

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
JANE DOE, individually and on behalf of her
minor child, SARAH DOE,

Plaintiffs,

SUMMONS
Index No.:

- v -

OCEANSIDE UNION FREE SCHOOL DISTRICT,
DR. PHYLLIS S. HARRINGTON, in her official
capacity as Superintendent of Schools, and
DR. ANTHONY DONATELLI, in his official capacity
as School District Physician,

Defendants.
-----X

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Venue is properly laid in Nassau County pursuant to CPLR § 503(a) and (c), as at least one party resides in Nassau County and the cause of action arose there.

Dated: Ithaca, New York
April 14, 2025

Respectfully Submitted,

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TO: Board of Education

Ocean City Union Free School District
145 Merle Avenue
Oceanside, New York 11572

Dr. Phyllis S. Harrington
Ocean City Union Free School District
145 Merle Avenue
Oceanside, New York 11572

Dr. Anthony Donatelli, M.D.
Ocean City Union Free School District
145 Merle Avenue
Oceanside, New York 11572

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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JANE DOE, individually and on behalf of her
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Index No.

Plaintiffs,

COMPLAINT

- v -

OCEANSIDE UNION FREE SCHOOL DISTRICT,
DR. PHYLLIS S. HARRINGTON, in her official
capacity as Superintendent of Schools, and
DR. ANTHONY DONATELLI, in his official capacity
as School District Physician,

Defendants.
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By and through their attorneys, Gibson Law Firm, PLLC, Sujata S. Gibson, of counsel,
Plaintiff Jane Doe, on behalf of her minor child, Sarah Doe, hereinafter “Sarah” or “Plaintiff,”
alleges as follows:

PRELIMINARY STATEMENT

1. This action seeks justice for Sarah Doe, a sixteen-year-old student whose dreams of academic recovery after illness and starring as quarterback on Oceanside High School’s varsity flag football team have been shattered by Defendants’ discriminatory refusal to accommodate her disabilities, depriving her of an education and sending her into an educational and emotional crisis.

2. The issue is the third dose of the Hepatitis B vaccine. Sarah is up to date on all other doses of all other required vaccines but cannot safely take this third dose of the Hepatitis B vaccine because of her disabilities.

3. Sarah suffers from multiple severe medical conditions, including Von Willebrand’s

¹ To protect the child’s medical privacy, the names of the child and her mother are changed in this complaint to pseudonyms. A motion to proceed by pseudonym will follow shortly after the filing of this complaint.

disease, Lyme disease, and immune hypersensitivity, which at least six licensed physicians and one nurse practitioners have certified make the third dose of the Hepatitis B vaccine life-threatening, and thus contraindicated according to evidence-based medical standards.

4. Despite overwhelming medical evidence—including certifications from specialists and Sarah’s history of devastating reactions to prior vaccine doses, and the fact that even walk in clinics and pharmacies refuse to vaccinate her in her current condition—Defendants Oceanside Union Free School District, Superintendent Dr. Phyllis S. Harrington, and Dr. Anthony Donatelli have barred Sarah from school since February 4, 2025, denying her education and dignity.

5. Time is of the essence as Sarah’s exclusion has caused her diagnosed adjustment disorder, as well as symptoms of depression and anxiety, pushing her to an emotional, mental and academic breaking point, and further exacerbating her physical symptoms to an alarming degree. Immediate reinstatement by April 21, 2025, the new quarter’s start, is critical to restore her education, reconnect her with friends and teammates, and avert irreparable harm.

6. Defendants’ actions violate Sarah’s rights under the New York State Human Rights Law, New York Education Law, the New York State Constitution, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

7. Plaintiff seeks declaratory and injunctive relief to reinstate Sarah with a medical exemption, compensatory damages for her profound harm, attorneys’ fees, and costs.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this action pursuant to New York State Constitution, Article VI, § 7, the New York Civil Practice Law and Rules, and the New York Human Rights Law.

9. Venue is proper in Nassau County pursuant to CPLR § 503 and § 504 because the events

giving rise to this action occurred in Nassau County and the District is located within Nassau County.

PARTIES

10. Plaintiff Jane Doe is a resident of Oceanside, New York (Nassau County) and is the mother and natural guardian of Sarah Doe.

11. Sarah Doe is a sixteen-year-old student who resides with her mother in Oceanside, New York, which is in the Oceanside Union Free School District. Prior to her exclusion on or about February 4, 2025, Sarah attended Oceanside High School within the Oceanside Union Free School District.

12. Defendant Oceanside Union Free School District is a public school district organized under the laws of the State of New York, with its principal place of business located at 145 Merle Avenue, Oceanside, NY 11572.

13. Defendant Dr. Phyllis S. Harrington is the Superintendent of Schools for the Oceanside Union Free School District and is sued in her official capacity.

14. Defendant Dr. Anthony Donatelli is the School District Physician for the Oceanside Union Free School District and is sued in his official capacity.

