

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

RORY I. LANCMAN; DAVID R. JONES; and  
COMMUNITY SERVICE SOCIETY OF NEW  
YORK,

Petitioners,

For a Judgment Under Article 78 of the CPLR

-against-

BILL DE BLASIO, as Mayor of the City of New  
York; and JAMES P. O'NEILL, as Police  
Commissioner of the City of New York,

Respondents.

Index No. \_\_\_\_\_

**VERIFIED ARTICLE 78  
PETITION FOR AN ORDER IN  
THE NATURE OF  
A WRIT OF MANDAMUS**

Petitioners New York City Council Member Rory I. Lancman, David R. Jones, and the Community Service Society of New York (“Petitioners”) by and through their attorneys Emery Celli Brinckerhoff & Abady LLP, allege as follows:

**PRELIMINARY STATEMENT**

1. New York City Administrative Code § 14-172 (the “City Law”), passed unanimously by the City Council last year, requires the New York Police Department (“NYPD”) to post reports on its website regarding arrests made and civil summonses issued to individuals for fare evasion at each of the 472 subway stations in New York City.

2. The City Law was passed so that the City Council and the public can investigate whether New York Penal Law § 165.15 and Metropolitan Transit Authority Rule of Conduct § 1050.4, 21 NYCRR § 1050.4, are being enforced in a racially or socio-economically discriminatory manner, and so that the public can be informed about police policies and practices in their communities.

3. By making the public posting of these reports mandatory, the City Law vests Petitioners with the statutory right to view the required data.

4. The NYPD has refused to comply with the City Law, providing no explanation beyond vague assertions that disclosure of the required data could create a risk to public safety.

5. The NYPD's excuse for failing to comply with the City Law is incomprehensible, and the balancing of the public safety, anti-discrimination, and transparency interests inherent in the City Law is not for the NYPD to decide. The City Council and the Mayor make the laws of New York City, and the NYPD, like every other New Yorker, is bound by those laws.

6. This Court should issue an order compelling Respondents to comply with the City Law in order to vindicate Petitioners' statutory rights, protect the separation of powers, and reinforce that the NYPD must not only enforce the law, but also obey it.

### PARTIES

7. Petitioner Rory I. Lancman has served as a member of the New York City Council since 2014, representing the 24th Council District in Queens, and is currently chair of the Committee on the Justice System. He is a resident of Queens, New York. Petitioner Lancman brings this proceeding in his official capacity as a City Council Member. Petitioner Lancman was the prime sponsor of the City Law in the City Council. As a Council Member, Petitioner Lancman's responsibilities include performing oversight of city agencies, reviewing and passing legislation, and addressing constituent concerns.

8. Petitioner David R. Jones is the President and Chief Executive Officer of the Community Service Society of New York. He also represents New York City on the Board of

the Metropolitan Transit Authority (“MTA”). Petitioner Jones has served on the MTA Board since 2016.

9. Petitioner Community Service Society of New York (“CSSNY”) is a New York not-for-profit corporation with a principal place of business at 633 Third Avenue, New York, New York 10017. CSSNY was formed in 1939 by the merger of The New York Association for the Improvement of the Condition of the Poor (founded in 1843) and the Charity Organization Society (founded in 1882). CSSNY draws on a 175-year history to advance practical solutions that strengthen and benefit New York City and create economic opportunity for all New Yorkers. CSSNY serves as an unwavering advocate for more than three million low-income New Yorkers, addressing the root causes of economic disparity through research, advocacy, litigation, and other innovative programs.

10. Respondent Bill de Blasio is the Mayor of the City of New York. The Mayor is the Chief Executive Officer of the City of New York and is responsible for the enforcement of the laws validly enacted by the City Council. *See* New York City, N.Y., Charter §§ 3, 8. He is responsible for the actions and inactions of all departments within the City’s executive branch, including the NYPD.

11. Respondent James P. O’Neill is the Police Commissioner of the City of New York. Respondent O’Neill is the chief executive of the NYPD and is responsible for the actions and inactions of the agency which he leads.

### **JURISDICTION AND VENUE**

12. This action arises under CPLR § 7803.

13. New York County is the appropriate venue under CPLR §§ 506(b) and 7804(b). CSSNY’s principal office is in this county; David R. Jones maintains his office in this

county, all Respondents maintain their principle offices in this county, and Respondents refused to perform the duties enjoined upon them by law in this county.

