NYSCEF DOC. NO. 2

RECEIVED NYSCEF: 10/29/2021

INDEX NO. UNASSIGNED

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.

This is a copy of a pleading filed electronically pursuant to New York State court rules (22 NYCRR §202.5-b(d)(3)(i)) which, at the time of its printout from the court system's electronic website, had not yet been reviewed and pproved by the County Clerk. Because court rules (22 NYCRR §202.5[d]) authorize the County Clerk to reject filings for various reasons, readers should be aware that documents bearing this legend may not have been 1 of 2 accepted for filing by the County Clerk.

CAUTION: THIS DOCUMENT HAS NOT YET BEEN REVIEWED BY THE COUNTY CLERK. (See below.)

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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

INDEX NO. UNASSIGNED

FOUNDATION

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Date: October 29, 2021

New York, New York

Counsel for Petitioner

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