COMPLIANCE WITH STATUTORY PREREQUISITES

15. On October 31, 2024, Plaintiff timely filed a Notice of Claim upon the Oceanside Union Free School District in accordance with New York Education Law § 3813 and General Municipal Law § 50-e.

16. More than thirty days have elapsed since the filing of the Notice of Claim, and Defendants have neglected or refused to adjust the claim within the statutory period.

17. This action is commenced within one year and ninety days of the events giving rise to the

claims herein, as required by General Municipal Law § 50-i.

FACTUAL ALLEGATIONS

Sarah's Background and Family Circumstances

18. Jane Doe is a mother of three children, including Sarah Doe, her youngest.

19. Jane is a registered nurse and has worked as a school nurse in recent years, as well as in hospital positions.

20. Her two older children are settled in college, and she has been working hard to maintain stability for her youngest daughter, Sarah, to finish high school.

21. Due to financial constraints, Jane and Sarah moved in with Jane's parents in the Oceanside School District before the start of the 2024-2025 school year to save money and care for Jane's elderly parents. Jane's father had already put the house in her name years before.

22. Sarah was excited about attending Oceanside High School. She already had friends in the school district and, being sociable, knew she would make more friends.

23. Sarah is also an outstanding athlete and was excited to join Oceanside's sports program.

24. Sarah settled into her new room (her mother's old room) at her grandparents' house, made many friends, who she regularly had over, and was her usual happy self.

25. Defendants' arbitrary and unlawful failure to accommodate Sarah's well-documented disabilities cruelly dismantled the hopeful life she was forging at Oceanside High School. This deplorable conduct has inflicted profound trauma on a young woman already grappling with severe health challenges, shattering her aspirations, plunging her dangerously behind in her education, and causing irreparable emotional and physical harm through exacerbated stress and despair.

Sarah's Medical Conditions and History

26. Sarah is up to date on all of her vaccines except for the third dose of the Hepatitis B

vaccine.

27. Due to her disabilities, and previous severe adverse reaction, Sarah cannot safely take this third dose of the Hepatitis B vaccine.

28. Prior to 2019, Sarah was an exceptionally healthy child with no significant medical conditions, who was mostly unvaccinated.

29. Sarah had had a severe reaction as a child to a vaccine given in 2009, and her sibling ended up in the hospital in even worse condition.

30. Jane, a devout Catholic, prayed and felt she received clear guidance from prayer that she should not vaccinate her children anymore. Sarah received a religious accommodation until 2019 after that point.

31. In order to attend school after New York repealed the religious exemption, Sarah was forced to take an aggressive catch-up schedule of eighteen of doses of the various remaining required vaccines over the course of six weeks.

32. Included in this schedule, was the requirement that she take two doses of the Hepatitis B vaccine essentially back-to-back.

33. Following administration of these vaccines, particularly after the second Hepatitis B dose, Sarah's health dramatically deteriorated.

34. She developed intense pain throughout her body, severe kidney issues, debilitating migraines, severe immune system reactions, continuous severe rashes, and numerous other symptoms that have required hospitalization and caused her to miss significant amounts of school.

35. Sarah has also subsequently been diagnosed with acquired Von Willebrand's disease, among other serious conditions, and is currently experiencing a severe flare of what multiple doctors believe is an acute autoimmune hypersensitivity reaction.

36. Autoimmune hypersensitivity reaction is a recognized adverse reaction to the Hepatitis B vaccine, listed on the package inserts of both available brands, and is a contraindication to further doses of this vaccine.

37. Acquired Von Willebrand disease is another contraindication. This is a hematologic (blood) disease that causes abnormal bleeding, which can sometimes be severe. The package inserts for the available HBV vaccines both name thrombocytopenia (low platelets) as known and acknowledged adverse events. This is clinically relevant because a patient who already has a bleeding tendency, as Sarah does due to her von Willibrand's disease, may be at risk for severe or life-threatening hemorrhage were she to develop thrombocytopenia as well.

38. One of Sarah's other current issues includes a full-body rash that she describes as feeling "like her skin is being ripped off," ongoing fevers, and numerous other serious symptoms.

39. This rash has not resolved despite daily medication, since its recurrence in the summer of 2024. Sarah has to take antihistamines twice a day just to function. These are now losing their efficacy, and she cannot take Benadryl or Zyrtec anymore because they stopped working.

40. Sarah's lab work also shows abnormal results requiring continued medical investigation. Recent blood work has confirmed that Sarah currently has a mycoplasma infection, Lyme disease, and babesia infection in addition to her other symptoms.

41. Each of these conditions is a precaution for vaccination under the CDC's ACIP guidelines.

42. Multiple physicians have certified that Sarah's constellation of disabling conditions make administration of the Hepatitis B vaccine contraindicated and potentially dangerous to her health.

Fall 2024 Medical Exemption Requests and Denials

43. The New York State Public Health Law ("PBH") § 2164 requires that students under the age of eighteen receive three doses of Hepatitis B vaccine, unless a New York State licensed physician certifies that it may be detrimental to a child's health (in which case the child shall be

exempt).