### **STATEMENT OF FACTS**

#### **Petitioner CSSNY Shines a Light on the Discriminatory Impact of Subway Fare Evasion Arrests**

14. In response to rising MTA fares and data reflecting that one in every four New Yorkers struggles to afford the public transportation he or she relies on to get around the City,<sup>1</sup> Petitioner CSSNY launched the “Fair Fares” campaign in the spring of 2016 advocating for half-price transit MetroCards for New Yorkers living below the poverty line.

15. As the campaign began to gain public attention, another issue came to the fore: racially imbalanced fare evasion policing. Reports showed that the NYPD had made 55,637 arrests for “theft of services” from 2015 to 2016, the overwhelming majority of which were cases of fare evasion on New York City buses and subways. Close to ninety percent of the individuals arrested were African-American or Latino, and in many cases, may have evaded the fare simply because they did not have the money to pay it. Further, “theft of services” is a misdemeanor, and arrests for this charge could lead to a criminal conviction with damaging collateral consequences.

16. Petitioner Jones was very concerned by this and recognized the role of the MTA in addressing the issue. He began to raise questions about arrests for “jumping the turnstile” at meetings of the MTA Transit and Bus Committee and requested a detailed breakdown from the NYPD of arrests by subway station. In response to these requests, NYPD Transit Chief Joseph Fox agreed to provide statistics on fare evasion to the MTA and to Petitioner Jones, along with information on compliance with fair evasion desk appearance

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<sup>1</sup> Harold Stolper; Nancy Rankin: *The Transit Affordability Crisis, How Reduced MTA Fares Can Help Low-Income New Yorkers Move Ahead* (2016).

tickets. *See* Exhibit 1 (minutes of January 23, 2017 meeting of the MTA Transit and Bus Committee).

17. Petitioner Jones met with NYPD Transit Chief Fox to discuss his concerns in March 2017, and again in June 2017. At the later meeting Chief Fox informed Petitioner Jones that this data would be “difficult” to collect.

18. Eventually Petitioner Jones was provided with a limited snapshot of fare evasions arrests for the first quarter of 2017. Petitioner Jones continued to request more detailed information and was consistently rebuffed.

19. Petitioner Lancman became aware of Petitioner Jones’s efforts to obtain data on fare evasion arrests and summonses disaggregated by station and the NYPD’s refusal to provide it to him. On May 23, 2017, Petitioner Lancman began the process of having a bill drafted for introduction in the City Council to require the NYPD to publicly report that data.

20. In the meantime, Petitioner CSSNY obtained fare evasion arrest data from two Brooklyn public defender organizations, Brooklyn Defender Services and The Legal Aid Society’s Brooklyn Criminal Defense Practice, to examine where arrests were occurring and who was most affected. CSSNY’s senior economist proceeded to analyze the data.

21. In June 2017, CSSNY convened a “New York Reentry Roundtable,” where Petitioner Lancman, representatives from the aforementioned public defender organizations, representatives from the “Swipe it Forward” campaign, and CSSNY’s senior economist and policy staff members discussed the ramifications of the data. A few months later, Petitioner CSSNY memorialized this analysis with a 36-page report examining the frequency of fare evasions arrests at subway stations in Brooklyn and how those arrests correlated with other factors such as neighborhood demographics, poverty rates, and criminal complaints. *See* Exhibit

2 (Harold Stolper and Jeff Jones, *The Crime of Being Short \$2.75, Policing Communities of Color at the Turnstile* (2017)).

22. The report's findings were troubling. They revealed that the subway stations with the highest rate of fare evasion arrests per 100,000 MetroCard swipes were all located in predominantly poor African-American neighborhoods. The arrest rates were significantly higher in these neighborhoods than in either higher-income neighborhoods or lower-income neighborhoods that were not predominantly African-American. These findings also could not be explained by differences in the number of criminal complaints in the various neighborhoods or socio-economic factors. The data strongly suggested that this disparity in arrests for "jumping the turnstile" across Brooklyn neighborhoods could not be dismissed as simply attributable to increased police presence in high-crime areas. *Id.* at 10-20.

23. As the CSSNY report details, the consequences of fare evasion arrests or summonses can be severe—ranging from \$100 fines (a significant amount of money for someone who was arrested in the first place because they did not have \$2.75 to pay the fare) to up to a year in jail. Many arrestees also end up with a damaging criminal record. Non-citizens, even legal permanent residents, can even face deportation simply for being short a few dollars. *Id.* at 23-24.

