

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

CENTER FOR INDEPENDENCE OF THE DISABLED, NEW YORK, a nonprofit organization; BROOKLYN CENTER FOR INDEPENDENCE OF THE DISABLED, a nonprofit organization; BRONX INDEPENDENT LIVING SERVICES, a nonprofit organization; HARLEM INDEPENDENT LIVING CENTER, a nonprofit organization; DISABLED IN ACTION OF METROPOLITAN NEW YORK, a nonprofit organization; NEW YORK STATEWIDE SENIOR ACTION COUNCIL, a nonprofit organization; SASHA BLAIR-GOLDENSOHN, an individual; CHRIS PANGILINAN, an individual; and DUSTIN JONES, an individual, on behalf of themselves and all others similarly situated;

Plaintiffs,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY, a public benefit corporation, VERONIQUE HAKIM, in her official capacity as interim executive director of the Metropolitan Transit Authority, NEW YORK CITY TRANSIT AUTHORITY, a public benefit corporation, DARRYL C. IRICK, in his official capacity as acting president of the New York City Transit Authority, and THE CITY OF NEW YORK,

Defendants.

Index No.

COMPLAINT

Plaintiffs Center for the Independence of the Disabled, New York (“CIDNY”), Brooklyn Center for Independence of the Disabled (“BCID”), Bronx Independent Living Services (“BILS”), Harlem Independent Living Center (“HILC”), Disabled In Action of Metropolitan New York (“DIA”), the New York Statewide Senior Action Council (“StateWide”), Sasha Blair-

Goldensohn, Chris Pangilinan, and Dustin Jones (collectively, “Plaintiffs”), by and through their undersigned attorneys, Disability Rights Advocates and Sheppard Mullin Richter and Hampton LLP, file this class action complaint against defendants Metropolitan Transportation Authority (“MTA”), New York City Transit Authority (“NYC Transit”), and the City of New York (“the City”) (collectively, “Defendants”), as follows.

I.

INTRODUCTION

1. This class-action lawsuit challenges the systemic, discriminatory exclusion of people with mobility and other disabilities affecting their capacity to use stairs from the New York City subway system.

2. Defendants Metropolitan Transportation Authority (“MTA”), New York City Transit Authority (“NYC Transit”), and the City of New York (“the City”) own and/or operate the most inaccessible major transportation system in the nation. Indeed, the New York City subway system ranks last among the country’s ten largest metro systems in terms of the number of accessible stations it offers to its riders.

3. People who use wheelchairs, walkers, scooters, or other mobility devices, or who are unable to use stairs due to disabilities related to muscle, joint, heart or lung function, are blatantly denied access to 360 subway stations (almost 80%) in New York City, due to Defendants’ failure to install elevators and otherwise ensure vertical access at the majority of stations.¹ The discriminatory result leaves hundreds of thousands of New Yorkers and visitors to

¹ The numbers and statistics referenced throughout this complaint refer to the New York City subway system but exclude the separate MTA entity of the Staten Island Railway. However, the Staten Island Railway is also overwhelmingly inaccessible, with 17 out of 21 inaccessible stations (81%).

the City with mobility and other disabilities blocked, limited, and/or deterred from equal use of the City's subway system.

4. Defendants' discriminatory exclusion of hundreds of thousands of people with mobility disabilities or other disabilities affecting a person's ability to use stairs from the vast majority of subway stations is particularly harmful given the critical importance of the subway system to life in New York City.

5. Passing through some of the United States' most densely populated areas, New York City's subway system is both the longest, covering eight hundred and forty-six (846) miles of track, and the most frequently used metropolitan transit system in the Western world, totaling nearly 1.8 billion rides annually. Daily ridership often reaches up to almost six million (6,000,000) people.

6. The subway system's trains are frequent, inexpensive, and speedy, reaching up to 55 miles per hour and covering a vast network of stations that allow riders to travel quickly and reliably to hundreds of destinations in New York City.

7. New Yorkers rely heavily on the subway system to carry out essential daily tasks and to participate in the City's community life, including commuting to and from work, attending school, accessing healthcare services, taking part in social, civic and cultural events, and visiting friends and family.

8. Visitors to New York City depend on and use the subway system to visit tourist attractions, cultural institutions, parks, and to explore famed neighborhoods.

