

EXHIBIT 5

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NEW HOPE FAMILY SERVICES, INC.,

Plaintiff,

5:18-CV-1419 (MAD/TWD)

vs.

SHEILA J. POOLE, in her official capacity
as Acting Commissioner for the Office of
Children and Family Services for the State
of New York,

**AFFIDAVIT OF ELLIE STULTZ
IN SUPPORT OF NEW HOPE
FAMILY SERVICES' MOTION
FOR PRELIMINARY
INJUNCTION**

Defendant.

1. My name is Ellie Stultz.
2. I am above the age of 18, of sound mind, and I have personal knowledge of the facts explained in this document.
3. When I was a student at Houghton College, I became pregnant.
4. My pregnancy was not planned.
5. A counselor that I was seeing at Houghton College shared with me that she had previously been an employee of New Hope Family Services.
6. She told me that New Hope was a Christian adoption agency.
7. She was confident that New Hope would be able to help me find a family with whom I would be comfortable to place my baby. I loved the concept that I would be able to pick the family so that I wouldn't be just leaving my baby with whoever someone else picked.
8. I contacted New Hope and Diana Johnson was the adoption caseworker who helped me through the process.

9. She was phenomenal in helping me through all of the procedures involved in placing my child for adoption.

10. Diana had adopted children herself and had handled several adoptions, so she understood the process from both perspectives.

11. Everyone at New Hope made me feel loved. No one condemned me for getting pregnant without being married.

12. At several different points in the process, Diana prayed with me that I would know the will of God and have wisdom in the choices that I was making for my child.

13. The staff at New Hope did a good job of talking me through the pros and cons of my options to parent, abort, or to create an adoption plan.

14. They encouraged me about the blessing that adoption could be to me and to the family with whom I would place my child.

15. I have a strong Christian faith and I saw genuine faith in everyone I worked with at New Hope.

16. It was very important to me to find a married mother and father who would raise my child.

17. I also wanted to give my child to someone who was not able to have a child of their own.

18. The most important thing to me was that my child would be raised in a God-centered family by strong Christian parents.

19. When I was about seven months along, Diana came to my house and showed me profiles of different adoptive families that she felt fit what I had told her I was looking for in an adoptive family.

20. The profiles were photo books that shared details about each family.

21. She encouraged me to take my time in making a decision.

22. It was a very personal experience.

23. I told Diana that I would like to consider placing my child with a certain family.

24. Diana arranged for me to meet that couple at New Hope.

25. It was important to me that I was able to meet my child's adoptive parents before the birth. When we met, we were able to ask one another questions.

26. The father who adopted my child is a youth pastor and for a while I had wanted to become a youth pastor myself, so the thought of him sharing the gospel every single day to young children helped me to have peace that I was making the right choice.

27. After we met, I truly made my decision to go through with the adoption. I also decided to hand over the baby right after I gave birth.

28. I believe the adoptive parents came with Diana to the hospital about 24 hours after I gave birth and we signed the paperwork then.

29. We agreed to exchange letters and pictures through the agency two times per year. I love that I am still able to keep in contact with my daughter and the family.

30. I still meet up with Diana periodically because I feel like she helped me with more than just the adoption process—she became a mentor and friend.

31. I understand that the state is trying to force New Hope to include unmarried couples and same-sex couples in its adoption program. As a birthmother, considering placing my child with New Hope, New Hope's Christian faith was important to me. If they had shown me parent profiles of unmarried couples or same-sex couples I strongly believe that I would not have gone through with placing my child through that agency. I would view New Hope recommending unmarried, cohabiting couples or same-sex couples for consideration as adoptive parents to my child as an indication that they had compromised their beliefs. It would cause me to question whether their faith was genuine and would have created doubt for me about proceeding with them.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Date: November 29, 2018.