44. After her adverse reactions in 2019, Sarah was allowed to submit titers in lieu of vaccination to meet the requirement. At the start of the 2024-2025 school year, she timely submitted titers and began attending school.

45. In or around September 19, 2024, the school nurse noticed that Sarah's titers were not at a high enough level to show immunity under the PBH, and alerted Jane she would have to either receive the third dose or submit a medical exemption request by September 29, 2024, to stay in school.

46. On September 25, 2024, Jane Doe submitted a medical exemption request from Sarah's treating specialist, Dr. Jonathan Fields, a New York State licensed physician and board-certified specialist in immunology. Exhibit 1.

47. Dr. Fields certified that Sarah could not be safely vaccinated due to her medical conditions and required an exemption from the Hepatitis B vaccine requirement.

48. Dr. Fields confirmed that vaccination would confuse diagnostic accuracy and interfere with planned treatment trials, and that it would not be safe for Sarah to be vaccinated during a flaring immune reaction.

49. Dr. Fields listed contraindications including "autoimmune flash on the entire body, ANA elevated" abnormal lab results and noted that Sarah was taking daily antihistamines.

50. The District denied this request without providing any written reasoning and refused to allow Dr. Fields to speak with the District's physician despite multiple requests from Jane Doe and extensive efforts to try to arrange a time when he is available to take such a call.

51. Jane then took Sarah to get a second opinion at a family medicine practice. They were seen by Victoria Vamos, FNP-BC, who confirmed that she did not think it was safe to vaccinate

Sarah given her condition. Victoria Vamos, FNP-BC called in one of the doctors at the practice to confirm, and he agreed it would not be safe to vaccinate Sarah given her condition and that she should be given a medical exemption.

52. On October 24, 2024, Jane Doe submitted a second medical exemption request from Victoria Vamos, FNP-BC, who wrote that Sarah should be exempt due to her immune reactive rash, immunodeficiency, Von Willebrand's disease, and concerning abnormal blood work. Exhibit 2.

53. The District again refused to honor this accommodation request and threatened to exclude Sarah from school.

54. This threat was very triggering to Sarah and caused enormous stress. It felt like 2019 all over again, when Sarah was excluded from school and had to risk her health by submitting to eighteen doses of vaccination back-to-back to return, with devastating consequences. She felt she had already sacrificed her health to be able to attend school. She could not believe that after all she had given up, she was now going to lose access to school and friends and her cherished sports teams over one last shot, which doctors and specialists universally agreed would imperil her health if not her life.

55. Sarah was so desperate for normalcy after all of her health challenges. She wanted to participate in planned Halloween activities with her friends at Oceanside. She wanted to go out for the sports team. She wanted the nightmare and threat of exclusion to be over.

56. In distress over her imminent threat of exclusion from school, Sarah attempted to get vaccinated at a drug store against medical advice but they refused to vaccinate her.

57. Sarah then went with her father to City MD for vaccination, but the doctors there also refused to vaccinate her, citing her immune reactive rash and fever, and stating it was not safe to

vaccinate her in that condition.

58. On October 29, 2024, Jane Doe submitted a letter from Robin Mackoff, DO, a New York State licensed physician at City MD, confirming that Sarah was not eligible for the Hepatitis B vaccine due to her active medical conditions and ongoing diagnostic workup. Exhibit 3.

59. Despite having received certifications from multiple licensed physicians that Sarah could not safely receive the Hepatitis B vaccine, the District refused to accommodate Sarah and would not provide any explanation as to why.

60. Jane found an attorney and served a notice of claims on the school district on or about October 31, 2024, but received no response.

61. In desperate attempts to find accommodation, Sarah's mother made an appointment with Dr. Donatelli, the Oceanside school district doctor, at his private practice. When she called to confirm the appointment, he answered the phone, he learned who she was and said he was cancelling the appointment. Jane begged him to at least evaluate Sarah himself (he has never met or treated Sarah). He refused to see Sarah in person and hung up on her.

62. Jane then sought an opinion from Dr. Michael Richheimer, MD, who is the school district doctor of a neighboring district (Long Beach).

63. When Jane and Sarah first walked into Dr. Richheimer's office, he stated, "I know who you are and I'm not writing you a medical exemption." Jane asked if he could just examine Sarah, and if he determined she was healthy enough, she would get the vaccine.

64. After examining Sarah, Dr. Richheimer immediately agreed that Sarah could not be safely vaccinated and needed accommodation. He wrote a temporary accommodation letter stating that she needed an exemption due to "dermatographia/hives despite multiple medications." Exhibit 4.

65. Oceanside finally reluctantly granted Sarah a 60-day exemption based on the Long Beach

district doctor's certification, which did not differ in any legal sense from those submitted by the others that had been denied.

Harassment and Retaliation Throughout the Fall Semester

66. Throughout the fall 2024 semester, the school district engaged in a campaign to retaliate against Sarah and go out of their way to embarrass and harm her.