24. Findings of this report were shared with NYPD personnel prior to publication. Despite the strong data to the contrary, the NYPD maintained that the concentration of fare evasion arrests in poor African-American communities was simply the result of increased police presence in areas with a large number of criminal complaints.

25. Petitioner CSSNY seeks to review the data that Respondents de Blasio and O'Neill are required by the City Law to publish so that it can analyze whether the trends it

identified in Brooklyn have persisted over a longer time period, and whether those trends are prevalent throughout the five boroughs.

**Petitioner Lancman and the New York City Council Enact the City Law**

26. Recognizing the need to have publicly available data on fare evasion arrests and summonses, Petitioner Lancman publicly announced in June 2017 that he intended to introduce legislation (the “Bill”), to require the NYPD to release quarterly reports detailing the number of arrests under New York Penal Law § 165.15 and summonses under MTA Rule of Conduct § 1050.4 that were issued for fare evasion at each subway station throughout New York City. The Bill also required the NYPD to break the data down by certain demographic criteria, such as the race, gender, and age range of each person arrested or summonsed.

27. The goal of the Bill was to require the NYPD to produce and publish the aforementioned data so that the City Council and organizations like CSSNY could analyze whether patterns existed in the NYPD’s arrests and citations and produce additional reports detailing their findings, and so that the public could be informed of policing practices in their community. Petitioner Lancman could then assess whether these arrests inflicted disproportionate harm on communities of color and the poor, and, if needed, take appropriate legislative action. The legislative history of the Bill’s enactment is filled with references to CSSNY’s Report and the need to expand upon it with a broader set of data. *See Exhibit 3* (Transcript from the Mayor’s Office of Criminal Justice New York City Council Hearing before the Committee on Public Safety at 14,121-26).

28. The Bill also intended to provide Petitioner Lancman and interested persons and organizations access to data on whether there are any trends or patterns concerning when the NYPD arrests alleged fare evaders under the Penal Law, as opposed to issuing a civil summons

under the MTA Rules of Conduct, an action which carries more lenient penalties and far fewer collateral consequences.

29. Passage of the Bill would also assist Petitioner Lancman in assessing the impact of Manhattan District Attorney Cyrus Vance's public announcement that individuals arrested for fare evasion within his jurisdiction would only be criminally prosecuted in limited circumstances. This topic has been a source of public debate among District Attorney Vance, the NYPD, the City Council, the Mayor, the MTA Chair, and the MTA's Board, and this data would help shed light on whether the policy was having its intended effects.

30. Shortly before the Bill was formally introduced before the City Council, Petitioners Lancman and Jones published an op-ed in the New York Daily News entitled "Fare Evasion is a Crime of Poverty" advocating for the Bill's passage.<sup>2</sup>

31. The Bill was formally introduced on July 20, 2017 and received a hearing in the Public Safety Committee of the City Council on October 16, 2017. Representatives from the NYPD and Petitioner CSSNY testified. *See* Ex. 3 at 23-29; 121-26.

32. The NYPD testified to circumstances that could lead an officer to make an arrest rather than issue a civil summons but maintained that the NYPD "demonstrates significant discretion when enforcing theft of services." Ex. 3 at 27.

33. At no time during the hearing did any representative of the NYPD assert that releasing the data required by the Bill would increase the threat to public safety or any other crime in the subway system. To the contrary, the NYPD asserted that it was "committed to transparency and providing more information to the public about enforcement that takes place in

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<sup>2</sup> *See* Rory Lancman & David R. Jones, *Fare Evasion is a Crime of Poverty*, Daily News (June 16, 2017), <http://www.nydailynews.com/opinion/fare-evasion-crime-poverty-article-1.3250824>.

the City's transit system." Ex. 3 at 28. The NYPD further stated that with minor changes it would be "capable of reporting the remaining data sought." *Id.*

34. After the hearing, Petitioner Lancman accepted proposed amendments suggested by the NYPD to more closely conform the Bill with how the NYPD collects and maintains data. During this process, no representative of the NYPD expressed concern to Petitioner Lancman that the Bill's required disclosures could pose a risk to public safety.

