



NEW YORK STATE SENATOR

James Tedisco

State Supreme Court Rules in Favor of Tedisco, Empire Center on Cuomo Nursing Home COVID Cover-Up

SENATOR JIM TEDISCO February 3, 2021



New York State Supreme Court Justice Kimberly A. O'Connor ruled in favor of the Empire Center for Public Policy and Senator Jim Tedisco's (R,C-Glenville) lawsuit on behalf of the thousands of families who lost loved ones to COVID-19 in state-regulated nursing homes, against the Cuomo Administration and the New York State Department of Health (DOH) to publicly release data related to the deaths of nursing home residents who were transferred to hospitals last year and died from the coronavirus.

In September, Senator Tedisco filed an amicus brief to the [Empire Center for Public Policy's lawsuit](#) against the DOH for its refusal to release records showing the full count of coronavirus deaths among nursing home residents. The DOH has delayed the Empire Center and Tedisco's request for the data three times.

Justice O'Connor's ruling today directs the DOH to disclose the requested information within 5 business days. O'Connor granted Senator Tedisco's application to appear as "amicus curiae" on the Empire Center's lawsuit. The Court also ordered the state to pay for the Empire Center's legal fees. **(See attached ruling.)**

The [lawsuit](#) sought the release of Health Emergency Response Data System (HERDS) data regularly submitted to DOH by facilities throughout the state. DOH through HERDS collects daily numbers of confirmed and presumed COVID deaths that take place inside and outside nursing homes and assisted care facilities.

"Clearly the best disinfectant is sunlight. Governor Cuomo's coronavirus cover-up is crumbling down. Last week, the Attorney General issued a scathing report that began to lift the Cuomo Administration's veil of secrecy that was hiding the real number of nursing home residents who died from COVID-19. It's obvious that the Governor's six-month cover-up and refusal to give us these numbers shows he felt they mattered so he could hide any blame. History has shown that the cover-up is often worse than what's being covered-up. Sadly, a lack of transparency has been a hallmark of this Administration. I want to thank Justice O'Connor for her ruling that demonstrates that this nursing home data is public information and the people have a right to know what their government is doing," said Senator Tedisco.

Senator Tedisco also has authored and sponsors legislation with Majority Democratic Assemblyman Ron Kim ([S.8756/A.10857](#)) for an independent, bi-partisan state commission with subpoena power to fully investigate these nursing home deaths.