestant Chaplain and Staff Advisor.

91. He received a response from J. Collado, Deputy Superintendent for Programs at DOCCS Green Haven, dated December 16, 2014, requesting additional information:

"In reference to the request of your projected dates for 2015, I need you to advise me of the need or reason for the quarterly meetings? According to the approved Special Event Calendar there are no special holy days, other-than the common Christian holidays of Christmas and Easter. Why are you requesting two extra meetings with outside guests? Please explain."

92. After providing substantial explanatory information, Green Haven Meeting members were advised by Deputy Superintendent Collado, in a memo dated February 2, 2015, that DOCCS Green Haven was denying the request substantially for the reasons stated by DOCCS Albany (Deputy Commissioner McKoy) the year before:

"I have received your two recent letters. Thank you for sending all the reading materials about the Quakers and their faith practices. I am returning all these materials back to you, including the book via Reverend Jebamani.

"Please be advised that the Religious Events Calendar has a section dedicated to your faith group. As indicated in a letter to you

from DC McKay, it is not possible to implement all the religious practices within the facilities that are practiced in outside faith communities due to security concerns, institutional safety and logistical considerations at this facility. We just finalized the facilities Special Events Calendar and you will be receiving a copy via the Recreation Department. I encourage you to continue to work with your staff advisor with any other concerns you may have. The change of a staff advisors not granted at this time.”

93. As a result, Green Haven Meeting was not been permitted to host, and Friends throughout Nine Partners Quarter (and New York Yearly Meeting) were not been permitted to participate in, quarterly meetings in Green Haven CF in 2015.

94. In response, the then General Secretary of New York Yearly Meeting, Christopher Sammond, wrote to AC Annucci to address the termination of quarterly meetings in Green Haven CF, among other things. By letter dated April 21, 2015, AC Annucci responded to Mr. Sammond with assurances that the concerns would be addressed at the highest level within DOCCS:

“I have met with members of my Executive Team to review and discuss each of the noted items. I acknowledge your concerns and agree that a meeting may be necessary in order to try to clarify the issues at hand. Mary Vann, Assistant Commissioner for Program Services, has been designated to assist with the resolution process.”

95. This led to a meeting on May 11, 2015 between a delegation of Friends from NYYM, including its then General Secretary, and DOCCS Albany - the Director and leadership of DOCCS’

Division of Ministerial, Family, and Volunteer Services - to seek common ground for resolving the continuing refusals by DOCCS to permit the resumption of quarterly meetings at Green Haven CF. DOCCS Albany promised to investigate and get back to Friends, but did not do so.

96. Next, in September 2015, New York Yearly Meeting's Prisons Committee wrote to DOCCS Albany explaining the importance to Friends' faith and practices of quarterly meetings and "clearness committees" (which are used to discern applications for membership in a monthly meeting, among other things), and asking DOCCS Albany to contact specified New York Yearly Meeting representatives to continue the effort to resolve this issue.

97. DOCCS Albany responded via letter from the then Director of Ministerial, Family, and Volunteer Services, Cheryl Morris, dated October 15, 2015. The request for inclusion of quarterly meetings in the system-wide Religious Holy Days Calendar was rejected. Instead, Friends were directed to address their requests to the "Executive Staff at each facility."

98. Thereafter, Green Haven Meeting has submitted requests each year to DOCCS Green Haven for permission to resume holding quarterly meetings.

99. And each year DOCCS Green Haven has rejected the request on the basis that the Religious Holy Days Calendar issued by DOCCS Albany authorizes Friends to participate in the Pentecost Family Day Event: "*Per DOCC's [sic] 2017 Religious Calendar, the Quakers take part in the Protestant events including Pentecost Family Day Event.*"

100. In short, Defendants have relegated Plaintiffs to a "Catch 22" bind: When Green Haven Meeting took Friends' request for quarterly meetings to DOCCS Albany, they were told to address the requests to DOCCS Green Haven. And when Green Haven Meeting did so, DOCCS Green Haven rejected the requests on the basis of decisions made by DOCCS Albany.

101. Moreover, by unilaterally designating Pentecost as the “family day event” for the Society of Friends while limiting each faith group to one (1) family day event per year, DOCCS both imposes on Friends a religious event that they do not celebrate and then uses that imposition to deny Friends a religious event that Quakers actually do celebrate.

