

NEW YORK STATE AMATEUR



HOCKEY ASSOCIATION, INC.

TO: All NYSAHA Members
FROM: NYSAHA Board of Directors
DATE: January 19, 2021

Dear NYSAHA Members:

Please allow this correspondence to serve as an informal update regarding the current legal challenge pertaining to amateur ice hockey. The New York State Amateur Hockey Association, Inc. (“NYSAHA”) has retained the law firm of HoganWillig, PLLC to challenge the arbitrary and capricious nature of the restrictions imposed against NYSAHA and its members, and the sport of ice hockey more generally. The State of New York, and its empowered agencies, arbitrarily classified ice hockey as a high-risk sport for viral transmission of COVID-19, contrary to scientific evidence establishing that ice hockey poses *no increased risk of transmission*. As you are aware, the classification of ice hockey as “high risk” has resulted in NYSAHA’s seasons being suspended, indefinitely, and the prohibition on NYSAHA from engaging in any activities beyond “individual or distanced group training and organized no/low-contact group training.” The restrictions have also prohibited competitive tournaments which require travel.

On April 26, 2020, Governor Cuomo announced a phased approach (“New York Forward”) to re-open certain industries and businesses in New York, based primarily upon a data-driven, regional analysis. Pursuant to the New York Forward Guidelines relating to sports and recreation, effective July 6, 2020, and as determined by the New York State Department of Economic Development d/b/a Empire State Development Corporation (the “ESDC”), higher-risk non-professional and non-collegiate sports and recreation activities, including ice hockey, were determined to be the most unlikely to maintain physical distance, as there is a decreased ability to: (1) avoid touching of shared equipment; (2) clean/disinfect equipment between uses by different individuals; and/or (3) not use shared equipment at all. The New York Forward Guidelines established that independent youth sports teams in New York State were (and still are) precluded from organizing, attending, and hosting games, meets, matches, scrimmages, organized leagues, or pick-up sports. Moreover, independent youth sports teams are prohibited from organizing, attending, and hosting competitive tournaments of multiple games, meets, matches or scrimmages requiring travel.

The New York State Department of Health, as of August 15, 2020, released “Interim Guidance for Sports and Recreation During the COVID-19 Public Health Emergency” (the “Interim Guidance”), which provided precautions to help protect against the spread of COVID-19. The Interim Guidance classified ice hockey as a “high-risk sport,” and established that participants in higher risk sports and recreation activities may only partake in individual or distanced group training and no/low-contact group training. Given the foregoing, many amateur ice hockey programs have been banned from competing this year.

Presently, NYSAHA’s legal team is in the process of composing the Petition and its supporting documents, with the intention that the lawsuit will be filed imminently, likely this week. Significantly, and upon belief, the restrictions now imposed upon NYSAHA, and its members, are without any scientific or otherwise credible basis, and without any ascertainable link between playing ice hockey and an increase in COVID-19 cases. The data provided to HoganWillig by NYSAHA has been useful in formulating the factual and legal arguments which will ultimately compose the legal papers advocating for the resumption of athletic activities in New York State, and specifically, the recommencement of amateur ice hockey.

It has always been our mission to promote the best possible experience for all participants in NYSAHA, while working in concert with USA Hockey. We hope this legal challenge advances NYSAHA’s commitment to encouraging, developing, advancing, and administering the sport of ice hockey. Thank you for your consideration.