

EXHIBIT C

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF KINGS : CIVIL TERM: PART 92

3 - - - - -X

4 A. B. AND C. D. By their parent and next friend Jane Roe,
5 E. F. By their parent and next friend John Doe, I. J.
6 on behalf of themselves and others similarly situated,
7 Plaintiffs,

8 - against - INDEX NUMBER:
9 532364/2025
10 PROCEEDINGS

11 Kathy Hochul as Governor of the State of New York,
12 Carl Heastie as Speaker of the New York State Assembly,
13 Andrea Stewart-Cousins as Majority Leader of the
14 New York State Senate, State of New York,
15 Defendants.

16 - - - - -X

17 Supreme Courthouse
18 360 Adams Street
19 Brooklyn, New York 11201

20 November 14, 2025

21 BEFORE:

22 HONORABLE KATHERINE LEVINE,
23 Justice of the Supreme Court

24 APPEARANCES:

25 MICHAEL A. REBELL ASSOCIATES
Attorneys for the Plaintiff
375 Riverside Drive
New York, New York 10025
BY: MICHAEL A. REBELL, ESQ.
BY: ERIC WONG, ESQ.

NEW YORK STATE ATTORNEY GENERALS OFFICE
Attorneys for the Defendants
28 Liberty Street
New York, New York 10005
BY: MATTHEW LAWSON, ESQ.
BY: ALYSSA WRIGHT, ES.

LUCILLE CRAVOTTA
Senior Court Reporter

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1 THE COURT: Good morning, everyone.

2 Everybody, please note their appearance for the
3 record.

4 MR. REBELL: Michael A. Rebell for the plaintiffs.

5 MS. JENSEN: Eric Wong for the plaintiffs.

6 MR. LAWSON: Matthew Lawson from the State
7 Attorney General's Office for all defendants.

8 MS. WRIGHT: Alyssa Wright from the Attorney's
9 General Office for defendants.

10 THE COURT: Are you two representing all the
11 defendants jointly, Hochul, Andrea Stewart, State of
12 New York?

13 MR. LAWSON: That's correct, your Honor, represent
14 all defendants.

15 THE COURT: So, it's my understanding I am here on
16 an order to show cause as to why the plaintiff should be
17 permitted to proceed pseudonym, that's the only thing we
18 are here for, correct?

19 MR. REBELL: That's correct, your Honor.

20 THE COURT: Okay, and I did not receive opposition
21 from the State.

22 MR. LAWSON: That's correct, your Honor. To the
23 extent that the relief sought today is limited to only the
24 relief described in the order to show cause they have
25 presented for your signature, the State takes to position

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1 on that.

2 We would just note that to the extent that further
3 relief is sought in the future we would reserve the right
4 to object. For example, a defendant sued in litigation
5 always needs to know who it is that is suing that defendant
6 and needs to be able to take discovery about that plaintiff
7 if necessary. So we would object to any further relief
8 that would deny the State the ability to ascertain the
9 identities of these plaintiffs or otherwise properly defend
10 themselves against the allegations asserted in the
11 complaint.

12 MR. REBELL: Your Honor, I should note for the
13 record that we are aware of the defendant's desire to be
14 able to conduct discovery with certain information and we
15 have proposed to them that we try to negotiate a protective
16 order, which my understanding is the defendants are willing
17 to enter into those negotiations.

18 THE COURT: Yes, because I was thinking about
19 that, because right now there is no problem going with
20 pseudonyms. Obviously as we get into the litigation,
21 assuming we get into litigation, there is going to be an
22 exploration of these kids' advancement through the
23 Yeshivas, Inc., whether or not, I don't know what they are
24 going to look for, reading levels, comprehension of
25 English.

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1 Now, the other question I have, we are not there
2 yet, you are seeking to make a class action of this or not?

3 MR. REBELL: Yes, we are, your Honor.

4 THE COURT: Well, how is that going to work? It's
5 one thing if you have A. B. and C. D. by their parents,
6 Jane Roe, E. F., John Doe, that's manageable obviously. If
7 you have a class action and you have like 200 people opting
8 in that's going to be hard and you are going to have to
9 work it out with the state As to how to identify these
10 entities.

11 MR. REBELL: Well, the class is all students who
12 were attending these Yeshivas and our estimate is that we
13 are talking about very large numbers. And yes, your Honor,
14 we think all of them are similarly situated because the
15 question is whether these schools, the vast majority of
16 them, are complying with legal and constitutional
17 requirements.

18 THE COURT: I understand. Now, what does the
19 State say about this class action? Does it need to be
20 certified? You can't just say that, you know, there may be
21 many people who don't agree with your position. In other
22 words, I am just exploring this now because you are saying
23 there may be 100,000 kids, maybe 90,000 their parents are
24 happy. So how do you deal with that?

25 MR. LAWSON: Yes. There would need to be a motion

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1 to certify the class later, procedural posture in which
2 both sides would be able to articulate their views as to
3 the propriety or not of class certification.

4 THE COURT: Right. So right now we are -- I am
5 granting your motion, which is limited to the caption and
6 any other plaintiffs you want to add as individuals. The
7 class obviously assuming arguendo I would grant it, you are
8 not going to have, you know, 100,000 names listed so we'll
9 deal with that.

