

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENTRAL RABBINICAL CONGRESS OF:
THE USA & CANADA, *et al.*,

Plaintiffs,

vs.

NEW YORK CITY DEPARTMENT OF
HEALTH & MENTAL HYGIENE, *et al.*,

Defendants.

Case No.: 12-Civ.-7590

Judge Naomi Reice Buchwald

AFFIDAVIT OF RABBI SHLOIME EICHENSTEIN

1. I am a *mohel* certified by the Ministry of Religion of the State of Israel. I have been performing the *bris milah*—ritual circumcision—for 7 years, prior to which I went through an extensive training period. I have performed the *bris milah* ceremony approximately 400 times during my life.

2. I perform the *bris milah* ceremony approximately 2-3 times per month, and the vast majority of these ceremonies are performed in New York City. Based on my past experience, I expect and anticipate being called upon to perform the *bris milah* ceremony in New York City very soon after October 21, 2012, when the new regulation promulgated by the City’s Department of Health and Mental Hygiene goes into effect.

3. One of the critical components of the *bris milah* is the *metzitzah* stage. This involves drawing blood from the area of the wound. *Metzitzah* is an essential stage of the *bris* that is mandated by Jewish law. It is my firm belief that Jewish law requires that *metzitzah* is to be performed using direct oral suction, *i.e.*, the technique known as *metzitzah b’peh* (“MBP”). I therefore always conduct MBP when I perform the *bris*.

4. I object to being forced to transmit the view of the New York City Department of Health and Mental Hygiene that direct oral suction is dangerous and therefore “should not be performed.” That view is contrary to my religious beliefs, and it would denigrate and undermine those beliefs for me to so advise parents.

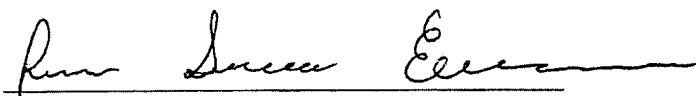
5. I also object to being forced to tell parents that MBP “exposes an infant to the risk of transmission of herpes simplex virus infection.” I am trained to perform the *bris milah*, including MBP, in a safe manner. I ensure a clean and safe environment during the *bris*, including by rinsing my mouth with antiseptic mouthwash before performing MBP. In my view and in my experience, these safeguards are more than sufficient to assure the safety of the *metzitzah* process. Indeed, to the best of my

knowledge, no infant upon whom I have performed MBP ever developed a herpes infection. I therefore do not believe that MBP, properly performed, exposes a child to the transmission of any disease.

6. My motivation in performing the *bris milah* ceremony is to faithfully comply with the requirements of Jewish law, and to respect and execute the sacred covenant between G-d and the Jewish People. Accordingly, I perform the *bris* without demanding any payment in exchange.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct to the best of my knowledge.

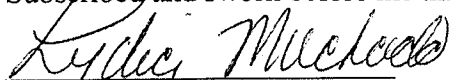
Executed this 4 day of October, 2012, at _____, New York.



RABBI SHLOIME EICHENSTEIN

STATE OF NEW YORK
COUNTY OF KINGS

Subscribed and sworn before me this 4th day of October 2012.



Notary Public

My commission expires on: November 1, 2012

LYDIA MACHADO
Commission of Deeds, City of New York
No. 2-9175
Cert. Filed in New York County, Manhattan
Commission Expires NOV 1, 2012