35. The amended Bill was approved by the City Council on December 11, 2017 by a vote of 47-0.

36. Respondent de Blasio's thirty-day window to either sign or veto the Bill lapsed on January 11, 2018, and, pursuant to New York City Charter § 21, the Bill became the law of the City of New York. *See* New York City, N.Y., Charter § 21 ("If within thirty days after the local law shall have been presented to him or her, the mayor shall neither approve nor return the local law to the clerk with his or her objections, it shall be deemed to have been adopted in like manner as if the mayor had signed it.").

37. This new law, Section 14-172 of the New York City Administrative Code, entitled "Online Reporting of Arrests and Summonses for Subway Fare Evasion," reads as follows:

- a. No later than 30 days after the quarter ending December 31, 2017 and 30 days after every quarter thereafter, the [Police] department shall publish on the department's website a report for the prior quarter, which shall include:
  1. The total number of arrests under subdivision 3 of section 165.15 of the penal law that occurred in a New York city transit authority station in total and disaggregated by the (a) transit bureau district; (b) New York city transit authority station; (c) race, sex and age group of the arrestee, including but not limited to disaggregation of arrestees under the age of 18; and (d) whether the arrestee was issued a desk appearance ticket or was the subject of a live arrest.

2. The total number of summonses returnable to the transit adjudication bureau issued for subway fare evasion as defined in section 1050.4 of title 21 of the New York codes, rules and regulations in total and disaggregated by (a) transit bureau district; (b) the New York city transit authority station; and (c) race, sex and age group of the violator, including but not limited to disaggregation of violators under the age of 18.
- b. The department shall publish on its website the department's policy with respect to determining whether an individual is issued a summons returnable to the transit adjudication bureau or a criminal summons.

### **The NYPD Refuses to Comply with its Statutory Obligations**

38. Despite the law's unambiguous command that the NYPD "*shall*" publish quarterly reports on its website, the NYPD has refused to comply.

39. The law expressly ordered that the first report be published "[n]o later than 30 days after the quarter ending December 31, 2017." This report was accordingly due on January 30, 2018.

40. When this report was not posted on the Department's website, the City Council contacted the NYPD on behalf of Petitioner Lancman. The NYPD responded that it would comply with the law, that the delay in posting the report was logistical, and that it would have the information posted within a matter of weeks.

41. The NYPD then reversed course, advising Petitioner Lancman that it did not intend to comply with the law on the grounds that posting data indicating those stations at which there were few arrests or summonses could lead prospective terrorists to believe there is limited police presence at those stations.

42. This explanation makes little sense, as the data presents a retrospective review of enforcement actions in the preceding three months, not a schedule of forthcoming NYPD deployments. More importantly, statistics showing minimal arrests and summonses

could just as easily reflect a lack of prioritizing fare evasion enforcement as a lack of police presence. Even if enforcement did correlate with police presence, obtaining such information would aid in determining whether there has been racial and socio-economic discrimination in the enforcement of the New York Penal Law and MTA Rules of Conduct—i.e., the exact purpose for which the City Law was enacted.

43. Justifications for failure to provide the data ultimately do not matter, however. The NYPD must abide by the City Law whether or not it agrees with it.

44. The NYPD does not have the authority to disregard laws that it believes fail to properly weigh security, anti-discrimination, and transparency considerations. That responsibility falls to the City Council in passing the legislation and the Mayor in signing it, vetoing it, or letting it become law by doing neither. New York City, N.Y., Charter § 21. Tellingly, there is no “anti-terrorism” or “public safety” exception within the language of the City Law.

45. Since the NYPD’s original failure on January 30, 2018, to publish the information required by the City Law, the NYPD has failed to publish the required data two additional times: on April 30, 2018 (30 days after the quarter ending March 31, 2018), and on July 30, 2018 (30 days after the quarter ending June 30, 2018), while proffering various purported extra-legislative “compromises” instead of full adherence to the City Law.

46. To date, no data required by the City Law has been published by the NYPD on its website despite the passage of three required reporting periods.

47. Various compromises for some form of limited public disclosure were offered directly to Petitioner Lancman or conveyed to him through the City Council.

48. In arguing for the sufficiency of these compromises in lieu of complying with the express terms of the City Law, the NYPD provided Petitioner Lancman with limited statistics on a confidential basis. These statistics, which the NYPD did not even purport would comply with the City Law, did not contain all of the required data and were not properly disaggregated by MTA Transit Station and by race, gender, and age range. Even these incomplete statistics were never posted on the NYPD's website as mandated by the City Law.