102. In the Spring of 2018, a final effort to engage DOCCS officials’ attention was made through the Coordinating Chaplain with responsibility for Green Haven CF. Upon information and belief, he forwarded detailed information about the inmates’ grievance and willingness to go to court to vindicate their rights to his superior(s). No positive response was forthcoming.

103. Upon information and belief, DOCCS permits other similarly situated faith groups to hold events which are the equivalent of quarterly meetings.

104. Upon information and belief, DOCCS permits other similarly situated faith groups to hold multiple family day events, or the equivalent, per year.

105. Plaintiffs have exhausted all applicable administrative grievance procedures, and/or should be excused from being required to undertake additional repetitive appeals. Indeed, Plaintiffs’ grievance has been rejected by the ultimate relevant arbiters within DOCCS, defendant Jeff McKoy, Deputy Commissioner for Program Services, and by the then Director of Ministerial, Family, and Volunteer Services.

7. Deprivation of Meetings for Worship with a Concern for Business.

106. By memo dated July 10, 2018, defendant Marlyn Kopp, Deputy Superintendent Program Services at Green Haven, terminated Green Haven Meeting’s weekly meeting for worship with a concern for business. DSPS Kopp purported to find that the meeting for worship with a concern for business “*does not appear to be a study group or a worship service and therefore does*

not appear necessary.” She further purported to justify the termination of this religious program on the ground that Green Haven Meeting is not large enough: *“With a congregation [sic] of a total of 8 inmates, having a Thursday study group and Friday worship service appears to be sufficient.”* DSPS Kopp also threatened to reduce the Green Haven Meeting’s book club meetings from weekly to twice a month, again because of the number of participants in Green Haven Meeting.

107. Upon information and belief, in making these determinations, DSPS Kopp did not consult with any recognized religious authorities in the Friends’ community, nor did anyone else within DOCCS, nor was DSPS Kopp provided by DOCCS with necessary information regarding Quaker faith and practice.

108. By its terms, DSPS Kopp’s decision is not based upon security or safety concerns or other operational considerations.

109. Rather, by its terms, DSPS Kopp’s decision is premised on her interpretation and application of Friends’ beliefs in that she expressly found that Green Haven Meeting’s meetings for worship with a concern for business are neither necessary to, nor a distinct, material aspect of, Friends’ religious practice.

110. DOCCS’ determination violates Plaintiffs’ First Amendment rights because, among other things, DSPS Kopp and DOCCS purport, by this determination, to dictate the manner in which Friends may practice their religion.

111. Upon information and belief, DOCCS permits other similarly situated faith groups to regularly hold meetings for business or the equivalent.

112. Upon information and belief, responsible persons at DOCCS were aware of the Plaintiffs’ grievance regarding holding quarterly meetings in Green Haven CF and the decision to

terminate the meetings for worship with a concern for business was in retaliation and intended to intimidate.

113. Moreover, by reason of DOCCS' "Three Times Rule", Plaintiffs are improperly impeded in attracting inmates to Friends worship and practice.

114. Among other things, the Three Times Rule artificially limits, and illegally infringes upon, Green Haven Meeting's and its members' ability to attract worshippers and infringes on inmates' ability to investigate alternate religious faiths and practices.

115. The Three Times Rules violates DOCCS' core policy (Directive 4202) "*to extend to inmates as much spiritual assistance as possible, as well as to provide as many opportunities as feasible for the practice of their chosen faiths.*"

116. The Three Times Rule violates the rights of inmates to make intelligent and knowing decisions regarding their faiths and religious practices.

117. The Three Times Rule is not justified by a compelling governmental interest, or if the Three Times Rule is justified by a compelling governmental interest, it is not the least restrictive means of furthering that interest.

IV.

FIRST CAUSE OF ACTION
(Religious Land Use and Institutionalized Persons Act)
(By Yohannes Johnson, Gregory Thompson and Green Haven Meeting)

118. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 117 above as if fully set forth.

119. The Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc *et seq.*, (“RLUIPA”) provides that:

“No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, . . . even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person--

“(1) is in furtherance of a compelling governmental interest; and

“(2) is the least restrictive means of furthering that compelling governmental interest.”