67. For example, early on in the vaccine discussion, when Sarah came to drop off paperwork in the nurse's office, the school nurse humiliated her by saying, in front of other students and staff, "I'm fighting with your mom, you shouldn't even be here. You need to just get the vaccine!" Sarah was humiliated.

68. Then, a few days before Sarah submitted her first medical exemption from the vaccine, on or about September 22, 2025, Sarah's foot was paralyzed from a sports injury. Since she was unable to walk in crutches, Jane bought her a scooter. The nurse took issue with this too, and refused to allow Sarah to use the scooter, even though she was unable to walk.

69. Jane begged the school district to be reasonable, but they would not, even obstructing reasonable requests for a wheelchair. This retaliation forced Sarah to miss over a week of school.

70. This pattern of hostility and retaliation persisted throughout the semester. In one instance, as Sarah began recovering from paralysis, she experienced sudden severe nerve pain as sensation returned to previously numb areas. During a free period, she sought temporary refuge in the nurse's office to remove her medical boot (which was exacerbating her nerve pain) and apply ice to her foot. Despite Sarah having no scheduled class at that time, the nurse displayed marked hostility, summarily rejecting her medical needs and demanding she leave immediately. The nurse stated the office was exclusively for "new" injuries, demonstrating a callous disregard for Sarah's ongoing medical condition and recovery process.

District's Continued Denials, Retaliation and Procedural Obstacles

71. Before Dr. Richheimer's 60-day exemption expired in February 2025, Jane Doe again consulted with Dr. Richheimer, who confirmed that Sarah still could not safely be vaccinated due to her ongoing severe rashes, as well as newly developed health issues.

72. Despite confirming these medical concerns, and his stated opinion that Sarah should not take the vaccine at that time, Dr. Richheimer declined to write another exemption, stating he feared "getting in trouble" if he provided another exemption.

73. Upon information and belief, Dr. Donatelli had threatened or otherwise pressured him not to provide further exemptions.

74. Jane Doe obtained another exemption from Dr. Fields without issue, but Oceanside's Dr. Donatelli then contacted Dr. Fields and subsequently claimed that Dr. Fields did not realize he was writing an exemption but thought he was writing a return-to-school note—an implausible position given the specificity and clarity of the exemption form he filled out. Exhibit 5.

75. Upon information and belief, Dr. Donatelli also threatened or otherwise pressured Dr. Fields to recant his medical advice.

76. Jane Doe then got bloodwork, showing that her daughter currently has a mycoplasma infection, Lyme disease, and babesia infection as well as all of her other symptoms, each of which is a precaution under the CDC's ACIP guidelines.

77. Jane submitted this blood work and asked if Oceanside wanted an updated physician's certification seeking accommodation on the basis of these newly discovered additional conditions.

78. The Assistant Superintendent retorted that she should not bother, and that Oceanside would not consider any medical accommodation for Sarah, regardless of what she submitted.

79. Jane then called Dr. Donatelli's office and begged him to at least review her follow up medical exemption requests based on the new blood work. He refused.

80. On February 4, 2025, the Oceanside School District suspended Sarah from school, stating that she could not come back until she received her Hepatitis B vaccine.

81. On or about February 9, 2025, Jane submitted to the District yet another medical certification from New York State licensed physician and specialist Paul B. Lang, M.D., who explained that (among other issues) Sarah should not be vaccinated because she had persistent Lyme (more than four months) and a possible mycoplasma infection. Exhibit 6.

82. Dr. Lang noted that moderate to severe illness was a precaution under the ACIP guidelines to vaccination, which it is.

83. Dr. Lang was so incensed that Dr. Donatelli was not granting Sarah her accommodation requests that he took it upon himself to call Dr. Donatelli and personally tell him that it was outrageous to force this child to be vaccinated given the state of her health and the obvious immune issues she was facing.

84. Dr. Donatelli refused to listen to reason, and Oceanside refused to even consider Dr. Lang's exemption request.

85. On February 19, 2025, Jane went to Dr. Vincent Garbitelli, yet another New York State licensed physician, to evaluate whether Sarah could safely be vaccinated. He too agreed she could not in her state and wrote a medical exemption. Exhibit 7.

86. The school district would not even consider this request either.

87. Jane emailed Assistant Superintendent DeRosa begging her to review the new requests and explaining that Sarah was "devastated about leaving Oceanside."

88. Assistant Superintendent DeRosa curtly told her that the district would not review any more medical accommodation requests for Sarah Doe and that she had to seek an accommodation directly from the New York State Education Department.

89. However, Jane was informed by the New York State Education Department, Division of Vaccine that “[t]he New York State Education Department does not review requests for medical exemptions. If the school administration chooses to review the updated medical exemption requests, you will need to send the exemption to school, upon their request. The school may choose to ask the New York State Department of Health Division of Vaccine Excellence to review the medical exemption, but they are not required to. The school administrator or school medical director would make that request.”

90. The District has thus created a procedural catch-22, claiming Jane Doe must submit exemptions to the state while the state confirms the District must first review and deny them before state review is possible.