Ellie Stultz
Ellie Stultz

STATE OF NEW YORK)

COUNTY OF ONONDAGA) ss.:

On the 29th day of November, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared ELLIE STULTZ, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

[Signature]
Notary Public

ROBERT E. GENANT
Notary Public, State of New York
Qualified in Oswego Co. No. 4528066
Commission Expires April 30, 2022

EXHIBIT 6

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No.: 5:18-cv-1419 (MAD/TWD)

**AFFIDAVIT OF JEREMY
JOHNSTON IN SUPPORT OF
NEW HOPE FAMILY
SERVICES' MOTION FOR
PRELIMINARY INJUNCTION**

1. My name is Jeremy Johnston.
2. I am above the age of 18, of sound mind, and I have personal knowledge of the facts explained in this document.
3. My wife Tara and I knew when we got married that we would not be able to have children. We started looking at adoption in 2013. My sister-in-law worked with several adoption agencies. She told us about New Hope Family Services.
4. As soon as we looked into it, we knew we wanted to adopt through New Hope. We appreciated that New Hope was faith-based and we wanted to work with an agency that shared our Christian beliefs, particularly about family.
5. When we first contacted New Hope, they were not taking new families. My wife and I decided to wait until we could work with New Hope. Several months later, New Hope contacted us and we began working through the approval process to become an adoptive family.
6. As part of that process, we took part in seminars and meetings. That first seminar opened with prayer and we saw the clear Christian faith of New Hope

staff members play out in the ways that they interacted with us and other families. We talked about our Christian beliefs during the process and we even used our priest as a reference.

7. New Hope helped us put together a photobook to provide to birth moms, so they would get to know more about our family. New Hope staff gave us advice about what to include and how to put it together. They showed us samples. And they reviewed drafts of our book and gave us suggested edits. We incorporated New Hope's suggestions in creating and editing the content, lay-out, and appearance of our book. A true and correct copy of excerpts from our photobook are attached as Exhibit 1.

8. In 2015, a woman saw our book and chose us to adopt her baby. We were so excited. We met with her and the father before the birth. New Hope staff facilitated this meeting and attended it with us. We prepared to welcome this new baby. When our son was born, his mother had doubts about whether she could give up her baby to be adopted. New Hope arranged for our son to go to what they call a "Tender Loving Care Family."

9. Tender Loving Care Families are families that provide temporary foster care for New Hope. They provide care and a loving home for a baby when that baby cannot immediately be placed with the adoptive family. In our case, our son was with a Tender Loving Care Family for 30 days. Then his mother decided she wanted us to adopt him. We are so glad that she did.

10. We really saw New Hope's faith-based services come through in that difficult 30-day period. The staff we worked with tirelessly prayed, counseled, and

helped us through that time. I know the staff working with the birth mother did the same for her. I don't know how we would have made it through those 30 days without New Hope's Christian counseling and love. Working with New Hope actually inspired us to become more involved with our own church.

11. Before our son's adoption was finalized, we started the process to adopt again through New Hope. In our second adoption, we were able to bring our daughter home two days after she was born.

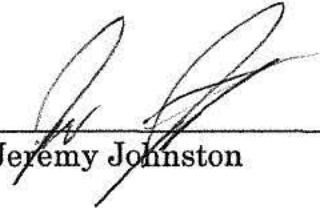
12. We are still waiting to finalize our daughter's adoption. It is scheduled to be finalized in 2019 through New Hope. I don't know what will happen to us if New Hope is forced to stop doing adoptions. We are in the middle of the process and everything would be up in the air. At the very least, I know it would delay our adoption and increase the costs as we try to find another agency to transfer the adoption to so it can be finalized. It would be like starting over as we got to know the new agency and staff, and they got to know us.

13. I also don't know what would happen to the ongoing relationship we have with New Hope for our son's adoption. We have an open adoption with our son's birth parents, so we send pictures and letters to New Hope three times a year. His birth parents can then get those pictures and letters from New Hope. We are also sending pictures and letters to our daughter's birth mom and will continue to do that through New Hope. For both kids this will continue until their eighteenth birthday. I don't know if or how this can be transferred to another agency so that we can still get information and updates to our children's birth moms.

