SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

YUKIKO ANN UMEMOTO, SARAH MOORE, LEAH NELSON, and LORA NELSON, on behalf of themselves and all others similarly situated,

Plaintiffs,

- against -

WESTCHESTER COUNTY, NEW YORK; WESTCHESTER COUNTY DEPARTMENT OF PUBLIC SAFETY aka WESTCHESTER COUNTY POLICE DEPARTMENT; TERRANCE RAYNOR, in his official capacity as Commissioner of Westchester County Department of Public Safety aka Westchester County Police Department; and JAMES LUCIANO, in his official capacity as Chief of Westchester County Department of Public Safety aka Westchester County Police Department,

Defendants.

AFFIRMATION OF SEAN T. CAREY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

Index No.
65935/2026

Assigned Justice:
Hon. Walter Rivera, J.S.C.

SEAN T. CAREY, an attorney duly admitted to practice law in the State of New York, affirms that the following is true:

1. I am an Associate County Attorney, of Counsel, in the Office of John M. Nonna, Westchester County Attorney, attorney for defendants (i) Westchester County, New York ("Defendant County"); (ii) Westchester County Department of Public Safety aka Westchester County Police Department ("Defendant DPS"); (iii) Terrance Raynor, in his official capacity as Commissioner of Westchester County Department of Public Safety aka Westchester County Police Department ("Defendant Raynor"); and (iv) James Luciano in his official capacity as Chief of Westchester County Department of Public Safety aka Westchester County Police Department ("Defendant Luciano") (collectively, "Defendants").

2. I submit this affirmation in support of Defendants' motion to dismiss the complaint (the "Complaint") of plaintiffs Yukiko Ann Umemoto, Sarah Moore, Leah Nelson, and Lora Nelson (collectively "Plaintiffs") in the instant action pursuant to CPLR 3211 (a) (3), (4), and (7).

3. I am fully familiar with the facts herein.

4. All matters stated in this affirmation are true to my own knowledge, except as to matters stated to be upon information and belief, and as to those matters, I believe them to be true.

5. The sources of my knowledge and information are personal knowledge, records maintained by Defendant County, and information furnished to me by persons having knowledge of the facts of the instant matter.

6. The headings and subheadings in this affirmation are for convenience of reference only; they do not limit or otherwise affect any of the provisions hereof.

7. The following documents are annexed hereto:

SESSION LAWS

a. Local Law No. 7-1979: a true and complete copy of Westchester County Local Law No. 7-1979, adopted by the Westchester County Board of Legislators (the "BOL") as "Local Law Intro 11-1978" on July 20, 1978; validated by the County Executive on July 28, 1978; submitted to the electorate for approval in November 1978; held valid and constitutional by the Court of Appeals on July 1, 1979 (*see Westchester County Civ. Serv. Empls. Assn. v Del Bello*, 47 NY2d 886 [1979]); and effective on July 1, 1979 ("Local Law No. 7-1979"), which bears Bates-stamp numbers COW-001 to COW-010, annexed hereto as "Exhibit A."

b. Local Law No. 8-1979: a true and complete copy of Westchester County Local Law No. 8-1979, adopted by the BOL as "Local Law Intro 7-1979" on June 4, 1979, together with related Resolution No. 124-1979 (collectively, "Local Law No. 8-1979"), which bears Bates-stamp numbers COW-011 to COW-047, annexed hereto as "Exhibit B."

c. Local Law No. 13-1983: a true and complete copy of Westchester County Local Law No. 13-1983, adopted by the BOL as "Local Law Intro 17-1983" on December 5,

1983, ("Local Law No. 13-1983"), which bears Bates-stamp numbers COW-048 to COW-059, annexed hereto as "Exhibit C."

CODIFIED LAWS

d. LWC § 173.01: a true and complete copy of Section 173.01 of the Laws of Westchester County, downloaded on July 20, 2026, from the online Westchester County Code of Ordinances on Municode Library, available here https://library.municode.com/ny/westchester_county/codes/code_of_ordinances (last visited on July 21, 2026) ("LWC § 173.01"), which bears Bates-stamp number COW-060, annexed hereto as "Exhibit D."

e. LWC § 273.31: a true and complete copy of LWC § 273.31 of the Laws of Westchester County, downloaded on July 20, 2026, from the online Westchester County Code of Ordinances on Municode Library, available here https://library.municode.com/ny/westchester_county/codes/code_of_ordinances (last visited on July 21, 2026) ("LWC § 273.31"), which bears Bates-stamp number COW-061, annexed hereto as "Exhibit E."

f. LWC § 273.51: a true and complete copy of LWC § 273.51 of the Laws of Westchester County, downloaded on July 20, 2026, from the online Westchester County Code of Ordinances on Municode Library, available here https://library.municode.com/ny/westchester_county/codes/code_of_ordinances (last visited on July 21, 2026) ("LWC § 273.51"), which bears Bates-stamp number COW-062, annexed hereto as "Exhibit F."