91. This circular process prevented Sarah from having her valid medical exemptions properly considered and has prolonged her exclusion from school, causing further educational deprivation and emotional distress.

Sarah temporarily attends Long Beach school

92. While attempting to resolve the issue with the medical accommodation at Oceanside, Sarah temporarily attended school in the Long Beach district for forty days.

93. The family has a home there that is in foreclosure and temporarily relocated back to that house while they attempted to get Oceanside to listen. This created substantial stress and financial hardship for the family who needed to sell their Long Beach home as quickly as possible to mitigate their financial exposure.

94. It was also very hard on Sarah to try to catch up academically after being removed from Oceanside in the middle of a quarter.

95. Unfortunately, Dr. Donatelli's discriminatory conduct extended to influence Sarah's

experience at Long Beach School District.

96. Dr. Richheimer, the Long Beach school district physician, stated he was "denying" Sarah's medical accommodation requests, yet simultaneously granted her a sixty-day accommodation himself, sua sponte, for the identical medical reasons she had presented from other licensed physicians.

97. Upon information and belief, Dr. Richheimer implemented this contradictory accommodation process due to pressure from Dr. Donatelli, using this approach as a temporary workaround to maintain the appearance of denying the request while tacitly acknowledging vaccination posed a medical risk to Sarah.

98. Despite Sarah's efforts to adapt to her new educational environment at Long Beach, including joining the football team and working diligently to catch up academically, she remained significantly traumatized by her forcible removal from Oceanside.

99. Approximately three weeks ago, an interaction with the varsity football coach eliminated what minimal sense of security Sarah had managed to establish.

100. The coach informed Sarah that he had identified her as a "game changing athlete" and had intended to appoint her as quarterback of the varsity flag football team.

101. However, the coach disclosed that he had reversed this decision upon learning that Long Beach administrators intended to "fight" her mother's accommodation requests and would be removing Sarah from the school in the near future.

102. Upon information and belief, this determination stems directly from pressure exerted by Dr. Donatelli and the Oceanside School District, who have influenced Dr. Richheimer and have a vested interest in validating their own accommodation denials by compelling Long Beach to likewise reject Sarah's medical accommodations.

103. As a direct consequence of this revelation, Sarah has experienced such profound psychological distress that she has refused to return to school since this incident, regardless of whether Long Beach actually intends to remove her as the coach stated.

104. The sixty-day accommodation Dr. Richheimer initially granted expired a few days ago.

105. Pursuing an extension at Long Beach is not viable as Sarah's family must sell their Long Beach home immediately to address the foreclosure situation and cannot remain there any longer.

106. Sarah is understandably devastated by the persistent disability discrimination that Defendants have inflicted upon her.

107. She is a medically fragile young woman who, despite numerous health setbacks that would discourage most individuals, continues to pursue her dreams of athletic achievement and academic improvement.

108. Sarah now needs to return to Oceanside schools, her home district, but Defendants continue to unlawfully refuse accommodation despite clear medical documentation and the professional opinions of multiple licensed physicians.

Continued Attempts at Accommodation from Oceanside

109. On April 4, 2025, Jane Doe formally renewed her request that Dr. DeRosa ensure the District renew Sarah's additional medical accommodation documentation, emphasizing Sarah's urgent need to return to school and specifically inquiring about "2 newer medical Exemptions that have not been given to Dr. Donatelli." Jane Doe expressly requested: "Can you please submit them to him and maybe if he accepts them she can finish the last semester in Oceanside."

110. That same day, Dr. DeRosa responded with the another deflection, stating: "As we discussed previously, any new documentation needs to be submitted to the state. If exemption is approved at that level, we are eager to welcome Sarah back."

111. On April 7, 2025, after confirming with the state that this was not possible, Jane Doe informed Dr. DeRosa that this instruction contradicted the actual state procedures: "They told me you have to first review and deny the Medical exemptions, then I can file the appropriate paperwork with them. They will not accept an exemption review from the parent. The school has to request the review. The 2 medical exemptions I submitted are new."

112. While Dr. DeRosa subsequently claimed she would forward the medical exemption requests to the appropriate authorities, to date, no action has been taken and Sarah remains excluded from Oceanside schools despite multiple valid medical exemptions from licensed physicians.

113. The next academic quarter at Oceanside Union Free School District commences on Monday, April 21, 2025, rendering this matter extremely time-sensitive. Without immediate judicial intervention, Sarah will miss the start of the new quarter, resulting in further educational disruption at a critical juncture in the academic year.

114. Due to her fragile psychological state resulting from Defendants' discriminatory conduct, Sarah requires advance notice of her reinstatement to adequately prepare emotionally for her return to school. Each day of continued exclusion heightens the risk of more severe mental health consequences and irreparable educational losses that cannot be adequately remedied through monetary damages alone.

Impact on Sarah's Education and Well-Being

115. Sarah's mental and emotional health is also at stake. She is now in a state of crisis.

116. Sarah is normally a happy, outgoing child, who tries to make the best of things. However, this last setback has broken her, and she is now staying in bed all day and is despondent.