14. My wife and I have talked about the possibility of adopting a third time. If we decide to adopt a third time, we would only do so through New Hope. The adoption experience is so personal that if we walk through it again, we would want to do so with an agency that shares our Christian values particularly about life and family.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 30 day of November, 2018, at MW, USA New York.



Jeremy Johnston

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the 30 day of November, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared Jeremy Johnston, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.



Notary Public

LINDA M. FEATHERLY
NOTARY PUBLIC STATE OF NEW YORK
LIC. #01FE801134
Qualified in Onondaga County
My Commission Expires Oct 21, 2022

EXHIBIT

1

Hello, our names are Jeremy and Tara. It's so hard knowing where to start and how to find the right words to express how excited we are and how much we appreciate you looking at our profile. While we will never know the full impact of what you are going through, we do know that this must be a hard and emotional time for you.

We wanted to share with you the life we live and the abundance of love we have in our family.

We would love to expand our family through adoption. Thank you, from the bottom of our hearts, for looking at our profile.

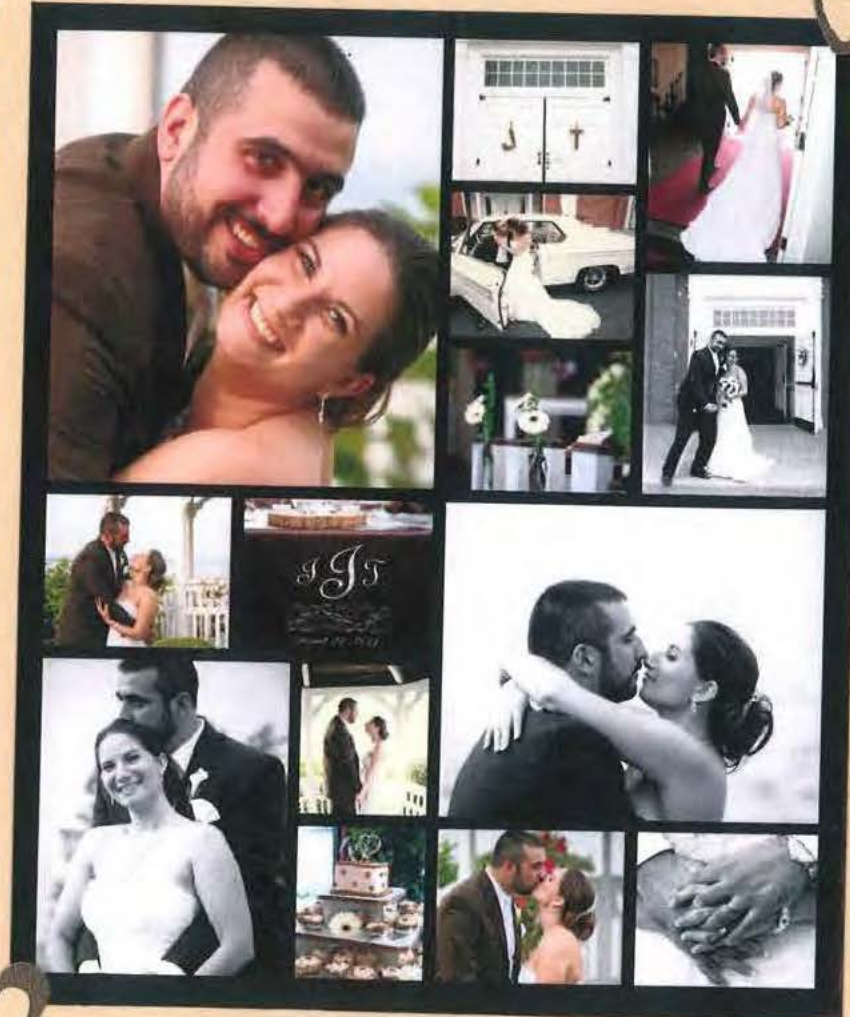
Sincerely,

Tara & Jeremy

»»» Hello



soulmates



We first met each other 9 years ago briefly at a birthday party. It was not until a year and half later that we would meet again when Jeremy started working for the same company that Tara did. While at a company function we started talking and immediately hit it off. We started taking our lunches together and became great friends. We noticed right away that we share the same sense of humor and adore our families. We had been dating for just over a year and knew that we were meant to be together. We were married on August 27, 2011. We have a strong bond and we face every aspect of our lives together.

love of my life



two souls, one heart



XOXO

hard WORK

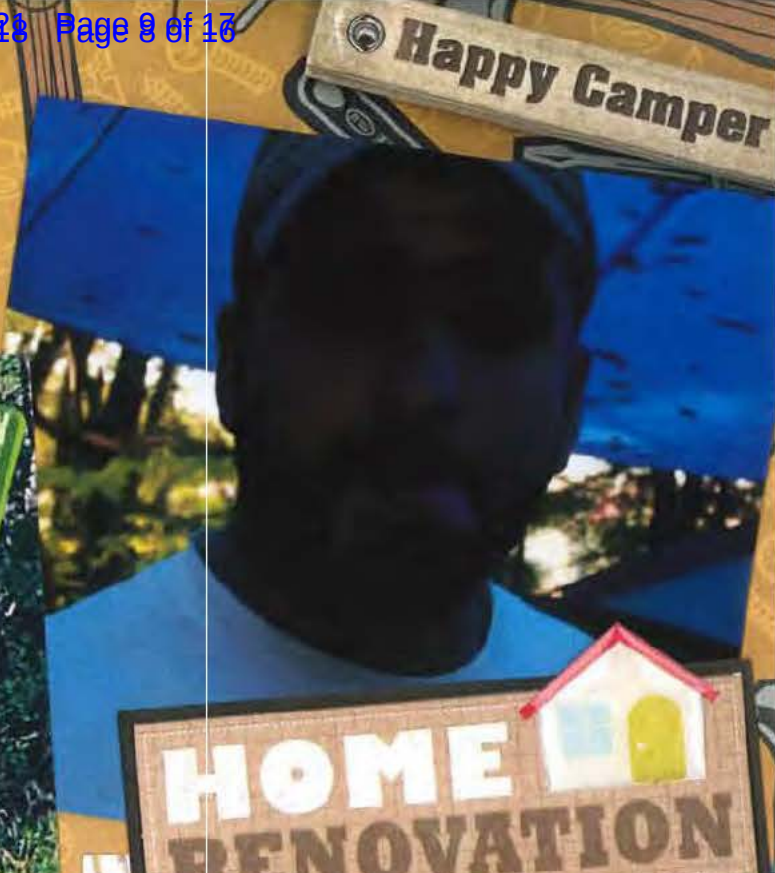
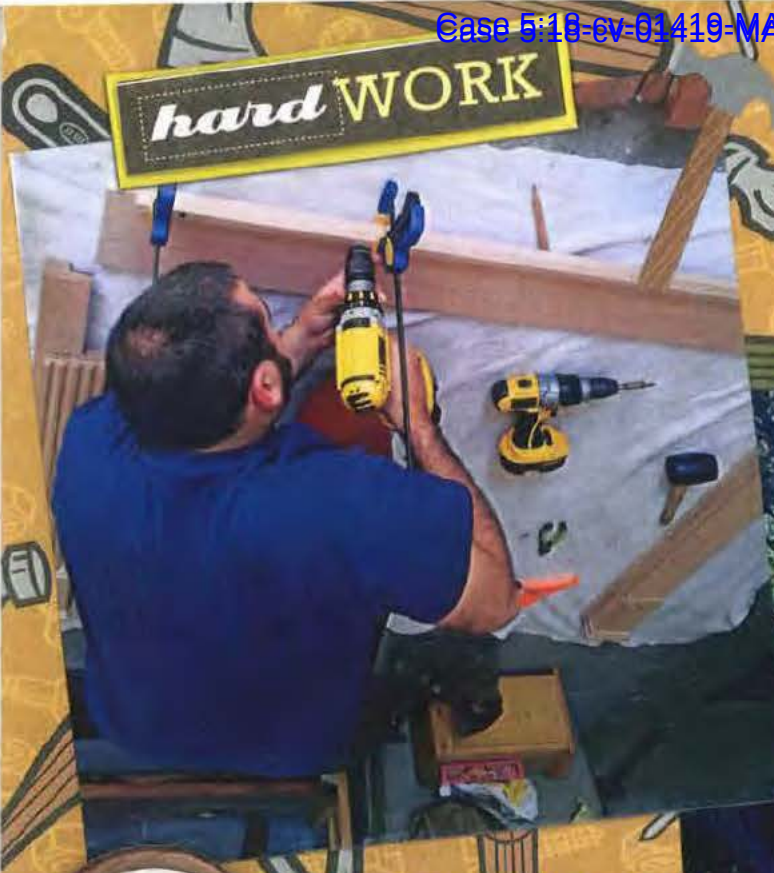
JEREMY