#### **The NYPD Disregards Petitioners' FOIL Request**

49. On May 18, 2018 Petitioners filed a request under New York's Freedom of Information Law, Article 6 of the Public Officer's Law ("FOIL"), seeking the January 30, 2018 and April 30, 2018 reports required under the statute.

50. The NYPD informed Petitioners that it would require 90 business days simply to review the request, let alone produce any documents. To date, no documents have been produced.

51. In other words, despite (1) having been aware of its statutory obligation to publish quarterly reports since January 2018; (2) having attempted to bypass these obligations by providing incomplete and unusable data to Petitioner Lancman; and (3) being under a legal mandate to publish these quarterly reports, the NYPD still claimed it would need four months to assess whether it would be able to comply with the FOIL request. This time frame was clearly unacceptable, and left Petitioners with no choice but to file suit.

#### **The City Refuses to Authorize Petitioner Lancman to File Suit**

52. Recognizing that the City Law would not be followed voluntarily, and that litigation would be the only way to obtain the necessary data, Petitioner Lancman sent a letter to Corporation Counsel Zachary Carter explaining that Petitioner Lancman was entitled to this

information by law and that the NYPD had refused to provide it to him. In turn, he requested that Carter, as Corporation Counsel, represent him in filing suit in his official capacity or, alternatively, that he be authorized to hire outside counsel due to Corporation's Counsel's likely conflict in a suit against the NYPD.

53. In response, Carter acknowledged that Section 14-172 "requires the NYPD to publish on its website certain information concerning arrests at New York City Transit Authority stations." (emphasis added). See Exhibit 4 (Corporation Counsel's Response to Petitioner Lancman's request for independent representation to pursue the City Law's enforcement).

54. Nonetheless, Carter denied Petitioner Lancman's request, claiming that Petitioner Lancman did not have authority to file suit in his official capacity to compel the NYPD to comply with the City Law. *Id.* Petitioner Lancman was accordingly forced to retain private counsel to represent him in this action.<sup>[AW1]</sup>

### **FIRST CAUSE OF ACTION**

#### **RESPONDENTS DE BLASIO AND O'NEILL'S FAILURE TO PRODUCE DATA VIOLATES N.Y.C. ADMIN. CODE § 14-172**

55. Petitioners repeat and reallege each paragraph above as if fully set forth herein.

56. Where a party has a "clear legal right [they are] entitled to enforce, where the duty . . . is clearly mandated by statute and where the [agency] whose duty it is to act in furtherance of that right, refuses to meet its responsibilities, a writ of mandamus is the proper remedy." *Baum v. Town Bd. of Sand Lake*, 470 N.Y.S.2d 912, 919 (3d Dep't 1983). See also, e.g., *Klosterman v. Cuomo*, 61 N.Y. 2d 525, 541 (1984) ("[T]o the extent that plaintiffs can establish that defendants are not satisfying *nondiscretionary obligations* to perform certain

functions, they are entitled to orders directing defendants to discharge those duties.”) (emphasis added).

57. The City Law requires that Respondents de Blasio and O’Neill produce and publish specified fare evasion enforcement-related data on a quarterly basis.

58. The NYPD has failed or refused to comply with this legal mandate.

59. The NYPD’s actions violate the City Law.

60. Respondents de Blasio and O’Neill are responsible for the actions of the NYPD. They are responsible for the NYPD’s refusal to comply with the mandates set forth in this statute.

61. The NYPD’s refusal to publish this data hinders Petitioner Lancman’s ability to carry out his legislative duties. This deprivation of his statutory rights is particularly harmful to Petitioner Lancman, who introduced this law and advocated for its passage so that he would be able to assess whether the Penal Law and MTA Rules of Conduct are being enforced in a discriminatory manner, and, if so, use his power as a legislator to take appropriate action.

62. Carter’s stated position that Petitioner Lancman does not have capacity to sue for the law’s enforcement is meritless.

63. Carter relies on cases that stand for the general proposition that a member of the City Council does not have capacity to sue every time that a law that he voted for is, in his/her view, not being properly enforced. Ex. 4 (relying on *Townsend v. Spitzer*, 69 A.D. 3d 1026 (3d Dep’t 2010) and similar cases).

64. While perhaps accurate as a general statement of law, it is irrelevant to this case. Petitioner Lancman’s capacity to sue is not derived from the fact that he voted for the City Law, but from the City Law’s express grant of a statutory right to access certain data.