117. She has developed deep depression over the disability discrimination she has faced from Oceanside.

118. Jane is extremely worried about her child's mental health and well-being. Things were so bad that Jane sought out psychiatric help.

119. On April 8, 2025, after her first visit, Sarah was formally diagnosed with adjustment disorder with mixed anxiety and depressed mood by a licensed psychiatrist, who, upon information and belief, attributed these conditions to Sarah's exclusion from school, denial of her accommodations, and separation from her peers and athletic activities.

120. Indeed, Sarah is exhibiting severe depressive symptoms including social withdrawal, loss of interest in previously enjoyed activities, disrupted sleep patterns, and expressions of hopelessness, all stemming directly from her ongoing exclusion from school and the perceived discrimination against her disabilities.

121. Jane is so concerned about her daughter's deteriorating health that she cashed out her 401k last week so that she could take her child to Florida to try to cheer her up.

122. But the only thing Sarah wants is to go back to Oceanside High School.

Additional Medical Expert Opinions Supporting Exemption

123. Dr. Clayton Baker, a New York State licensed physician who has reviewed Sarah's medical history and exemption requests, has provided an expert affidavit stating that Dr. Donatelli's refusal to accommodate Sarah is so unreasonable given the overwhelming evidence of potential harm as to constitute medical negligence.

124. Dr. Baker's professional opinion, and the overwhelming consensus of so many medical professionals, confirms that Sarah's exemption requests comply with evidence-based national standards of care and that vaccination would pose serious risks to her health given her documented conditions.

125. Defendants' refusal to accommodate Sarah is particularly unreasonable given that:

1. Hepatitis B is not communicably transmitted in school settings
2. The CDC acknowledges there has never been a documented case of Hepatitis B transmission in any school setting, and
3. This particular vaccine is for personal protection rather than preventing transmission, rendering the district's denial of seven treating physician's clinical assessments particularly egregious.

126. In fact, if Sarah Doe had an active Hepatitis B infection, it is well-settled law and school policy that she could not be excluded on that basis, because she would not be a "direct threat" under the accommodation statutes.

Need for Immediate Relief to Avoid Irreparable Harm

127. Sarah will suffer irreparable harm without immediate injunctive relief. Courts have consistently recognized that the deprivation of educational opportunities, particularly for students with disabilities, constitutes irreparable harm that cannot be adequately remedied by monetary damages alone. Each day Sarah remains excluded from school causes immediate and ongoing educational setbacks that cannot be recovered, especially as she approaches the final quarter of the academic year. Missed instructional time, participation in athletics, and social development opportunities represent losses that cannot be compensated retroactively.

128. The psychological harm Sarah is experiencing further compounds this irreparable injury. Her formal diagnosis of adjustment disorder with mixed anxiety and depressed mood by a licensed psychiatrist on April 8, 2025, directly attributable to her exclusion from school, demonstrates that the ongoing deprivation is causing severe and potentially permanent psychological damage. Unlike academic material which might theoretically be taught later, psychological harm during adolescence can permanently alter developmental trajectories and cause enduring damage to Sarah's mental health, social development, and educational prospects.

FIRST CAUSE OF ACTION
Violation of the New York State Human Rights Law

129. Plaintiffs repeat and reallege the allegations set forth in this entire complaint as if fully set forth herein.

130. The New York State Human Rights Law ("NYSHRL"), N.Y. Exec. Law § 296(4), prohibits educational institutions from denying the use of their facilities to any person otherwise qualified by reason of disability.

131. Sarah has disabilities within the meaning of the NYSHRL, and Defendants are aware of her disabilities, as demonstrated by the multiple medical exemption requests submitted by licensed physicians documenting her conditions.

132. Sarah is otherwise qualified to participate in the educational programs, services, and activities offered by Defendants, as she resides in the school district and meets all other educational requirements.

133. Defendants have discriminated against Sarah by denying her reasonable accommodations in the form of a medical exemption from the Hepatitis B vaccine requirement, despite substantial evidence from multiple medical professionals that such vaccination would pose serious risks to her health given her documented conditions.

134. The NYSHRL imposes an affirmative obligation on educational institutions to make reasonable accommodations to enable persons with disabilities to enjoy the right to education.

135. Defendants have violated the NYSHRL by imposing a "very strict interpretation" of vaccine exemption requirements that ignores Sarah's documented disabilities and impermissibly approaches accommodation requests based on generalized assumptions about whole categories of disabilities, rather than meeting the individualized assessment requirements of the federal and state statutes.

136. The requested accommodation would not fundamentally alter the nature of Defendants' educational program or impose an undue burden on Defendants, particularly given that: (a) Hepatitis B is not communicably transmitted in school settings; (b) The CDC acknowledges there has never been a documented case of Hepatitis B transmission in any school setting; and (c) The Hepatitis B vaccine is for personal protection rather than preventing transmission.