Happy Camper

HOLE IN ONE

HOME RENOVATION

LOVE TO CAMP



Meet Jeremy ...

I grew up the younger of two children and come from a large and loving Italian family. I grew up with 4 cousins that are all around the same age who are all like brothers, and my aunts are like second moms to me. I would consider myself a great handy man and love to do projects around the house. Whether it's landscaping or installing a new deck I can do it all. I love to learn and push myself. I enjoy anything outdoors such as camping, hiking, and golfing.

I have a Bachelors Degree in History and Communications. I started working for a company as a mechanic when I graduated I was quickly promoted to a sales representative. I love my career and enjoy going to work every day.

- Favorite Food: Steak
- Favorite Music: Anything
- Favorite Holiday: Christmas Eve (Family Traditions)
- Favorite Movie: Iron Man
- Favorite Sport to Watch: College Basketball
- Hobbies: Working on old cars with his dad



say cheese!

COLOR ME RAD RUN W/ [redacted] & [redacted]



WEDDING

friends



BREAST CANCER MUD RUN W/ [redacted]

best friends forever



JEREMY & I IN FLORIDA

us



WARRIOR DASH MUD RUN W/ [redacted]

special bond

13298

38355

SLUMBER

lovely ladies



GOLFING W/ MY SISTER [redacted]

happy



sisters

friends

Meet Tara...

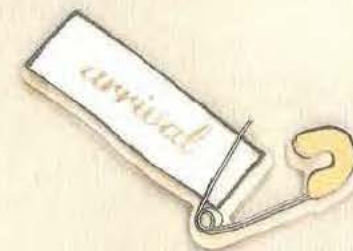
I grew up in a very large family. I am an only child to my mother but grew up with a half brother and sister. After my parents divorced and my mother remarried I gained 3 step sisters and 3 step brothers. My mom's side of the family is very large and she was one of nine children. Although getting around 100 family members together is tricky, we make sure to do it at least once a year at my grandma's house. She loves having a blended family and finds it a blessing and values the time together. I love camping, hiking, golfing and doing fun runs with my friends and family.

She has an Associate's Degree in Office Technology. She works for a company as an order analyst and customer care representative. She loves the company she works for because it feels like a small family owned business.

TARA

- Favorite Food: Prime Rib
- Favorite Music: I listen to it all
- Favorite Holiday: Christmas Eve
- Favorite Movie: Pretty Woman
- Favorite Sport to Watch: College Basketball
- Hobbies: Photography and fun runs

Preparing the Nursery



When the baby comes...

