



# DIOCESE OF BROOKLYN

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**MEDIA CONTACTS:**



**U.S. SUPREME COURT GRANTS EMERGENCY RELIEF IN RELIGIOUS FREEDOM  
CASE FILED BY THE ROMAN CATHOLIC DIOCESE OF BROOKLYN,  
AGAINST GOVERNOR CUOMO**

The Roman Catholic Diocese of Brooklyn today announced the United States Supreme Court has issued an emergency writ of injunction in their case brought against New York State Governor Andrew Cuomo, in which the Diocese alleges that the COVID-19 restrictions on church attendance in “red” and “orange” zones violate the Diocese’s fundamental right to the free exercise of religion, protected by the United States Constitution.

“I am gratified by the decision of the Justices of the United States Supreme Court, who have recognized the clear First Amendment violation and urgent need for relief in this case. I am proud to be leading the Diocese of Brooklyn and fighting for our sacred and constitutional right to worship,” said The Most Reverend Nicholas DiMarzio, Bishop of Brooklyn.

This decision by the highest court in the land marks a major turning point in this legal journey, which began in the U.S. District Court for the Eastern District of New York in early October. On October 16, the district court denied the Diocese’s motion for a preliminary injunction. Following a 2-1 decision by the U.S. Court of Appeals for the Second Circuit denying the Diocese’s motion to enjoin the restrictions pending the Diocese’s appeal, the Diocese filed an emergency application in the Supreme Court on November 9, 2020.

“I have said from the beginning the restrictions imposed by Governor Cuomo were an overreach that did not take into account the size of our churches or the safety protocols that have kept parishioners safe. Catholics in Brooklyn and Queens have adhered to all COVID-19 safety protocols to attend Mass and receive the Eucharist. Our churches have not been the cause of any



outbreaks. We have taken our legal battle this far because we should be considered essential, for what could be more essential than safely gathering in prayer in a time of pandemic. Now, with the benefit of the Supreme Court's ruling, we look forward to continuing the fight in the lower courts to ensure that these unconstitutional restrictions are permanently enjoined once and for all," continued Bishop DiMarzio.

The Diocese of Brooklyn is being represented by litigation attorney Randy M. Mastro, a partner in the New York office of Gibson, Dunn & Crutcher LLP. "We are extremely grateful that the Supreme Court has acted so swiftly and decisively to protect one of our most fundamental constitutional rights -- the free exercise of religion. Bishop DiMarzio has been a profile in courage, committed to reopening Brooklyn's churches, safely, and keeping them open. So this is a great victory for the Diocese's churches, but it is also a victory for all people of faith whose rights have now been vindicated," Mr. Mastro said.

The appeal of the district court's earlier decision denying preliminary injunctive relief is ongoing in the Second Circuit, with oral argument scheduled for Friday, December 18.

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