

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.

Index No.: _____
RJI 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.

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