120. RLUIPA is made applicable to any case in which “*the substantial burden is imposed in a program or activity that receives Federal financial assistance.*”

121. Upon information and belief, DOCCS receives Federal financial assistance and, accordingly, is subject to the requirements of RLUIPA.

122. Plaintiffs Green Haven Meeting, Yohannes Johnson and Gregory Thompson (the “Green Haven Plaintiffs”) reside in or are confined to an institution, to wit, Green Haven CF.

123. Defendants’ termination of and refusal to reinstate quarterly meetings at Green Haven

CF imposes a substantial burden on the religious exercise of the Green Haven Plaintiffs.

124. Defendants cannot establish that the burden they are imposing by refusing to permit quarterly meetings at Green Haven CF is in furtherance of a compelling governmental interest and/or is the least restrictive means of furthering that compelling governmental interest.

125. Defendants' classification of Friends as Protestants imposes a substantial burden on the religious exercise of the Green Haven Plaintiffs.

126. Defendants cannot establish that the burden they are imposing by classifying Friends as Protestants is in furtherance of a compelling governmental interest and/or is the least restrictive means of furthering that compelling governmental interest.

127. Defendants' designation of Pentecost as the religious holiday to be celebrated by institutionalized Friends imposes a substantial burden on the religious exercise of the Green Haven Plaintiffs.

128. Defendants cannot establish that the burden they are imposing by designating Pentecost as a Quaker religious holiday is in furtherance of a compelling governmental interest and/or is the least restrictive means of furthering that compelling governmental interest.

129. Defendants' termination of meetings for worship with a concern for business at Green Haven CF imposes a substantial burden on the religious exercise of the Green Haven Plaintiffs.

130. Defendants cannot establish that the burden they are imposing by refusing to permit Green Haven Meeting to hold meetings for worship with a concern for business is in furtherance of a compelling governmental interest and/or is the least restrictive means of furthering that compelling governmental interest.

131. If Defendants can limit the Green Haven Plaintiffs' exercise of their religion on the

basis of the number of inmates participating in the Green Haven Plaintiffs' programs, then the Three Times Rule imposes a substantial burden on the religious exercise of the Green Haven Plaintiffs by impeding their ability to attract additional inmates.

132. Defendants cannot establish that the burden they are imposing by limiting the extent to which an inmate not registered as a Friend can participate in Green Haven Meeting programs is in furtherance of a compelling governmental interest and/or is the least restrictive means of furthering that compelling governmental interest.

133. Accordingly, Plaintiffs are entitled to an order directing Defendants to accommodate the Green Haven Plaintiffs' religious practices by, among other things, authorizing the holding of quarterly meetings at Green Haven CF, removing Friends from the category of Protestants and celebrants of Pentecost, reinstating meetings for worship with a concern for business at Green Haven CF, and eliminating the Three Times Rule or making it inapplicable to the Green Haven Plaintiffs' religious activities.

134. Plaintiffs also are entitled to injunctive relief to prevent Defendants, and those under Defendants' supervision, from circumventing this Court's order and/or from taking retaliatory or intimidating actions against Plaintiffs.

135. Pursuant to 42 USC § 1983, Plaintiffs also are entitled to an award of damages in an amount to be determined at trial.

136. Pursuant to 42 USC § 1988(b), Plaintiffs also are entitled to recover a reasonable attorney's fee.

SECOND CAUSE OF ACTION
(First Amendment to the United States Constitution)
(Free Exercise of Religion Clause)
(By Yohannes Johnson, Gregory Thompson and Green Haven Meeting)

137. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 136 above as if fully set forth.

138. The First Amendment to the United States Constitution protects the Green Haven Plaintiffs' rights to exercise their religion free of governmental interference, and the rights protected thereunder are made applicable as against the states, and in particular the State of New York and its agency, DOCCS, by the due process clause of the Fourteenth Amendment to the United States Constitution.

139. Defendants' regulation and actions impose a substantial burden on the Green Haven Plaintiffs' sincerely held religious beliefs and on their ability to exercise their religion.

140. In particular, Defendants' regulation and actions prohibit the Green Haven Plaintiffs from participating in quarterly meetings, thereby depriving them of the ability to exercise their religion.