137. In fact, if Sarah had an active Hepatitis B infection, it is well-settled law and school policy that she could not be excluded on that basis, because she would not be a "direct threat" under the accommodation statutes.

138. As a direct and proximate result of Defendants' discriminatory actions, Sarah has suffered and continues to suffer harm, including, but not limited to: (a) Exclusion from educational activities; (b) Severe emotional distress culminating in a formal diagnosis of adjustment disorder with mixed anxiety and depressed mood; (c) Social withdrawal, loss of interest in previously enjoyed activities, disrupted sleep patterns, and expressions of hopelessness; and (d) Deprivation of her right to be free from discrimination.

139. As a direct and proximate result of Defendants' discriminatory actions, Sarah and her family have also had to incur medical and other expenses that they would not have had to incur but for the Defendants' unreasonable denials of accommodation.

140. Dr. Clayton Baker, a New York State licensed physician who has reviewed Sarah's medical history and exemption requests, has provided an expert affidavit stating that Dr. Donatelli's refusal to accommodate Sarah is so unreasonable given the overwhelming evidence of potential harm as to constitute medical negligence.

141. Defendants' narrow interpretation of what constitutes an effective accommodation for disabled children whose disabilities put them at risk of harm from a vaccine also constitutes

disability discrimination under the NYSHRL.

142. As the Court of Appeals and the Legislature have repeatedly emphasized, this statute requires an individualized and broad approach to disability accommodation, and generalized assumptions about what an individual with disabilities needs constitutes an independent instance of disability discrimination.

143. Moreover, Defendants, individually and collectively, have aided and abetted disability discrimination by threatening and intimidating Sarah's doctors, including the school district doctor at the Long Beach school district, and attempting to coerce them into denying her reasonable accommodation.

SECOND CAUSE OF ACTION
Violation of Title II of the Americans with Disabilities Act

144. Plaintiffs repeat and reallege the allegations set forth in this entire complaint as if fully set forth herein.

145. Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131 et seq., prohibits discrimination against qualified individuals with disabilities by any public entity.

146. Sarah is a qualified individual with disabilities within the meaning of the ADA, as her conditions, including Von Willebrand's disease, autoimmune reactive disorders, Lyme disease, mycoplasma infection, and related symptoms substantially limit major life activities including functions of her immune system, endocrine system, and hematological system.

147. Defendant Oceanside Union Free School District is a public entity within the meaning of Title II of the ADA.

148. Sarah is otherwise qualified to participate in the educational programs, services, and activities offered by Defendants.

149. Defendants have discriminated against Sarah by denying her reasonable accommodations

in the form of a medical exemption from the Hepatitis B vaccine requirement, despite substantial evidence that such vaccination would be dangerous to her health.

150. The requested accommodation would not fundamentally alter the nature of Defendants' educational program or impose an undue burden on Defendants.

151. As a direct and proximate result of Defendants' discriminatory actions, Sarah has suffered and continues to suffer harm, including exclusion from educational activities, emotional distress, and deprivation of her right to be free from discrimination.

152. Defendants have acted with deliberate indifference to Sarah's federally protected rights and engaged in further disability discrimination by adopting a narrow and generalized approach to accommodation that violates the individualized good faith requirements of the federal and state statutory accommodation laws.

THIRD CAUSE OF ACTION
Violation of Section 504 of the Rehabilitation Act

153. Plaintiffs repeat and reallege the allegations set forth in this entire complaint as if fully set forth herein.

154. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, prohibits discrimination against qualified individuals with disabilities by programs receiving federal financial assistance.

155. Defendant Oceanside Union Free School District receives federal financial assistance and is therefore subject to the requirements of Section 504.

156. Sarah is a qualified individual with disabilities within the meaning of Section 504, as her conditions substantially limit major life activities and bodily functions.

157. Sarah is otherwise qualified to participate in the educational programs, services, and activities offered by Defendants.

158. Defendants have discriminated against Sarah by denying her reasonable accommodations

in the form of a medical exemption from the Hepatitis B vaccine requirement, despite substantial evidence that such vaccination would be dangerous to her health.

159. The requested accommodation would not fundamentally alter the nature of Defendants' educational program or impose an undue burden on Defendants.

160. As a direct and proximate result of Defendants' discriminatory actions, Sarah has suffered and continues to suffer harm, including exclusion from educational activities, emotional distress, and deprivation of her right to be free from discrimination.

161. Defendants have acted with deliberate indifference to Sarah's federally protected rights.

FOURTH CAUSE OF ACTION
Violation of Article XI, § 1 of the New York State Constitution

162. Plaintiffs repeat and reallege the allegations set forth in this entire complaint as if fully set forth herein.

163. Article XI, § 1 of the New York State Constitution guarantees that "the legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated."

164. The New York Court of Appeals has recognized that this provision establishes a constitutional right to a sound basic education for all children in New York State.

165. Defendants have deprived Sarah of her constitutional right to a sound basic education by excluding her from school based on their arbitrary and capricious denial of her medically necessary exemption from the Hepatitis B vaccine requirement.

