

# Exhibit 1

**From:** [Stein, Deana](#)  
**To:** [McKay, Heather](#); [Sturgess, Kyle](#); [cr@fcmlaw.org](#); [jam@fcmlaw.org](#); [jsm@fcmlaw.org](#)  
**Cc:** [Wipper, Edward](#); [Robinson, Lauryn](#)  
**Subject:** RE: Caring Professionals, Inc. v. New York State Department of Health et al; No. 601181/2025  
**Date:** Friday, January 17, 2025 10:49:00 AM

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Hi Heather,


We understand it is not the policy to do so, but given your role in a similar lawsuit, had hoped we might be able to save everyone some resources. Nonetheless, we'll serve the summons and complaint on DOH and the named officers as is otherwise appropriate. We will, however, continue to notify you (until/unless other counsel appears in this case) and you can do with such notice as you see fit.

Additionally, for logistical reasons and in order to better facilitate getting an argument that works with everyone's schedule, Caring Professionals will not be filing our motion papers today, as indicated yesterday. Instead, we will be filing at **11am Tuesday, January 21, 2025** and seeking a hearing as soon thereafter as possible.

Sincerely,  
Deana

**Benesch**



Deana S. Stein   
(she/her/hers)  
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**From:** McKay, Heather <[Heather.McKay@ag.ny.gov](mailto:Heather.McKay@ag.ny.gov)>  
**Sent:** Friday, January 17, 2025 10:26 AM  
**To:** Stein, Deana <[DStein@beneschlaw.com](mailto:DStein@beneschlaw.com)>; Sturgess, Kyle <[Kyle.Sturgess@ag.ny.gov](mailto:Kyle.Sturgess@ag.ny.gov)>; [cr@fcmlaw.org](#); [jam@fcmlaw.org](#); [jsm@fcmlaw.org](#)  
**Cc:** Wipper, Edward <[EWipper@beneschlaw.com](mailto:EWipper@beneschlaw.com)>; Robinson, Lauryn <[LRobinson@beneschlaw.com](mailto:LRobinson@beneschlaw.com)>  
**Subject:** RE: Caring Professionals, Inc. v. New York State Department of Health et al; No. 601181/2025

Dear Deana,

NYS OAG does not accept service on behalf of state agencies in new cases, which this appears to be.

Thank you,

**Heather L. McKay, Esq.**  
*Assistant Attorney General*  
Office of the NYS Attorney General  
Rochester Regional Office  
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Rochester, NY 14614

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*She/Her/Hers*

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**From:** Stein, Deana <[DStein@beneschlaw.com](mailto:DStein@beneschlaw.com)>  
**Sent:** Thursday, January 16, 2025 3:01 PM  
**To:** Sturgess, Kyle <[Kyle.Sturgess@ag.ny.gov](mailto:Kyle.Sturgess@ag.ny.gov)>; McKay, Heather <[Heather.McKay@ag.ny.gov](mailto:Heather.McKay@ag.ny.gov)>; [cr@fcmlaw.org](#); [jam@fcmlaw.org](#); [jsm@fcmlaw.org](#)  
**Cc:** Wipper, Edward <[EWipper@beneschlaw.com](mailto:EWipper@beneschlaw.com)>; Robinson, Lauryn <[LRobinson@beneschlaw.com](mailto:LRobinson@beneschlaw.com)>  
**Subject:** Caring Professionals, Inc. v. New York State Department of Health et al; No. 601181/2025

**[EXTERNAL]**

Dear Counsel:

This law firm represents Caring Professionals, Inc. ("Caring Professionals"), a CDPAP Financial Intermediary ("FI") affected by the DOH's December 6 and 23, 2024 memoranda/communications (the "DOH Memos"). Yesterday, we filed the attached Summons and Complaint in the New York Supreme Court, Nassau County (Index No. 601181/2025) against Defendants 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. Attached is a copy of the confirmation notice and filed summons, verified complaint, and exhibits. **Please confirm whether or not you are authorized to accept service and save further judicial resources on service.**

Additionally, we write to provide notice to Defendants that we intend to file a motion via order to show cause, **Friday, January 17, 2025, on or by 2:30pm**, seeking a temporary restraining order (i) restraining and enjoining Defendants from taking any adverse action against Caring Professionals for not adhering to the deadlines in the DOH Memos that Defendants seek to impose, including any attempt to make good on threats to seek to expel Caring Professionals from the Medicaid program and (ii) staying Caring Professionals' obligations to abide by any of the data transfer provisions of the DOH Memos.


We intend to request a hearing, preferably an in-person hearing, on the TRO before the assigned judge, as we are advised that there are interested individuals, including elected and public officials that would like to be present at this hearing.

We can be available to discuss, as necessary.

Sincerely,  
Deana Stein

**Benesch**



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