141. Defendants' regulation and actions also prohibit and prevent the Green Haven Plaintiffs from meeting for worship with a concern for business, thereby depriving them of the ability to exercise their religion.

142. Defendants' regulation and actions further impose upon the Green Haven Plaintiffs practices of other faiths as a result of classifying Quakers as Protestants and celebrants of Pentecost, thereby preventing the Green Haven Plaintiffs from practicing their faith.

143. Defendants' impositions on and deprivations of the Green Haven Plaintiffs' constitutional rights are not reasonably related to legitimate penological interests.

144. Accordingly, Plaintiffs are entitled to an order directing Defendants to accommodate the Green Haven Plaintiffs' religious practices by, among other things, authorizing the holding of quarterly meetings at Green Haven CF, removing Friends from the category of Protestants and celebrants of Pentecost, reinstating meetings for worship with a concern for business at Green Haven CF, and eliminating the Three Times Rule.

145. Plaintiffs also are entitled to injunctive relief to prevent Defendants, and those under Defendants' supervision, from circumventing this Court's order and/or from taking retaliatory or intimidating actions against Plaintiffs.

146. Pursuant to 42 USC § 1983, Plaintiffs also are entitled to an award of damages in an amount to be determined at trial.

147. Pursuant to 42 USC § 1988(b), Plaintiffs also are entitled to recover a reasonable attorney's fee.

THIRD CAUSE OF ACTION
(First Amendment to the United States Constitution)
(Free Exercise of Religion Clause)
(By Nine Partners Quarter, Donald Badgley, Emily Boardman,
Bulls Head Meeting, Carole Yvonne New, David Leif Anderson,
Poughkeepsie Meeting, Julia Giordano, Margaret L. Seely,
Solange Muller and New York Yearly Meeting)

148. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 147 above as if fully set forth.

149. Defendants' regulation and actions further prevent plaintiffs Nine Partners Quarter, Bulls Head Meeting, Poughkeepsie Meeting, Donald Badgley, Emily Boardman, Carole Yvonne New, David Leif Anderson, Frederick Doneit, Sr., Julia Giordano, Margaret Seeley, and New York Yearly Meeting (the "Friends Community Plaintiffs") from worshipping with Green Haven Meeting

Friends in quarterly meetings, thereby depriving them of the ability to exercise their religion.

150. Defendants' impositions on and deprivations of the Friends Community Plaintiffs' constitutional rights are not reasonably related to legitimate penological interests.

151. Accordingly, Plaintiffs are entitled to an order directing Defendants to accommodate the Friends Community Plaintiffs' religious practices by, among other things, authorizing the holding of quarterly meetings at Green Haven CF.

152. Plaintiffs also are entitled to injunctive relief to prevent Defendants, and those under Defendants' supervision, from circumventing this Court's order and/or from taking retaliatory or intimidating actions against Plaintiffs.

153. Pursuant to 42 USC § 1983, Plaintiffs also are entitled to an award of damages in an amount to be determined at trial.

154. Pursuant to 42 USC § 1988(b), Plaintiffs also are entitled to recover a reasonable attorney's fee.

FOURTH CAUSE OF ACTION
(First Amendment to the United States Constitution)
(Establishment of Religion Clause)
(By Yohannes Johnson, Gregory Thompson and Green Haven Meeting)

155. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 154 above as if fully set forth.

156. The First Amendment to the United States Constitution provides that "Congress shall make no law respecting an establishment of religion."

157. Defendants' regulation and actions constitute impermissible governmental action respecting an establishment of religion in that Defendants are imposing alien religious beliefs and practices on the Green Haven Plaintiffs by identifying the Religious Society of Friends as sharing

the same beliefs and practices as 19 other faiths.

158. Defendants' impositions on and deprivations of the Green Haven Plaintiffs' constitutional rights cannot be justified on the basis of penological interests.

159. Accordingly, Plaintiffs are entitled to an order directing Defendants to accommodate the Green Haven Plaintiffs' religious practices by, among other things, authorizing the holding of quarterly meetings at Green Haven CF, removing Friends from the category of Protestants and celebrants of Pentecost, reinstating meetings for worship with a concern for business at Green Haven CF, and eliminating the Three Times Rule.