166. The exclusion is particularly egregious given that multiple licensed physicians have certified that the Hepatitis B vaccine would be detrimental to Sarah's health, and that Hepatitis B is not communicably transmitted in school settings.

167. As a direct and proximate result of Defendants' actions, Sarah has been denied access to

a sound basic education in violation of the New York State Constitution.

FIFTH CAUSE OF ACTION

Violation of Substantive Due Process - Fourteenth Amendment

168. Plaintiffs repeat and reallege the allegations set forth in paragraphs 1 through 135 as if fully set forth herein.

169. The Due Process Clause of the Fourteenth Amendment protects certain fundamental rights from government interference, including the right to refuse unwanted medical treatment and the right of parents to make medical decisions for their children in accordance with the advice of chosen physicians without interference or coercion from state actors.

170. Jane Doe has a fundamental right to make medical decisions for her minor child Sarah in accordance with the advice of their chosen physicians.

171. Jane and Sarah have a fundamental right to refuse unwanted and likely harmful medical interventions that multiple treating physicians have certified place the child at risk of serious harm or death.

172. Defendants' actions in denying Sarah's medical exemption from the Hepatitis B vaccine requirement and excluding her from school substantially interfere with these fundamental rights.

173. Pursuant to the unconstitutional conditions doctrine, the government cannot directly infringe these rights or impose conditions on benefits, like the right to receive a public education, on the waiver of these rights.

174. Defendants' interference with Plaintiffs' fundamental rights is not narrowly tailored to serve a compelling governmental interest, especially given that:

- a. Multiple licensed physicians have certified that the Hepatitis B vaccine is contraindicated for Sarah and dangerous to her health;
- b. Sarah has already suffered severe adverse reactions to previous doses of the

Hepatitis B vaccine;

- c. The Hepatitis B vaccine is not capable of providing sterilizing immunity and does not prevent transmission of Hepatitis B, thus negating the public health reasoning invoked under police powers for many other vaccines;
- d. The CDC has acknowledged that there has never been a documented case of Hepatitis B transmission in any school setting; and
- e. Even children with active Hepatitis B infections are allowed to attend school under New York State law.

175. Defendants' actions do not even meet a rational basis, but are instead arbitrary, conscience-shocking, and an abuse of government power.

176. Defendants' determination was made without considering the substantial medical evidence provided by multiple licensed physicians that the Hepatitis B vaccine would be detrimental to Sarah's health.

177. Defendants' determination was made without providing a rational basis for rejecting the medical opinions of multiple licensed physicians, including specialists in relevant fields.

178. Defendants' determination was made without conducting any independent medical evaluation of Sarah.

179. Defendants' determination disregarded the fact that Hepatitis B is not communicably transmitted in school settings and that the vaccine is for personal protection rather than preventing transmission.

180. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered and continue to suffer harm, including deprivation of fundamental constitutional rights and deprivation of her right to an education, secured by New York State law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Declare that Defendants' actions violate the New York State Human Rights Law, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, New York Education Law, and the New York State and United States Constitution;
- B. Issue a temporary restraining order and preliminary injunction directing Defendants to immediately reinstate Sarah to school with a medical exemption from the Hepatitis B vaccine requirement pending resolution of this litigation;
- C. Issue a permanent injunction directing Defendants to provide Sarah with a medical exemption from the Hepatitis B vaccine requirement for the remainder of her time at Oceanside;
- D. Award nominal, compensatory and any other allowable damages in an amount to be determined at trial;
- E. Award Plaintiffs their reasonable attorneys' fees, costs, and disbursements pursuant to 42 U.S.C. § 12205, 29 U.S.C. § 794a, and other applicable law;
- F. Grant such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to CPLR § 4101, Plaintiffs demand trial by jury for all the issues pleaded herein so triable.

Dated: Ithaca, New York
April 14, 2025

Respectfully Submitted,
Gibson Law Firm, PLLC

By: */s/ Sujata S. Gibson*
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Attorneys for the Plaintiffs

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
JANE DOE, individually and on behalf of her
minor child, SARAH DOE,

Plaintiffs,

- v -

OCEANSIDE UNION FREE SCHOOL DISTRICT,
DR. PHYLLIS S. HARRINGTON, in her official
capacity as Superintendent of Schools, and
DR. ANTHONY DONATELLI, in his official capacity
as School District Physician,

Defendants.
-----X

SUMMONS AND VERIFIED COMPLAINT

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Pursuant to 22 NYCRR § 130-1.1, an attorney admitted to the courts of New York State certifies that to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the contentions in the annexed document or not frivolous.

Dated: April 14, 2025

Signature: */s/ Sujata S. Gibson*
Sujata S. Gibson, Esq.

VERIFICATION

I, JANE DOE, verify under penalty of perjury according to the laws of the State of New York that the foregoing Complaint is true and accurate to the best of my knowledge, except as to matters stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Dated: April 14, 2025

/s/ Jane Doe

JANE DOE