9. Yet residents and visitors with mobility disabilities or other disabilities affecting a person's ability to use stairs are barred, limited, and deterred from equal use of, in the words of

former MTA Chairman and CEO Thomas F. Prendergast, "...the most efficient way to get around town."

10. MTA and NYC Transit's failures in this regard violate the anti-discrimination requirements of the New York City Human Rights Law ("NYCHRL"), the very purpose of which is to "eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination and bias-related violence or harassment." N.Y.C. Admin. Code § 8-102.

11. In fact, the NYCHRL requires entities that operate public transportation systems in the City to take affirmative steps to ensure that their programs and services are accessible to people with mobility disabilities. *See* N.Y.C. Admin. Code § 8-107(4)(a) *et seq.*

12. The anti-discrimination protections that the NYCHRL provides to people with disabilities are independent from and in addition to the anti-discrimination protections provided by federal and state laws. *See* N.Y.C. Admin. Code § 8-130.

13. The NYCHRL's promise to eliminate discrimination and guarantee equal citizenship is violated if people with disabilities cannot utilize the subway system on an equal basis as the millions of other residents and visitors do.

14. Plaintiffs bring this complaint on behalf of themselves and other similarly-situated people with mobility or other disabilities affecting their capacity to use stairs, who are being discriminated against due to the lack of accessible vertical access, including elevators, at the vast majority of New York City subway stations.

15. Plaintiffs sought a commitment from Defendants MTA and NYC Transit on multiple occasions to develop and implement a firm remedial plan to expand elevator and

vertical access to the subway system over a reasonable period of time. Defendants MTA and NYC Transit refused to make such a commitment.

16. The overwhelming inaccessibility of the New York City subway system is illustrated in the following image.



II.

JURISDICTION AND VENUE

17. This is an action for declaratory and injunctive relief brought pursuant to the N.Y.C. Admin. Code § 8-101 *et seq.* The Court has power to issue such relief pursuant to N.Y. C.P.L.R. § 6301.

18. Following the commencement of this action, a copy of this Complaint will be served both on the New York City Commission for Human Rights and the Office of the Corporation Counsel of the City of New York, thereby satisfying the notice requirements of the New York City Administrative Code.

19. Venue is proper pursuant to N.Y. C.P.L.R. § 503(a) based on the residence of all individual and organizational Plaintiffs.

III.

PARTIES

A. Plaintiffs

20. Plaintiff CIDNY is an independent living center that serves people with disabilities throughout New York City. Founded in 1978, CIDNY is a non-profit organization. The majority of CIDNY's board members and two-thirds of CIDNY's staff are people with disabilities. CIDNY serves approximately 22,800 people with disabilities, family members and partners of people with disabilities in New York City annually.

21. CIDNY's mission is to ensure full integration, independence, and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural, and civic life of the community. CIDNY's expert counselors help people develop individualized roadmaps to better their lives. CIDNY helps people obtain health coverage and access to health care, transition from institutions to the community, improve access to healthy and affordable

foods, obtain access to transportation, solve problems related to their transportation, housing, health care, and educational opportunities. The inability of people with disabilities to safely use public transportation in New York City impacts almost all of CIDNY's programs and impairs its mission.

22. Since its inception, CIDNY has worked to provide people with disabilities a safe and accessible way to move freely around New York City. For example, as far back as 1979, CIDNY was surveying trends in requests for service to identify the need New Yorkers had in accessing New York City's public transit services. In 1980, CIDNY lead the coalition of people requesting that MTA trains and buses be made accessible to people who use wheelchairs. In 1999, CIDNY helped negotiate a settlement of a federal lawsuit guaranteeing improvements to the Access-a-Ride program, which provided transportation for more than 40,000 people with disabilities in New York City. In 2004, CIDNY completed a survey of subway platform safety for people with visual disabilities and used the data in a media campaign to draw attention to the lack of appropriate platform edge markings. In 2005, CIDNY was a partner in the coalition that successfully advocated for the introduction of accessible taxi cabs into the fleet of yellow taxis and later contributed to the successful federal civil rights case brought to require additional accessible taxis in New York City. In 2014, CIDNY surveyed sidewalks and used the data to file suit against the City for failing to ensure curb cuts are compliant with the Americans with Disabilities Act.