160. Plaintiffs also are entitled to injunctive relief to prevent Defendants, and those under Defendants' supervision, from circumventing this Court's order and/or from taking retaliatory or intimidating actions against Plaintiffs.

161. Pursuant to 42 USC § 1983, Plaintiffs also are entitled to an award of damages in an amount to be determined at trial.

162. Pursuant to 42 USC § 1988(b), Plaintiffs also are entitled to recover a reasonable attorney's fee.

FIFTH CAUSE OF ACTION
(Fourteenth Amendment to the United States Constitution)
(Equal Protection Clause)
(By All Plaintiffs)

163. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 162 above as if fully set forth.

164. The Fourteenth Amendment to the United States Constitution provides that "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

165. Upon information and belief, DOCCS permits other similarly situated faith groups to hold religious event days which are the equivalent of quarterly meetings.

166. Upon information and belief, DOCCS permits other similarly situated faith groups to regularly meetings that are the equivalent of meetings for worship with a concern for business.

167. DOCCS' disparate treatment of Green Haven Friends denies Plaintiffs the equal protection of the laws.

168. Accordingly, Plaintiffs are entitled to an order directing Defendants to accommodate Plaintiffs' religious practices by, among other things, authorizing the holding of quarterly meetings at Green Haven CF, removing Friends from the category of Protestants and celebrants of Pentecost, reinstating meetings for worship with a concern for business at Green Haven CF, and eliminating the Three Times Rule.

169. Plaintiffs also are entitled to injunctive relief to prevent Defendants, and those under Defendants' supervision, from circumventing this Court's order and/or from taking retaliatory or intimidating actions against Plaintiffs.

170. Pursuant to 42 USC § 1983, Plaintiffs also are entitled to an award of damages in an amount to be determined at trial.

171. Pursuant to 42 USC § 1988(b), Plaintiffs also are entitled to recover a reasonable attorney's fee.

**SIXTH CAUSE OF ACTION
(New York State Constitution)
(By All Plaintiffs)**

172. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 171 above as if fully set forth.

173. Article I, Section 3 of the New York State Constitution protects religious liberty and freedom of worship. It provides in relevant part: “*The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind. . . .*”

174. Defendants’ regulation and actions described above violate Plaintiffs’ constitutional rights under Article I, § 3 of the New York State Constitution in the manner, and for the reasons, described above.

175. Accordingly, Plaintiffs are entitled to an order directing Defendants to accommodate Plaintiffs’ religious practices by, among other things, authorizing the holding of quarterly meetings at Green Haven CF, removing Friends from the category of Protestants and celebrants of Pentecost, reinstating meetings for worship with a concern for business at Green Haven CF, and eliminating the Three Times Rule.

176. Plaintiffs also are entitled to injunctive relief to prevent Defendants, and those under Defendants’ supervision, from circumventing this Court’s order and/or from taking retaliatory or intimidating actions against Plaintiffs.

SEVENTH CAUSE OF ACTION
(New York Correction Law § 610)
(By Yohannes Johnson, Gregory Thompson and Green Haven Meeting)

177. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 176 above as if fully set forth.

178. The constitutional protections guaranteed by Article I, Section 3 of the New York State Constitution were implemented by the New York Legislature to protect inmates in Section 610 of the New York Correction Law. It provides in relevant part: *“All persons who may have been or may hereafter be committed to or taken charge of by any of the institutions mentioned in this section, are hereby declared to be and entitled to the free exercise and enjoyment of religious profession and worship, without discrimination or preference.”*

179. Defendants’ regulation and actions described above violate the Green Haven Plaintiffs’ rights under Section 610 of the NY Correction Law.

180. Accordingly, Plaintiffs are entitled to an order directing Defendants to accommodate the Green Haven Plaintiffs’ religious practices by, among other things, authorizing the holding of quarterly meetings at Green Haven CF, removing Friends from the category of Protestants and celebrants of Pentecost, reinstating meetings for worship with a concern for business at Green Haven CF, and eliminating the Three Times Rule.

181. Plaintiffs also are entitled to injunctive relief to prevent Defendants, and those under Defendants’ supervision, from circumventing this Court’s order and/or from taking retaliatory or intimidating actions against Plaintiffs.