65. *Sullivan v. Siebert*, 417 N.Y.S.2d 129, 130 (3d Dep't 1979), illustrates this distinction. In *Sullivan*, various city agencies had not complied with a validly enacted statute requiring them to submit periodic reports to the Governor and the State Legislature. An individual legislator filed suit to compel the reports to be produced and, like the City here, the state challenged the legislator's standing and capacity to sue.

66. The Third Department rejected this argument, explaining that because the reports were due to the Governor and Legislature, each legislator had a "statutory right" to receive copies of the report, and thus had the capacity to sue to enforce the law. *Id.* at 130.

67. Just as in *Sullivan*, the City Law grants Petitioner Lancman "the statutory right" to review the reports, and that right confers him with both standing and capacity to sue. *Sullivan*, 417 N.Y.S.2d at 130; *see also Saratoga Cty. Chamber of Commerce Inc. v. Pataki*, 712 N.Y.S.2d 687, 695 (3d Dep't 2000) (distinguishing cases where legislators sue over the executive branch's policy decisions from cases like *Sullivan* where the legislator has "been deprived of something to which [he] is personally entitled" under the law).

68. Petitioners Jones and CSSNY both likewise have a "statutory right" to the data.

69. Petitioners Jones and CSSNY also both suffer harm distinct from the general public as a result of not receiving this data.

70. Standing is granted to organizations and individuals whose interest is more specific and more compelling than members of the public at large and whose injuries fall within the "zone of interests" the underlying statute is meant to protect. *Transactive Corp. v. N.Y. State Dep't of Soc. Servs.*, 92 N.Y.2d 579, 587 (1998).

71. For an organization to have standing, it must also have diverted resources to redress illegal conduct which frustrates its organizational mission. *Mixon v. Grinker*, 556 N.Y.S.2d 855, 858 (1st Dep't 1990).

72. Petitioner CSSNY needs the required data in order to fulfill its mission of advocating for low-income New Yorkers by ensuring that they are not being policed in a racially or socio-economically discriminatory manner. The organization has already issued one limited report with the data that it has, but the NYPD's continued refusal to comply with its statutory obligations has prevented it from expanding on this analysis and frustrated its advocacy efforts.

73. Petitioner CSSNY has also now had to divert resources from its advocacy efforts to petitioning the NYPD to provide the data CSSNY is statutorily entitled to receive. Petitioner CSSNY has filed a FOIL Request, and now is being forced to file a lawsuit in order to obtain this data.

74. In addition to the harm to the organization that he runs, Petitioner Jones suffers a discrete harm because he is unable to carry out his duties as an MTA board member. These statistics are invaluable to the MTA to understand how the stations under its jurisdiction are being policed, and Petitioner Jones has been requesting these statistics for over a year (even long before the passage of the City Law) in order to carry out his duties. The NYPD's actions have prevented Petitioner Jones from carrying out the responsibilities he was appointed to fulfill.

75. These injuries to all Petitioners are unquestionably within the "zone of interests" that the City Law is meant to protect, as the statute was enacted for the specific purpose of allowing the City Council, the MTA, and organizations like CSSNY to analyze how the Police Department is using its discretion in enforcing fare evasion with either civil or

criminal penalties and, if necessary, to advocate for or enact legislation and policies to combat any discriminatory practices. *See* Ex. 3.

**PRIOR APPLICATION**

76. No prior application has been made for the relief requested herein.

**PRAYER FOR RELIEF**

**WHEREFORE**, Petitioners respectfully request that this Court:

- 1) Issue an order in the nature of a writ of mandamus compelling Respondents de Blasio and O'Neill to immediately comply with the mandates of New York City Administrative Code § 14-172, or in the alternative, direct a trial of any triable issues raised by the pleadings and proof of the parties; and
- 2) Grant attorneys' fees to petitioners as well as such other and further relief as is deemed just and proper.

Dated: September 19, 2018  
New York, New York

EMERY CELLI BRINCKERHOFF  
& ABADY LLP

\_\_\_\_\_/s/\_\_\_\_\_  
Richard D. Emery  
David B. Berman  
600 Fifth Avenue, 10th Floor  
New York, New York 10020  
(212) 763-5000 (t)  
(212) 763-5001 (f)

*Attorneys for Petitioners Rory I. Lancman,  
David R. Jones and the Community Service  
Society of New York*