Tara will have maternity leave from work and extended time off. She also has the flexibility to work from home part time when the time is right to go back to work. Jeremy will also have a couple of weeks of time off as well to be home to help welcome home the baby. Both of our mothers will be taking time off to help us adjust and give a helping hand.

The nursery is set up and waiting. The nursery will be right across the hall from our master bedroom. We will be using the same gender neutral theme as we did for [REDACTED]. Since we were not specific on the gender because we will love a little boy or girl or both! The theme is Baby Bear by Carter's. We felt it would be nice to pass down the theme as a family tradition to the next addition to the family.



TARA'S



F A M I L Y

JEREMY'S



Easter at Mom and Dad's



New Kitchen Floor

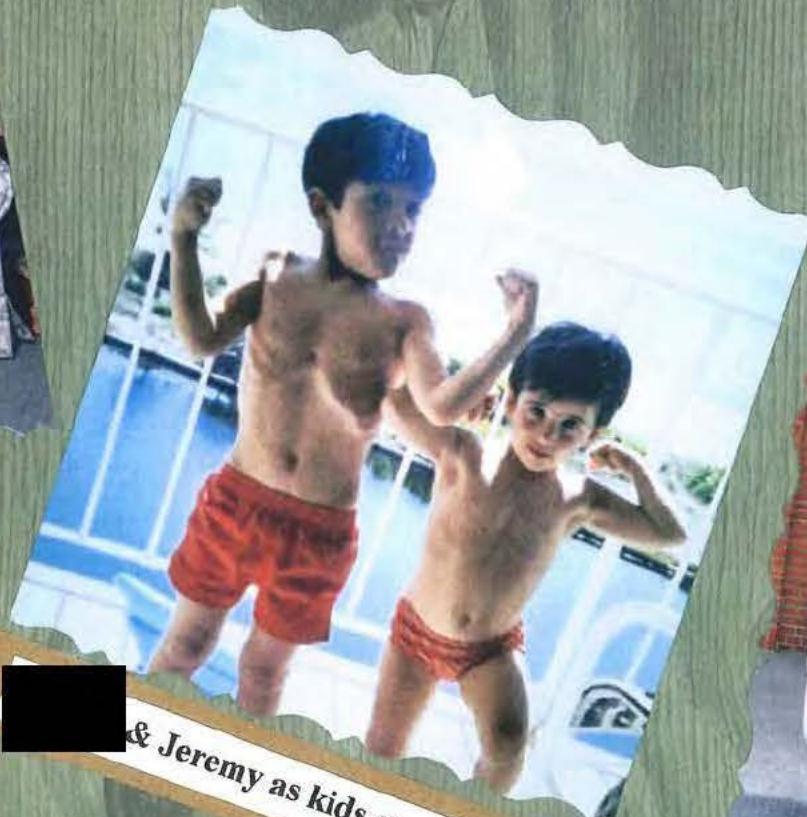
BROTHER



Our Wedding



COUSINS



[Redacted] & Jeremy as kids on vacation



Aunt

ILLY

I fell in love with Tara for a lot of reasons. We enjoy all of the same activities and are always finishing each other's sentences. I love her laugh and also the way that she is so level headed in any situation. We both are very caring for our family members and would do anything for anybody at the drop of a hat. We both love pets and will always have dogs. We enjoy taking long road trips and can ride in a car for hours without even turning on the radio. We will laugh and make jokes like it's the first day we met. She fits into my family like she has been around forever. She is a great mother. She is caring and compassionate and children light up around her.



I fell in love with Jeremy for so many reasons. Where do I begin? He is my partner, my equal and my rock in life. He has such a huge heart it's a gift he shares with so many others. We enjoy so many of the same things that we are rarely apart for very long. He has an amazing sense of humor and makes me smile and laugh every day. Our connection is very deep and more often than not he can finish my sentences. Our family finds this uncanny on how often it really happens. He has had my heart since day one and continues to make me step back and think wow how did I get so lucky to find such a great person to share my life with! Watching him become a father has only made my love for him grow, he's a natural!