**EIGHTH CAUSE OF ACTION
(Retaliation)**

(By Yohannes Johnson, Gregory Thompson and Green Haven Meeting)

182. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 181 above as if fully set forth.

183. Upon information and belief, Defendants' actions in terminating Green Haven Meeting's meetings for worship with a concern for business at Green Haven CF were taken in retaliation for Plaintiffs' expressed intent to vindicate their constitutional and statutory rights.

184. Upon information and belief, Defendants' actions in terminating Green Haven Meeting's meetings for worship with a concern for business at Green Haven CF were intended to intimidate the Green Haven Plaintiffs and deter them from vindicating their constitutional and statutory rights.

185. By acting to retaliate against and to intimidate the Green Haven Plaintiffs, Defendants have violated and continue to violate the Green Haven Plaintiffs' constitutional and statutory rights.

186. Accordingly, Plaintiffs are entitled to an order enjoining Defendants from taking, authorizing or permitting any actions of retaliation or intimidation against any of the Plaintiffs.

187. Plaintiffs also are entitled to an order directing Defendants to undo the harm caused by their retaliatory and/or intimidating actions by reinstating meetings for worship with a concern for business at Green Haven CF and eliminating the Three Times Rule.

188. Pursuant to 42 USC § 1983, Plaintiffs also are entitled to an award of damages in an amount to be determined at trial.

189. Pursuant to 42 USC § 1988(b), Plaintiffs also are entitled to recover a reasonable attorney's fee.

WHEREFORE, Plaintiffs GREEN HAVEN PRISON PREPARATIVE MEETING of the RELIGIOUS SOCIETY of FRIENDS, YOHANNES JOHNSON, GREGORY THOMPSON, NINE PARTNERS QUARTERLY MEETING of the RELIGIOUS SOCIETY of FRIENDS, DONALD BADGLEY, EMILY BOARDMAN, BULLS HEAD-OSWEGO MONTHLY MEETING, CAROLE YVONNE NEW, DAVID LEIF ANDERSON, POUGHKEEPSIE MONTHLY MEETING, FREDERICK DONEIT, SR., JULIA GIORDANO, MARGARET L. SEELY, SOLANGE MULLER and NEW YORK YEARLY MEETING of the RELIGIOUS SOCIETY of FRIENDS, INC. demand judgment against defendants NEW YORK STATE DEPARTMENT of CORRECTIONS and COMMUNITY SUPERVISION, ANTHONY ANNUCCI, in his capacity as ACTING COMMISSIONER of the Department of Corrections and Community Supervision, JEFF McKOY, in his capacity as the DEPUTY COMMISSIONER for PROGRAM SERVICES of the Department of Corrections and Community Supervision, ALICIA SMITH-ROBERTS, in her capacity as the DIRECTOR of MINISTERIAL, FAMILY and VOLUNTEER SERVICES of the Department of Corrections and Community Supervision, JAMIE LaMANNA, in his capacity as SUPERINTENDENT of Green Haven Correctional Facility, MARLYN KOPP, in her capacity as DEPUTY SUPERINTENDENT of PROGRAM SERVICES at Green Haven Correctional Facility, as follows:

1. Directing Defendants to accommodate Plaintiffs' religious practices by (i) authorizing and reinstating the holding of quarterly meetings at Green Haven Correctional Facility, (ii) removing the Religious Society of Friends (Quakers) from the category of Protestants and celebrants of Pentecost, (iii) reinstating meetings for worship with a concern for business at Green Haven Correctional Facility, and (iv) eliminating the Three Times Rule;

2. Enjoining Defendants from taking, authorizing or permitting any acts to impede or prevent the attainment of the foregoing directions of the Court;
3. Enjoining Defendants from taking, authorizing or permitting any acts of retaliation or intimidation against any of the Plaintiffs;
4. Awarding Plaintiffs damages in an amount to be determined at trial, pursuant to 42 USC § 1983.
5. Awarding Plaintiffs their reasonable attorneys fees pursuant to 42 USC § 1988(b);
6. Awarding Plaintiffs their costs and disbursements of this action; and
7. Granting Plaintiffs such other and further relief as this Court deems just and proper.

Dated: New Rochelle, New York
September 18, 2018

LAW OFFICE OF FREDERICK R. DETTMER

By: _____
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