23. CIDNY's work on subway accessibility is a continuation of its longstanding commitment to make it possible for people with disabilities to travel independently and safely in New York City.

24. CIDNY's constituents, staff, and volunteers with mobility disabilities or other disabilities affecting a person's ability to use stairs are presently being harmed by Defendants' failure to install elevators or vertical access throughout the subway system.

25. CIDNY has also expended time and resources responding to complaints from constituents, staff, and volunteers with mobility disabilities or other disabilities affecting a person's ability to use stairs who are barred, limited, and deterred from use of the subway system.

26. Defendants' failure to ensure the accessibility of their subway system to people with mobility disabilities or other disabilities affecting a person's ability to use stairs is thus an issue of urgent and immediate concern for CIDNY.

27. Plaintiff Brooklyn Center for Independence of the Disabled ("BCID") is a consumer-based, non-profit independent living center that provides services and advocacy toward independent living for people with disabilities throughout the City of New York. The majority of BCID's board members and staff are people with disabilities, including mobility-related disabilities.

28. Each year, BCID serves approximately 1,400-1,700 people with disabilities. Moreover, BCID also has approximately 50 support-group members and peer counselors; many have mobility disabilities that require the use of wheelchairs, walkers, scooters, or other assistive devices.

29. BCID's mission is to ensure full integration, independence, and equal opportunity for all people with disabilities. BCID strives to accomplish this goal by removing barriers to the disabled constituents' full and equal participation in the social, economic, cultural, and civic life of the community. Safeguarding access to the public transportation program run by Defendants

is a vital component of this mission, particularly given the impracticability of owning a car in a city like New York.

30. Since its inception in the year 1956, BCID has worked to ensure that each program and service of activity provided by the City is accessible for people with disabilities. To improve access to transportation and mobility, BCID has led campaigns with other disability groups to make taxicabs and other for-hire vehicles accessible, to improve the safety and accessibility of crosswalks with curb cuts and signals to accommodate blind people, and efforts to improve the MTA-run Access-A-Ride paratransit service. BCID also advocates to remedy the inaccessibility of the City's police stations and emergency shelters and the accessibility of private businesses.

31. BCID's members, constituents, staff, and volunteers with mobility disabilities or other disabilities affecting a person's ability to use stairs are presently being harmed by Defendants' failure to ensure the accessibility of their subway system to people with mobility disabilities and others who cannot use stairs.

32. BCID has also expended time and resources responding to complaints from constituents, staff and volunteers with mobility disabilities or other disabilities affecting a person's ability to use stairs regarding inaccessible subway stations.

33. The continued inaccessibility of the subway system resulting from Defendants' failure to provide accessible subway stations is thus an issue of urgent and immediate concern for BCID.

34. Plaintiff Bronx Independent Living Services ("BILS") is an independent living center located at 4419 Third Avenue, Bronx, New York. Founded in 1983, BILS is a consumer-based, non-profit organization, providing services and advocacy for independent living for

individuals with disabilities. BILS's mission is to ensure full integration, independence, and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural, and civic life of the community. Both BILS board and staff are made up of a majority of people with disabilities.

35. BILS is dedicated to guaranteeing the civil rights of people with disabilities. BILS seeks to improve the quality of life of Bronx residents with disabilities through programs that empower them to gain greater control of their lives and achieve full and equal integration into society, including through access to public transportation. BILS accomplishes this goal through services; its advocacy for systemic changes to remove physical, attitudinal and communicational barriers to people with disabilities; and through its education and awareness programs. As part of this work, BILS has engaged in systemic advocacy on issues involving public transportation on behalf of its constituents with mobility disabilities.

36. BILS' constituents, staff, and volunteers with mobility disabilities or other disabilities affecting a person's ability to use stairs are presently being harmed by Defendants' failure to ensure the accessibility of their subway system.

37. BILS has also expended substantial time and resources responding to complaints from constituents, staff and volunteers with mobility disabilities or other disabilities affecting a person's ability to use stairs regarding the subway system's inaccessibility.

38. The continued inaccessibility of the subway system resulting from Defendants' failure to provide accessible subway stations is thus an issue of urgent and immediate concern for BILS.