10 So that's all we have to deal with today. You
11 filed an answer, so what are we doing? Is there going to
12 be motion practice? Where are we headed in this?

13 MR. LAWSON: We are evaluating that right now,
14 your Honor. We have filed a stipulation extending our
15 deadline to answer or otherwise respond to the complaint
16 until the middle of January and so we're evaluating the
17 proper form for our responsive submission, whether that be
18 an answer, a motion or otherwise.

19 THE COURT: Okay. All right. So I think we're
20 resolved for today, correct? Is there anything else I need
21 to know at this juncture?

22 MR. REBELL: My colleague, Mr. Wong, has another
23 issue he would like to raise, your Honor.

24 MR. WONG: Your Honor, we noticed on October 6th
25 that a lawyer submitted a request for judicial intervention

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1 for purportedly a third-party plaintiff, it's on the
2 docket. I tried to reach out to this lawyer to try to
3 figure out who they are.

4 THE COURT: I am not aware of that. He's seeking
5 to intervene as a third-party plaintiff?

6 MR. WONG: Well, he lists third-party plaintiff in
7 the RJI.

8 THE COURT: What is his reason for intervening as
9 a third-party plaintiff?

10 MR. WONG: I am not aware, your Honor, I've
11 reached out a couple of times.

12 THE COURT: Is he affected by this? Is he
13 claiming that he was somehow injured? We don't know.

14 MR. WONG: Your Honor, all I know is what is in
15 the RJI.

16 THE COURT: Someone needs to figure out who this
17 person is and did he file a proposed third-party complaint.

18 MR. WONG: We've seen no other filing from him.

19 THE COURT: I mean for now, I think I know who
20 this is, but I have no idea why he would be intervening at
21 this juncture.

22 What's your position if all these people come out
23 of the woodwork once this case is moving along?

24 MR. REBELL: Well, our position is if somebody
25 wants to intervene we would like to see an intervention

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1 motion, see who they are and what their reasons are, we
2 would deal with it if we have some facts in a motion. But
3 as Mr. Wong has explained we know nothing about this person
4 other than he asked for an RJI.

5 THE COURT: Right. Asking for an RJI without
6 putting in papers gets you nowhere.

7 MR. REBELL: Right.

8 THE COURT: Right now we're not getting anywhere.
9 Okay, so we're good. I look forward to, you know, reading
10 all the papers.

11 The other thing is, I am just putting it out
12 there, if we're proceeding under pseudonyms I want
13 everybody to be protected on both sides. So I guess you're
14 not going to be presenting plaintiffs or their parents and
15 that's not going to happen for a long time because we have
16 motion practice.

17 MR. REBELL: Yes.

18 THE COURT: Correct? All right.

19 And it's your position that the State, well, the
20 State, you are representing whatever happened in the
21 legislature and whatever decisions Governor Hochul made,
22 you're not defending -- or not defending the Yeshivas,
23 correct, you are just defending the decision that was made
24 as to why certain things should be implemented and why
25 certain should not.

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1 MR. LAWSON: We only represent the state.

2 THE COURT: Right. So there may be, I don't know
3 if there is going to be intervention motions on the
4 defendant's side, who knows.

5 MR. REBELL: We don't know, your Honor, but our
6 main legal concerns are with the State enforcing the law
7 and the constitution.

8 THE COURT: Got it, which has to be determined in
9 this case.

10 MR. REBELL: Yes.

11 THE COURT: The other thing that I am thinking
12 about is, and this is way premature, you are arguing that
13 these Yeshivas pseudonyms are supposed to get a
14 substantially equivalent education, but there is also a
15 term sound education. Is there a difference between a
16 sound education and substantially similar education? There
17 is a difference I think, right?

18 MR. REBELL: The reference to sound basic
19 education is the Court of Appeals clarification of what the
20 right of children to an education is under Article 11 of
21 the State constitution. So it's crystal clear since the
22 CFE case was decided in 2003 that all children in the
23 State of New York have a constitutional right under
24 Article 11 to a sound basic education. We believe that as
25 applied to students in these Yeshivas that at least means a

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1 substantially equivalent education. So we're going to be
2 essentially equating those terms for the purposes of this
3 case.

4 THE COURT: And does the State have anything to
5 say about that at this point or we're -- it's too early in
6 the game?

7 MR. LAWSON: We're in the process of analyzing the
8 substantive standards under both State and constitution.

9 THE COURT: They can be different, they can be the
10 same. I am just noting that.

11 Everybody have a good holiday. I will look
12 forward to seeing you again when you make your answer or
13 motion. If anything comes up you notify us about new class
14 certifications or whatever.

15 MR. LAWSON: Thank you, your Honor.

16 MR. REBELL: Okay. Thank you, your Honor.

17 THE COURT: Let's have an agreement to split the
18 transcript so we all have them. Okay. Thank you.

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20 CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL
21 STENOGRAPHIC MINUTES TAKEN OF THIS PROCEEDING.

22 LUCILLE CRAVOTTA
23 LUCILLE CRAVOTTA
24 Senior Court Reporter
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