Background collage of wooden planks with various phrases: LOVE, Fly, celebrate, WAKE UP, Be, make, Joy, HE, GINE, everyday, FRIENDS, Be, BEAUTY, SMITTEN, with LOVE, FRIENDS, Fly, Happy Day, WONDER, Joy, Be, BE grateful, IMAGINE, FRIENDS, with LOVE, y.



Our infertility and return to faith

Jeremy attended church regularly growing up as well as attending religious education classes. He went through his confirmation as well and religion was a regular part of his life. He also did a lot of volunteer work through the church serving meals at the Bingo hall, delivering Thanksgiving/Easter groceries to those less fortunate in the community, and helping as needed at other fundraising events for the church. When he went off to college religion played a smaller role but the community service stayed with him as he would always help those in need. Tara attended church regularly as a child also. The family would go every Sunday and was a large part of her life in her youth. As time went on attending church was less regular. Just after we began dating Tara was up front that she was unable to have children for health reasons but Jeremy knew where there was a will there was a way. Before we began this process we started attending church again to guide us through the emotional and stressful adoption journey. We pray daily and when we are in need of reassurance we leave that to our faith. We still do not attend church every week but go as often as we can. Everything in life happens for a reason which is why we are together and going through this exciting time together.



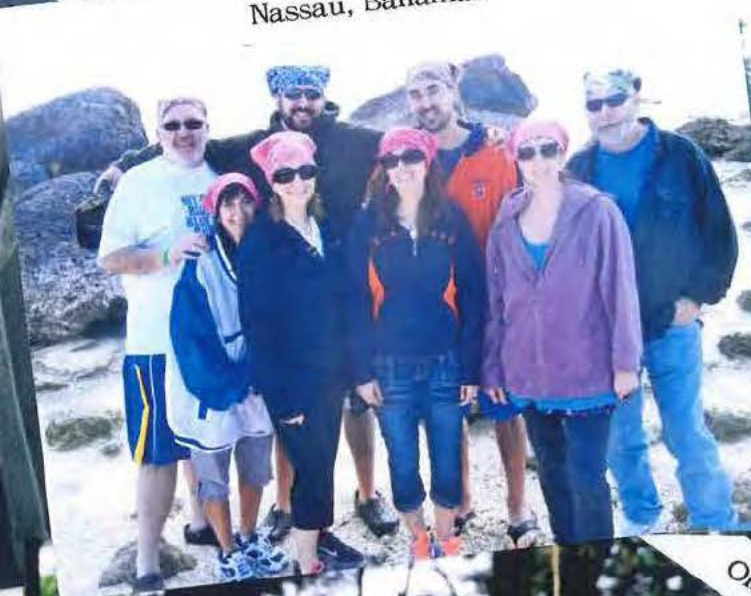
adventure

Our Vacation

Freeport, Bahamas



Nassau, Bahamas



sightseeing



Lake Placid

Old Forge

Jamesville



Key West


LITTLE WHITEFACE ELEV. 3678ft.



Aruba



TRAVEL



We truly appreciate you taking the time to look into our lives and the life that we will be able to provide for a child. We know this is an extremely difficult process for you as well, but know that this step will help fill a void in our lives that we cannot fill on our own. We know that we will make GREAT parents because of the way that our families have taught us to love and care for one another. We will have the support from our friends and family. All of our friends and family are beginning families and we will be able to raise our child with theirs and we can grow together, travel together, and experience the joys of parenthood together. We love our home and neighborhood because of the family friendly environment. The baby's grandparents will be there for us as a wonderful support. Our families traditions will be passed down and continue to hold our family together as Grandma [REDACTED] has shared with us.

Thank you ~

[Signature] + Sara