39. Plaintiff Harlem Independent Living Center ("HILC") is a consumer-based, non-profit independent living center founded in 1990 to serve people with disabilities in the Greater

Harlem area in Manhattan. HILC's mission is to assist communities of people with disabilities in achieving optimal independence through culturally and linguistically appropriate services by advocating, educating, empowering, and being a community change catalyst.

40. To further its mission, HILC provides an array of independent living services to people with disabilities to increase their ability to function independently within their community by providing them with information and skills.

41. HILC provides a peer-based approach to services where people with disabilities frequently assist other disabled people. The majority of HILC's board members and staff are people with disabilities, including mobility-related disabilities.

42. HILC's constituents, staff, volunteers, and board members with mobility disabilities or other disabilities affecting a person's ability to use stairs are presently being harmed by Defendants' failure to ensure the accessibility of its subway system.

43. HILC has also expended time and resources responding to complaints from constituents, staff, and volunteers with mobility disabilities or other disabilities affecting a person's ability to use stairs regarding the subway system's inaccessibility.

44. The continued inaccessibility of the subway system resulting from Defendants' failure to provide accessible subway stations is thus an issue of urgent and immediate concern for HILC.

45. Plaintiff Disabled In Action of Metropolitan New York ("DIA"), founded in 1970, is a nonprofit civil rights membership organization committed to ending discrimination against people with all disabilities. DIA has approximately 150 members who live and work in New York City. DIA consists primarily of and is directed by people with disabilities.

46. To achieve its mission, DIA works to eliminate the barriers that prevent people with disabilities from enjoying full equality in American society. DIA seeks to empower people with disabilities to become assertive and fully involved in self-advocacy. DIA promotes the ability of people with disabilities to live independently by mandating equal access to education, employment, entitlements, health care, housing, personal assistance services, public accommodations, telecommunications, and transportation. DIA uses education and awareness, legislative advocacy, and public demonstrations to achieve these goals.

47. DIA's members with mobility disabilities, are presently being harmed by Defendants' failure to ensure the accessibility of its subway system to people with mobility disabilities and others who cannot use stairs.

48. DIA has also expended time and resources responding to complaints from constituents, staff, and volunteers with mobility disabilities or other disabilities affecting a person's ability to use stairs regarding the subway system's inaccessibility.

49. The continued inaccessibility of the subway system resulting from Defendants' failure to provide accessible stations is thus an issue of urgent and immediate concern for DIA.

50. Plaintiff New York StateWide Senior Action Council ("StateWide") is a grassroots membership organization of individual senior citizens and senior citizen clubs throughout New York State. Founded in 1972, StateWide's mission is to achieve through united action the dignity, well-being, and security of all senior citizens of New York State. StateWide has seven chapters throughout the state, including a New York City chapter.

51. StateWide works to achieve its mission through trainings, educational workshops, legislative advocacy, direct consumer assistance, and monitoring programs and services for the elderly of New York State to ensure their full representation and participation.

52. The New York City chapter of StateWide works with local leaders to promote planning that ensures seniors have the opportunity to age in place. A critical component of ensuring livable communities for seniors, especially for seniors with mobility disabilities or other disabilities affecting a person's ability to use stairs, is reliable access to the New York City subway system. Thus, StateWide members with such disabilities are presently being harmed by Defendants' failure to ensure the accessibility of its subway system.

53. StateWide has also expended time and resources responding to complaints from members with mobility disabilities or other disabilities affecting a person's ability to use stairs regarding the subway system's inaccessibility.

54. Plaintiff Sasha Blair-Goldensohn is a qualified person with a disability. He uses a wheelchair for mobility and regularly relies on the New York City subway system to commute to and from work and to attend a wide variety of activities and events. Mr. Blair-Goldensohn has experienced and continues to experience harm from the ongoing exclusion of people with mobility disabilities from the City's subway system.

55. Plaintiff Chris Pangilinan is a qualified person with a disability. He uses a wheelchair for mobility and regularly relies on the New York City subway system to commute to and from work and to attend a wide variety of activities and events. Mr. Pangilinan has experienced and continues to experience harm from the ongoing exclusion of people with mobility disabilities from the City's subway system.

56. Plaintiff Dustin Jones is a qualified person with a disability. He uses a wheelchair for mobility and regularly relies on the New York City subway system to commute to and from work and to attend a wide variety of activities and events. Mr. Jones has experienced and

continues to experience harm from the ongoing exclusion of people with mobility disabilities from the City's subway system.

