

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EAST END ERUV ASSOCIATION, INC.,
MARVIN TENZER, MORRIS TUCHMAN,
CLINTON GREENBAUM, ALAN H.
SCHECHTER, and CAROL SCHECHTER

Plaintiffs,

-against-

THE VILLAGE OF WESTHAMPTON BEACH,
CONRAD TELLER, individually and in his official
capacity as Mayor of the Village of Westhampton
Beach, TONI-JO BIRK, LEOLA FARRELL, JOAN
S. LEVAN, HANK TUCKER, each individually and
in their official capacities as Trustees of the Village
of Westhampton Beach, THE VILLAGE OF
QUOGUE, PETER SARTORIUS, individually and
in his official capacity as Mayor of the Village of
Quogue, RANDY CARDO, JEANETTE OBSER,
KIMBERLEY PAYNE, and TED NECARSULMER,
each individually and in their official capacities as
Trustees of the Village of Quogue, THE TOWN OF
SOUTHAMPTON, ANNA THRONE-HOLST,
individually and in her official capacity as Supervisor
of the Town of Southampton, NANCY S.
GRABOSKI, CHRISTOPHER R. NUZZI, JAMES
W. MALONE, BRIDGET FLEMING, each
individually and in their official capacities as
members of the Town Council of the Town of
Southampton

Defendants.

Index No. CV 11-0213

Hon. Leonard D. Wexler

**DECLARATION OF ALAN SCHECHTER PURSUANT TO 28 U.S.C. § 1746
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, ALAN SCHECHTER, hereby declare under penalty of perjury:

1. I am a plaintiff in the above-captioned proceeding and I have been involved in the efforts to establish an eruv in Westhampton Beach and parts of Quogue and Southampton (collectively, the "Municipalities"). As such, I am familiar with the facts and circumstances set

forth herein. I submit this Declaration in support of Plaintiffs' Motion for Preliminary Injunction.

2. I maintain personal residences in New York, New York and in Westhampton Beach, New York.

3. In March of 2010, I and other observant Jews formed EEEA to work to establish the eruv.

4. If EEEA is not permitted to establish an eruv in the Municipalities, my family and I will continue to be denied the right to freely practice our religion.

5. I have six grandchildren, several of whom cannot walk to my synagogue in Westhampton Beach on their own and must ride in strollers. Because there is no eruv in Westhampton, I, or other members of my family, cannot go to synagogue and thereby fully observe the Sabbath when my grandchildren visit me because someone has to stay home with the young children throughout the Sabbath. I have resided in Westhampton Beach since 2003 and during that time have been unable to host my children and grandchildren on many weekends, when my wife, my children, or I were unable to remain in the house on the Sabbath to stay with the younger grandchildren who are unable to walk to synagogue. My grandchildren range in age from approximately 2 years to approximately 9 years old and accordingly, the younger ones cannot walk more than short distances unassisted. In addition, when they do visit, if I want to take them out for a walk or to visit friends on Sabbath afternoon (a customary part of the Sabbath practice), I cannot do so. These restrictions have prevented them from staying with us on the Sabbath, necessitating that they come for brief visits beginning Saturday night or on Sunday. An important part of Jewish family observance of the Sabbath is to spend the day and to enjoy the

Sabbath meals with the younger family members and to teach them about the Sabbath by example.

6. I have a father who is eighty years old and is having difficulty walking to synagogue. In fact, he must stop and rest several times on the walk to catch his breath. It would be much easier for him if he could opt to be pushed to synagogue in a wheelchair or could carry a cane. On occasions of his visits, he is often unable to attend services on Friday evening or Saturday morning because of the walking required in order to reach the synagogue.

7. In the absence of an eruv, my family and I, along with many other members of the Jewish community in the Municipalities, are unable to fully observe all of the laws, rituals, and traditions that we sincerely believe are binding upon us and an essential part of our religious observance.

8. We are forbidden to “carry” (as such term is used in Jewish law) on the Sabbath in the absence of an eruv. We cannot bring books, games, gifts, or food to friends’ houses, we cannot carry water, sunglasses, keys, Jewish religious or any books, identification or medication (except in life-threatening situations). Because Jewish law permits the establishment of an eruv, Judaism is not a barrier to performing any of these actions. In fact, specific rules and prayers associated with an eruv are included in many Jewish prayer books as part of the regular preparations for the Sabbath. Rather, it is the Municipalities that are perpetuating these burdens. The Municipalities should not be permitted to stand in the way of our full and complete observance of our religious beliefs and exercise of our religious practices.

9. In their opposition to the currently proposed eruv, Municipality officials have cited several local laws and ordinances, which they claim prohibit the attachment of lechis to

utility poles. However, the Municipalities have not enforced any laws that would purport to prohibit the attachment of objects to utility poles.

10. Although the Village of Westhampton Beach has a sign law which regulates the attachments of signs to poles and other structures, it has not enforced it. Indeed, it has not compelled the removal of a large variety of secular signs posted on utility poles. For example, Westhampton Beach has failed to enforce its sign law against conspicuous decorations and advertisements for St. Patrick's Day celebrations, including green lights wrapped around lamp posts and a large banner attached to utility poles. Photographs depicting these signs and decorations are attached as Exhibits A to C.

11. I, therefore, respectfully request that this Court grant Plaintiffs' application for a preliminary injunction.

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 14, 2011.


ALAN SCHECHTER