

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

In the Matter of,

NEW YORK CIVIL LIBERTIES UNION,

Petitioner,

-against-

NEW YORK CITY DEPARTMENT OF  
CORRECTION,

Respondent.

For a Judgement Pursuant to Article 78 of the Civil  
Practice Law and Rules.

Index No.: \_\_\_\_\_  
RJI No.

Hon. Judge

**NOTICE OF PETITION**

**ORAL ARGUMENT  
REQUESTED**

PLEASE TAKE NOTICE that, upon the annexed Verified Petition, Affirmation of Guadalupe V. Aguirre, and the Petitioner’s Memorandum of Law, each dated October 29, 2021, an application will be filed in the Supreme Court of the State of New York in the County of New York, 60 Centre Street, Room 130, New York, New York, on December 17, 2021 at 9:30am, or as soon thereafter as counsel may be heard, for a judgment pursuant to Article 78 of the Civil Practice Law and Rules (“CPLR”) and the Freedom of Information Law (“FOIL”), holding that the Respondent has failed to perform a duty enjoined upon it by law and in an arbitrary and capricious manner; directing the Respondent to comply with its duty under FOIL to provide the information sought by the Petitioner in the Petitioner’s April 30, 2021 request and June 22, 2021 appeal; awarding reasonable attorneys’ fees and costs pursuant to New York Public Officers Law § 89; and granting other relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR § 7804(c) answering papers, if any, shall be received by the undersigned at least five (5) days before the return date of this application, and any reply shall be served and filed at least one day before the return date of this application.

PLEASE TAKE FURTHER NOTICE that New York County is designated as the venue of this Proceeding pursuant to CPLR Sections 7804(b) and 506(b), as it is the County in which the material events giving rise to this proceeding took place.

Respectfully Submitted,



NEW YORK CIVIL LIBERTIES UNION  
FOUNDATION

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Date: October 29, 2021  
New York, New York

*Counsel for Petitioner*