B. Defendants

57. Defendant MTA is a public benefit corporation chartered by the New York State Legislature in 1965 under the Metropolitan Transportation Authority Act, N.Y. Pub. Auth. Law § 1260 *et seq.* Accordingly, MTA qualifies as a “governmental body or agency” within the meaning of the NYCHRL. N.Y.C. Admin. Code § 8-102(1).

58. MTA is the largest transportation network in North America, serving a population of 15.3 million people in the 5,000 square mile area covering New York City, Long Island, southeastern New York State, and Connecticut. As of February 24, 2016, the MTA had an operating budget of \$15.1 billion.

59. Defendant Veronique Hakim, sued in her official capacity, is the Interim Executive Director of the MTA.

60. NYC Transit is a public benefit corporation that operates as MTA's subsidiary pursuant to N.Y. Pub. Auth. Law § 1200 *et seq.* Accordingly, NYC Transit qualifies as a “governmental body or agency” within the meaning of the NYCHRL. N.Y.C. Admin. Code § 8-102(1).

61. NYC Transit administers 25 subway lines with 472 service line stations within Manhattan, the Bronx, Brooklyn, and Queens, as well as the Staten Island Railway and the New York City buses. As of February 24, 2016, NYC Transit had an operating budget of \$10.9 billion.

62. Defendant Darryl C. Irick, sued in his official capacity, is the Acting President of NYC Transit.

63. Defendant City of New York is a “governmental body or agency” within the meaning of the NYCHRL. N.Y.C. Admin. Code § 8-102(1).

64. The City owns the New York City subway system.

IV.

FACTUAL ALLEGATIONS

A. The subway system is vitally important to life in New York City.

65. New York City’s subway system is critically important to its residents. Among its vital benefits are speed, reaching up to 55 miles per hour; an 846-mile long network of tracks extending throughout all five boroughs; the ability to carry a very large number of riders, totaling around 6 million on any given day; train frequency, with service often spaced out by only minutes; availability twenty-four hours a day and seven days a week; relatively low fares; security in the form of lighted waiting areas and available security personnel; and freedom to use the system without encountering surface obstructions such as traffic jams or hazardous weather conditions.

66. The subway system’s importance is further heightened by New York’s population density. Commuters in the New York City metropolitan area have the highest rates of public transportation usage of any metropolitan area in the U.S. and visitors to the City depend on its convenience.

67. New Yorkers thus rely heavily on the subway system in every regard: to commute to work or school; to access healthcare; to shop for essentials; to attend houses of worship; to visit friends and family; to vote; and to otherwise participate in their communities.

68. As explained by former MTA Chairman and CEO Thomas F. Prendergast, “New Yorkers and visitors alike continue to vote with their feet, recognizing that riding the subway is the most efficient way to get around town.”

B. People with disabilities suffer severe consequences from pervasive exclusion from the New York City subway system.

69. Access to public transportation is especially vital for people with disabilities. Congress recognized this in 1990 when the House Committee on Education and Labor noted that “transportation is the linchpin which enables people with disabilities to be integrated and mainstreamed into society.” *See* H.R. Rep. No. 485 (II), at 37, (1990), *reprinted in* 1990 U.S.C.C.A.N. 303, 319 (observing that testimony of Executive Director of President’s Committee on Employment of People with Disabilities echoed the same: “inaccessible transportation has been identified as the major barrier, second only to discriminatory attitudes”); *accord* H.R. Rep. No. 485 (IV), at 25, (1990), *reprinted in* 1990 U.S.C.C.A.N. 512, 514 (“[Transportation] is a veritable lifeline to the economic and social benefits that our Nation offers its citizens . . . For this reason, the National Council on Disability has declared that ‘accessible transportation is a critical component of a national policy that promotes self-reliance and self-sufficiency of people with disabilities.’”).

70. Congress has additionally recognized that people with disabilities are at risk of isolation and segregation, due to bias and discrimination and to barriers to inclusion. *See* 42 U.S.C. §§ 12101(a)(2), (a)(5). Indeed, people with disabilities are at a greater risk of becoming housebound than the general population. A study by the U.S. Department of Transportation has found that, nationwide, roughly 560,000 people with disabilities never leave their homes because of a lack of transportation, while additional six million struggle to find the transportation they need. *See* Bureau of Transportation Statistics, Issue Brief No. 3, *Transportation Difficulties Keep Over Half a Million Disabled at Home* (Apr. 2003).

