

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 4/25/18

BRONX INDEPENDENT LIVING SERVICES, a nonprofit organization, DISABLED IN ACTION OF METROPOLITAN NEW YORK, a nonprofit organization, ROBERT HARDY, an individual, and RODOLFO DIAZ, an individual, on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY, a public benefit corporation, JOSEPH J. LHOTA, in his official capacity as chairman and chief executive officer of the Metropolitan Transportation Authority, NEW YORK CITY TRANSIT AUTHORITY, a public benefit corporation, and ANDY BYFORD, in his official capacity as president of the New York City Transit Authority,*

Defendants.

ORDER GRANTING
CLASS CERTIFICATION

16 Civ. 5023 (ER)

RAMOS, D.J.:

Plaintiffs Bronx Independent Living Services (“BILS”), Disabled In Action of Metropolitan New York (“DIA”), Robert Hardy, and Rodolfo Diaz, on behalf of themselves and all others similarly situated, filed a motion for class certification with this Court on February 28, 2018. (Doc. 51.) On March 28, 2018, Defendants Metropolitan Transportation Authority, Joseph J. Lhota, New York City Transit Authority, and Andy Byford notified the Court that they

* Joseph J. Lhota and Andy Byford are currently chairman of the Metropolitan Transportation Authority and president of the New York City Transit Authority, respectively. They have been substituted as parties in the place of Thomas Prendergast and Veronique Hakim, pursuant to Federal Rule of Civil Procedure 25(d). The Clerk of the Court is respectfully directed to update the docket accordingly.

would not file opposition to Plaintiffs' motion for class certification, and they confirmed this position during a conference before the Court on April 10, 2018. (Doc. 72.)

Having considered the evidence presented, the Court concludes that Plaintiffs have satisfied the requirements of Federal Rules of Civil Procedure 23(a) and 23(b)(2), and that class certification is warranted in this action. The Court further concludes that proposed class representatives BILS, DIA, Hardy, and Diaz will fairly and adequately protect the interests of the class. Finally, the Court concludes that class counsel are able to fairly and adequately represent the interests of Plaintiffs and the certified class, considering the work that counsel has done in identifying and investigating potential claims in this action; counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; counsel's knowledge of the applicable law; and the resources that counsel will commit to representing the class.

Therefore, it is ORDERED that:

1. This action is hereby certified as a class action under Federal Rule of Civil Procedure 23(b)(2).
2. The class shall be defined as: All persons with mobility disabilities who cannot currently use the Middletown Road subway station because of accessibility barriers at that station and who would use the station if it were made accessible.
3. Plaintiffs Bronx Independent Living Services, Disabled In Action of Metropolitan New York, Robert Hardy, and Rodolfo Diaz are appointed as class representatives pursuant to Federal Rule of Civil Procedure 23(a).
4. Plaintiffs' counsel Disability Rights Advocates are appointed as class counsel pursuant to Federal Rule of Civil Procedure 23(g).

The Clerk of the Court is respectfully directed to terminate the motion. (Doc. 51.)

It is SO ORDERED.

Dated: April 25, 2018
New York, New York



Edgardo Ramos, U.S.D.J.