

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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CARING PROFESSIONALS, INC. and CONSUMER)
DIRECTED PERSONAL ASSISTANCE)
ASSOCIATION OF NEW YORK STATE,)

Plaintiff,)

v.)

NEW YORK STATE DEPARTMENT OF HEALTH,)
JAMES V. MCDONALD, in his official capacity as)
Commissioner of the New York State Department of)
Health, MICHAEL LEWANDOWSKI, in his official)
capacity as a representative of the New York State)
Department of Health's Office of Health Insurance)
Programs, and PUBLIC PARTNERSHIPS LLC,)

Defendants.)
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Index No. 601181/2025

**AFFIRMATION OF
EDWARD C. WIPPER
IN SUPPORT OF
PLAINTIFFS' MOTION
FOR A PRELIMINARY
INJUNCTION AND
TEMPORARY
RESTRAINING ORDER**

EDWARD C. WIPPER hereby affirms, under penalty of perjury and pursuant to Section 2106 of the Civil Practice Law and Rules ("CPLR"):

1. I am a partner with the law firm of Benesch, Friedlander, Coplan & Aronoff LLP, attorneys for Plaintiff Caring Professionals, Inc. ("Caring Professionals"). I submit this affirmation in support of Plaintiffs' motion for a preliminary injunction and temporary restraining order (the "Motion").

2. I have personal knowledge of the facts stated herein.

3. On January 21, 2025 I performed a search of the New York State Department of State Database of Corporations and Entities. No entity containing the name Professional Partnerships existed.

4. On January 17, 2025, around 10:49 A.M. E.T., my partner, Deana S. Stein, emailed counsel for Defendants indicating Caring Professionals' filed this action and intention to move by

order to show cause for a temporary restraining order and preliminary injunction and that we would be filing same today.

5. A copy of this email communication is attached hereto as **Exhibit 1**.

6. Caring Professionals has not previously moved for the same or similar relief requested herein.

7. Attached hereto as **Exhibit 2** is a copy of the Verified Petition filed by Freedom Care, LLC in connection with an Article 78 Proceeding against Defendants in a separate action in the Supreme Court of the State of New York, New York County (Index. No. 161036/2024).

8. Accordingly for the reasons set forth herein and those contained in the Verified Amended Petition and the other papers filed herewith Plaintiffs respectfully request that the Court grant Plaintiffs' motion in all respects.

I affirm this 21st day of January, 2025 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

/s/ Edward C. Wipper
Edward C. Wipper