71. Despite the well-recognized importance of accessible public transportation, individuals with disabilities who reside in or travel to New York City remain largely excluded

from the subway system because of vertical inaccessibility for people who use wheelchairs, scooters, walkers, or other mobility devices or who have disabilities related to muscle, joint, heart or lung function.

72. Only 24% of the City's subway stations are accessible to people with mobility disabilities or other disabilities affecting a person's ability to use stairs. Or said in the alternative, 360 out of 472 service line stations are completely inaccessible to people who use wheelchairs, walkers, scooters or are otherwise unable to traverse stairs, making the New York City subway system one of the least accessible public transportation systems in the United States.

73. The distance between accessible stations exceeds 30 blocks in many areas of the City. For example, there are no wheelchair-accessible subway stations on the number 6 line in the Bronx between Pelham Bay Park and Hunts Point Avenue Station, even though that segment of the subway system covers 4.4 miles of track.

74. Countless instances exist throughout the City that demonstrate the extent to which people with mobility disabilities or other disabilities affecting a person's ability to use stairs are excluded from the benefits of the subway system.

75. For example, the beautiful, large and famous Central Park spans over fifty city blocks and has over fifteen subway stations along its perimeter. Yet, only one of these stations, 59th Street-Columbus Circle, is accessible to people with mobility disabilities.

76. Other examples, including those related to schools, healthcare, church, sports, transportation, and cultural sites follow:

- a. Unequal access to Columbia University's central campus (housing the undergraduate school, Barnard College, graduate programs, and the School of Law). The 116th Street-Columbia University station is within 50 feet of the

central campus gates, and yet it is inaccessible. For students who use wheelchairs, the nearest accessible station is at 125th Street—12 blocks and nearly a mile further from the central campus gates.

- b. Unequal access to Hunter College. A student with a mobility disability must travel 0.4 miles across 7 blocks from the Lexington Avenue/63rd Street station to reach the college's entrance, whereas students who can climb stairs can arrive by using the 68 Street-Hunter College station, which is only 400 feet away from the entrance.
- c. Unequal access to Lehman College. A Lehman student with a mobility disability faces a commute that is triple that of her peers due to the inaccessibility of the nearest train station, Bedford Park Blvd-Lehman College. For a student who can climb stairs, the commute is only 0.2 miles or about 4 minutes long. A student who uses a wheelchair, however, must travel at least 12 minutes from the nearest accessible station, Fordham Road, which is two stops away on the 4 line.
- d. Unequal access to the Pratt Institute School of Architecture. Students who can climb stairs are able to arrive at the school from the Clinton-Washington Avenue G line station, located only 3 minutes away from the campus. For students with mobility disabilities, however, the commute encompasses at least 16 minutes of travel from the nearest accessible subway, the Franklin Avenue C line station.
- e. Unequal access to Beth Israel Medical Center/Brooklyn Cardiology Center. For a person who can climb stairs, the nearest subway station, the Greenpoint Avenue G line station, is only 272 feet from the hospital. A person with a mobility disability,

however, would have to travel 1.8 miles from the nearest accessible station at Marcy Avenue on the J line.

- f. Unequal access to the Cathedral of St. John the Divine. Unlike riders who can climb stairs, who need only walk 3 blocks from the nearest inaccessible station, the Cathedral Parkway-110th Street station, a person with a mobility disability must travel over 15 blocks from the nearest accessible subway station.
- g. Unequal access to Citi Field. While baseball fans who can climb stairs are able to get to the stadium within 2 minutes from the Mets-Willets Point Station, a person who uses a wheelchair must travel for almost a mile from the nearest accessible subway, the Flushing-Main Street Station, unless Defendants' employees open the gates that allow people with disabilities to use the station. The gate is locked at most times.
- h. Unequal access to the historic Williamsburg Bridge's Manhattan entrance. The nearest accessible subway station is over 1.2 miles away, double the distance of the nearest subway station that people who can climb stairs can use.
- i. Unequal access to the Long Island City LIRR station. The nearest accessible subway station to the LIRR is at Court Square, over 10 blocks away. Riders who can climb stairs can access the LIRR from the Vernon Blvd-Jackson Av. station, which is only 472 feet from the LIRR.
- j. Unequal access to the New York Stock Exchange. Neither of the two subway lines that are located within a block of the Exchange—the Wall Street 4/5 line station and the Broad Street J/Z line station—is accessible to people needing elevator access.

