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

NYSCEF DOC. NO. 2

RECEIVED NYSCEF: 10/31/2023

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 POLICE DEPARTMENT,

Respondent.

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

ndex No.:	
R II No	

Hon. Judge

**NOTICE OF PETITION** 

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, upon the annexed Verified Petition, Affirmation of Ifeyinwa Chikezie, and the Petitioner's Memorandum of Law, each dated October 31, 2023, 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 November 20, 2023 at 9:30 a.m., 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 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 October 13, 2023 request and subsequent appeals; 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 approved 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 accepted for filing by the County Clerk.

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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 (1) 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 §§ 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** 

By: Ifeyinwa Chikezie Robert Hodgson Christopher Dunn 125 Broad St., Floor 19 New York, N.Y. 10004

Tel: (212) 607-3300 Fax: (212) 607-3318

Email: ichikezie@nyclu.org

Date: October 31, 2023 New York, New York

Counsel for Petitioner