

**NEW YORK STATE SUPREME COURT
COUNTY OF NEW YORK**

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

X

AFFIDAVIT OF PETITIONER

INDEX NO. _____

Petitioners/Plaintiffs,

-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, Mary Josephine Generoso, being duly sworn, deposes and says under penalty of perjury:

1. My name is Mary Josephine Generoso, and I am manager of Rocco's Brooklyn Bakery, Inc., in Bay Ridge, Brooklyn. I am married to Rocco Generoso, owner and head pastry chef of both Pasticceria Rocco, Inc., in Greenwich Village, New York City ("NYC"), and Rocco's Brooklyn Bakery. My sister in law, Patricia Generoso-Aloe, is owner and General Manager of both locations.

2. My husband, sister in law, and I are life long New Yorkers, all first generation and descendants of Italian immigrant parents. Our heritage, and the history of Pasticceria Rocco is truly an iconic New York American Dream story.

3. Rocco's father, Rocco Generoso Sr. came through the ports of NYC on Christmas Eve, December 24th, 1956, at the young age of 17. He found work immediately as a dishwasher in the pastry shop that he would eventually own, many years later.

4. Rocco Sr. quickly advanced himself from dishwasher, to baker, to partner, and finally to the owner of Rocco's Pastry Shop and Cafe as it was known in 1974. Rocco Sr. worked seven 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 Covid-19 pandemic, tourists from around the world would frequent Rocco's because of its reputation as one of the places to visit when in NYC.

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

6. 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.

7. Throughout 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.

8. 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.

9. My husband, my sister-in-law, 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. The government consistently made promises it has failed to keep.

10. As a Catholic woman, it is against my sincerely held religious beliefs to receive any of the COVID vaccinations. I believe it is sinful, and even if I did not have naturally acquired immunity I would object to receiving these vaccines for religious reasons. Specifically, I cannot voluntarily put myself at an increased risk of various adverse events; I cannot take a vaccine that was developed using fetal cell lines in any way; nor can I take a vaccine with mRNA “gene therapy” technology that has not been through long-term tests for safety and efficacy.

11. I understood it would take time to recover from the damage done to NYC and the country as a result of the pandemic and related response measures. There were many things that concerned me, such as the mask mandates and the 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 husband Rocco, and my sister-in-law Patricia, as a condition to run and maintain our family business, despite having naturally acquired immunity after contracting the virus.

12. 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 EEO.

13. The Mayor is ordering owners of these establishments turn people away if they have not been vaccinated, even if they are perfectly healthy or opposed to receiving a Covid-19 vaccine at this time. He is also requiring any owner or staff of these establishments be vaccinated as a condition of admittance. This policy has been devastating for our business. People are getting very angry, and I am afraid if I question the wrong person about their personal health information and vaccine status I could be attacked, or worse. Crime and violence are out of control and New

York City, and I am afraid and unsure why the Mayor thinks I should enforce a vaccine mandate he cannot legally enforce himself. I am not a police officer or health inspector, I am a baker's wife and mother.

14. The Mayor's EOs allow exemptions for various people, including nonresident performing artists and athletes. I do not understand why these people are treated differently if there is a true public health crisis. I also do not understand why the Brooklyn Nets will allow visiting players to play without having received a vaccine, whereas their own players, such as Kyrie Irving, cannot. This is the height of hypocrisy. The truth is that everyone should be free to make their own decisions when it comes to their health, unless those decisions significantly endanger others. Choosing not to get a Covid vaccine does not significantly endanger anyone, except maybe pharmaceutical executives.

15. My husband was taught his art of baking and making pastry from his father, which took him decades to learn. Without my husband working, there is no business. The Mayor is taking a generational business and livelihood away from our family. He is threatening our livelihoods and asking us to risk our lives by taking a vaccine that is not necessary for us, and carries significant risks.

16. I have said repeatedly in public 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 sincerely held religious belief or 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.

17. As far as I am concerned, it is not my place or desire to ask if and why someone is vaccinated. It is not my place to turn away or discriminate someone who has chosen not to be vaccinated for any reason. I cannot support segregation in any way. It goes against everything

I was ever taught in my life.

WHEREFORE, I respectfully request the relief in the Petition be granted in its entirety.

DATED: November 6, 2021.

s/Mary Josephine 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,

VERIFICATION OF AFFIDAVIT

Petitioner\Plaintiff

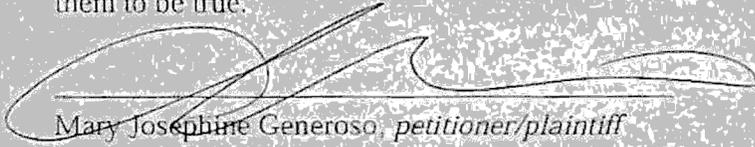
-against-

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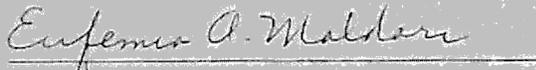
Respondents\Defendants

STATE OF NEW YORK)
COUNTY OF KINGS)

I, MARY JOSEPHINE 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.


Mary Josephine 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