8. On July 20, 1978, the BOL adopted Local Law Intro 11-1978, an ordinance that would eventually be numbered Local Law No. 7-1979 (the "Local Law") (*see* Ex A [Local Law No. 7-1979] at COW-017).

9. As enacted, the Local Law was intended to amend (i) Chapter 617 of the Laws of 1937, as amended, at Article XIV-B, §§ 89-b, 89-c, 89-d, and 89-e; and (ii) Chapter 852 of the Laws of 1948, as amended, at §§ 44–60, 60-a and at Article 14, tit. A, §§ 341–47 (*see id.* at COW-002, COW-004).

10. From its inception, the Local Law was slated for submission to the electorate for approval (*see id.* at COW-010).

11. The electorate approved the Local Law in November 1978 (*see Westchester County Civ. Serv. Empls. Assn. v Del Bello*, 70 AD2d 604, 605 [2d Dept 1979, O'Connor, J., dissenting], *revd for reasons stated in dissenting opn at* 47 NY2d 886 [1979]).

12. Between January 18, 1979, and January 24, 1979, petitioners in three separate proceedings challenged the Local Law's constitutionality (*see id.*).

13. On February 21, 1979, the courts in those proceedings entered judgments declaring the Local Law invalid (*see id*).

14. On May 11, 1979, the Appellate Division, Second Department, affirmed those judgments (*see id.*).

15. Thereafter, the County appealed the Second Department's decision to the Court of Appeals (*see Westchester County Civ. Serv. Empls. Assn. v Del Bello*, 47 NY2d 886, 886 [1979]).

16. During the pendency of that appeal, on June 4, 1979, the BOL adopted Local Law Intro 7-1979, which compiled, renumbered, and tabulated the Laws of Westchester County (*see* Ex B [Local Law No. 8-1979] at COW-047).

17. On June 14, 1979, the Court of Appeals reversed the Second Department and declared the Local Law constitutional (*see Westchester County Civ. Serv. Empls. Assn. v Del Bello*, 47 NY2d 886, 886 [1979]).

18. Because of this atypical sequence of events, the Local Law is codified in a different section of the Laws of Westchester County than purported in the Local Law's text (*compare* Ex A [Local Law No. 7-1979] at COW-002, COW-004 [purporting to amend (i) Chapter 617 of the Laws of 1937, as amended, at Article XIV-B, §§ 89-b, 89-c, 89-d, and 89-e; and (ii) Chapter 852 of the Laws of 1948, as amended, at §§ 44–60, 60-a and at Article 14, tit. A, §§ 341–47], *with* Ex D [LWC § 173.01]

at COW-060 [recording that Local Law No. 7-1979 was originally codified at LWC § 173.01], Ex E [LWC § 273.31] at COW-061 [same], and Ex F [LWC § 273.51] at COW-062 [same]; *see also* Ex B [Local Law No 8-1979] at COW-019 [recording that the former Article XIV-B and its related sections were recompiled at Chapter 173 and renumbered as §§ 173.01–.31], COW-023 [recording that (i) former §§ 44–47 were recompiled at Chapter 209, Article III and renumbered §§ 209.241–271; and (ii) former §§ 51–60-a were recompiled at Chapter 213 and renumbered §§ 213.1–101], COW-030 [recording that the former Title A, §§ 343–47 were recompiled at Ch. 273, Art I and renumbered as §§ 273.01–.71]).

19. I am not aware of the Westchester County Board of Legislators ever having unsuccessfully attempted to reach an agreement regarding the Vehicle Surveillance System.

20. No previous request has been made for the relief requested herein.

21. I affirm this 11th day of September, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.

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WHEREFORE, based upon the foregoing and upon the attendant motion papers, Defendants respectfully request that the Court grant its motion to dismiss the Complaint pursuant to CPLR 3211 (a) (3), (4), and (7), dismiss the action, and grant such further relief as this Honorable Court deems just and proper.

DATED: White Plains, New York
September 11, 2026

JOHN M. NONNA
Westchester County Attorney
Attorney for Defendants

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TO: All Counsel (*via NYSCEF*)

WORD COUNT CERTIFICATION

Pursuant to section 202.8-b of Title 22 of the New York Codes, Rules and Regulations, I hereby certify that the total number of words in this attorney affirmation—as calculated by Microsoft Word's word count tool and exclusive of the caption, table of contents, table of authorities, and signature block—is 1,611 words (*cf.* 22 NYCRR § 202.8-b [a] [i] ["[A]ffirmations . . . shall be limited to 7,000 words each . . . ."]).

DATED: White Plains, New York
September 11, 2026

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Attorney for Defendants

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