

days a week, 16 hours a day to make the business the success it is today, with a reputation that is second to none. Rocco's Pastry Shop not only was a staple in NYC but became world renowned for its authentic Italian pastries. Prior to the Covid19 pandemic, tourists from around the world would frequent Rocco's because of its reputation as one of the places to visit when in NYC.

4. In 2010, after devoting most of his life to Rocco's Pastry Shop and Cafe as head baker and owner, my father left the business to his children, me and Patricia. We established a second location in 2010 for wholesale, and expanded into retail in Bay Ridge, Brooklyn, in 2012.

5. New York City was one of the hardest hit cities during the pandemic. Prior to the shutdown of the city in March 2020, both locations began suffering insurmountable losses, especially the Manhattan location. Business in February 2020 began to heavily taper off as tourists, mostly from Europe, were not coming to the USA because of Covid.

6. Through the pandemic, both locations remained open, as both were deemed "essential" businesses. The business model went from some take out and dine in, to strictly take out. Although both locations were fortunate to remain open, the limited structure was barely enough to keep up with operating costs.

7. Throughout the pandemic, we fully complied with CDC guidelines and those issued by the NYC Department of Health and Hygiene. We adhered to social distancing, temperature checks, contact tracing, masking, quarantining, etc.

8. My wife, my sister, and I all contracted Covid-19 between January and April 2020. Serology testing confirmed we had antibodies, which are still present. We were repeatedly told through news reports that once the disease was contracted, immunity could last for months, perhaps indefinitely. We were told "herd immunity" could be achieved if enough New Yorkers contracted and recovered from Covid. We were also told that once people started to get vaccinated, life in NYC would begin to return to normal.

9. I understood it would take time to recover from the damage done to NYC and the country because of the pandemic and related response measures. There were many things that concerned me, such as the mask mandates and vaccine mandates for so many in NYC. Never once did I imagine that normal life for me and my family would include forced vaccination for myself, my wife Mary Josephine, and my sister Patricia, as a condition to run and maintain our family business, despite having naturally acquired immunity after contracting the virus.

10. Mayor DeBlasio's Executive Order 225 issued in August 2021 mandated all restaurants, bars, gyms, and event venues to require at least one dose of vaccination to patronize or work in any of the establishments mentioned in the EO.

11. It was undoubtedly one of the saddest days of my life. I was sad for my country and for my city. I was shocked that what I was reading about and seeing take place in other countries with “vaccine passports” now happening in NYC. But I am encouraged by the growing protests that have erupted around the world, which the corporate media refuses to televise or report on.

12. Shortly after the Mayor announced his vaccine mandate, I realized he essentially created a new class of citizens – the unvaccinated. The unvaccinated, according to the Mayor's order, have less rights than the vaccinated, regardless of the presence of infection, viral load, or immunity from sources other than the vaccines. The unvaccinated no longer have the same human rights as the vaccinated. The unvaccinated are not allowed to work for us, cannot sit inside to dine in, and are to be segregated and banished to the outside, all because of their vaccine status. The unvaccinated are unfairly assumed to be sick at all times. The Mayor essentially made me, along with my family, many customers, and millions of New Yorkers lepers of society.

13. The Mayor is essentially strong-arming owners of various establishments turn people away if someone has not been vaccinated. The Mayor is also requiring that any owner or staff of these establishments be vaccinated as a condition of admittance. For a business like ours, where

the owners are the business, which would mean our doors would have to be shuttered.

14. I was taught the art of baking and pastry-making from my father, which took decades to learn. Without me there working, there is no business. The Mayor is taking a generational business and livelihood away from our family. He is threatening our livelihoods. He is single-handedly putting my two locations out of business. It is unjust.

15. I have said repeatedly in the public domain that I cannot exclude people based on a vaccine because the mayor has instructed me to do so. I have no way of knowing why someone has chosen not to be vaccinated. It could be a religious held belief. It could be a medical reason. It could be that a person is not quite on ready to be vaccinated. Whatever the reason, it is not mine to know. It is not the responsibility of the business to do the policing for the city.

16. As far as I am concerned, in the United States of America, it is not my place to enforce vaccine mandates that segregate based on Covid-19 vaccination status. It is not my place to turn away or discriminate against someone who has chosen not to be vaccinated for any reason. This goes against everything I was ever taught in my life. It is the reason we created a sign that was put up at our Brooklyn location. It reads:

We Do Not Discriminate against customers based on SEX, GENDER, RACE, CREED, AGE, VACCINATED OR UNVACCINATED. All customers that want to patronize are welcome in our establishment.”

Dated: November 6, 2021

s/ ROCCO GENEROSO

NEW YORK STATE SUPREME COURT
COUNTY OF KINGS

ROCCO GENEROSO, individually, MARY JOSEPHINE
GENEROSO, individually, ROCCO'S BROOKLYN BAKERY,
INC., PASTICCERIA ROCCO, INC., and all other individuals
and businesses similarly situated

X

VERIFICATION OF
AFFIDAVIT

Petitioner/Plaintiff

against

BILL DE BLASIO, MAYOR OF THE CITY OF NEW YORK,
in his official capacity, and THE CITY OF NEW YORK,

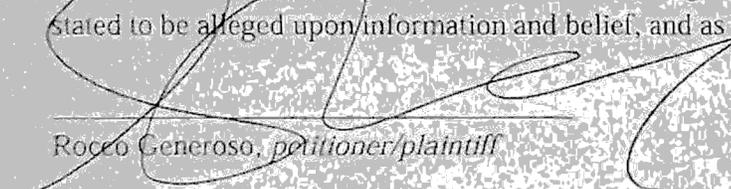
Respondents/Defendants

STATE OF NEW YORK)

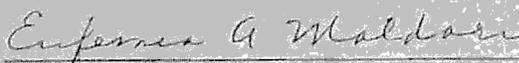
COUNTY OF KINGS)

X

I, ROCCO GENEROSO, Petitioner/Plaintiff, being duly sworn, deposes and says: I submit
the attached affidavit in support of the above captioned Verified Petition/Complaint, and know the
contents thereof; that the same is true to the knowledge of deponent except as to the matters therein
stated to be alleged upon information and belief, and as to those matters, I believe them to be true.


Rocco Generoso, petitioner/plaintiff

Sworn to before me this 6 day of
November 2021.


Notary Public

EUFEMIA A. MALDARI
Notary Public, State of New York
No. 01MA6073864
Qualified in Kings County
Commission Expires April 29, 2022