- k. Unequal access to the Museum of Natural History. For individuals who can climb stairs, the nearest subway station, the 81 Street B/C line station, is only 1 block away. For people needing elevator access, the nearest station is 0.5 miles or over 7 blocks away from the museum.
 - l. Unequal access to the Brooklyn Museum. For people who can climb stairs, the nearest subway station, Eastern Parkway-Brooklyn Museum, is only 79 feet from the front door. By contrast, individuals with mobility disabilities must travel over 8 blocks from the nearest accessible station, the Park Place S station, to reach the museum's entrance.
 - m. Unequal access to Brooklyn Bridge Park. Individuals with mobility disabilities must travel over 1 mile for nearly 25 minutes from the nearest accessible subway, the Jay Street-MetroTech station. By contrast, individuals who can climb stairs can get to the park within 11 minutes from the High Street A/C line station.
77. The long distances between accessible subway stations has left people with mobility disabilities living in certain neighborhoods virtually stranded—with no options for using the subway system. For example:
- a. An individual with a mobility disability living near the Bay Ridge – 95th Street Station would have to travel approximately 2.5 miles to reach the closest accessible subway station, which would take almost an hour.
 - b. An individual with a mobility disability living near Greenpoint Avenue Station would have to travel 1.7 miles to the closest accessible subway station.

- c. An individual with a mobility disability living near the inaccessible Carroll Street F/G station would have to travel all the way to Jay Street-MetroTech, a mile away, to ride the subway.
78. Additionally, for seniors and other riders with arthritis, vertigo, heart or lung disease or other physical limitations for using stairs, the widespread absence of elevators in the subway system often forces them into a Hobson's choice of having to risk injury or over-exertion by using multiple sets of stairs or traveling miles out of their way to locate a station with an elevator.
79. The inaccessibility of almost nearly 80% of subway stations also negatively impacts countless other New Yorkers who would benefit from having elevators at all subway stations, including parents with strollers, people with temporary illness or injury, and people carrying suitcases, bags or other heavy objects.

C. The accessibility of the New York City subway system lags far behind the public transportation services in other metropolitan areas of the world.

80. The New York City subway system's woeful level of station accessibility is even more striking when compared to the rates of station accessibility in other major metropolitan areas. Indeed, the New York City subway system's level of station accessibility is the lowest among the ten largest metropolitan transit systems in the U.S. The Washington D.C. and San Francisco Bay Area transit systems have 100% station accessibility. The accessibility rate in Boston is at 74%; Philadelphia is at 68%; and Chicago is at 67%, compared to New York's 24%.
81. Additionally, subway and metro systems in Seoul, Korea, Shanghai, China, and Taipei, Taiwan are all significantly more accessible for people with disabilities than the New York City subway system, even though they carry very large numbers of passengers and are located in older, densely-populated cities.

82. To expound on one such world city, nearly all of Seoul's subway stations can be accessed by elevators. In the few stations that do not have elevators, stairways are typically equipped with mechanical lifts designed to move people using wheelchairs and other mobility aids up and down stairways.

83. Accordingly, neither the age of the city nor the high number of passengers it serves justifies the continued pervasive inaccessibility of New York City's subway system.

D. Alternate forms of public transportation in the New York City are inadequate substitutes for people with disabilities, and therefore, cannot excuse the subway's inaccessibility.

84. The speed, frequency, convenience, and relatively low cost of a subway ride are unmatched by any of New York City's alternate modes of transportation, including buses, cabs, and the Access-A-Ride paratransit service.

85. The City's bus system is significantly slower than the subway, runs less frequently, and is more geographically limited, and each bus can only accommodate two people in wheelchairs at a time. Bus service is also subject to delays involving traffic and weather, including hazardous street conditions caused by storms and snow and rain impeding traffic and blocking accessible routes to bus stops.

86. The City's paratransit service for people with disabilities, Access-A-Ride, is unreliable due to long delays and missed pick-up times. It also requires up to twenty-four hours advance notice, and thus fails to provide riders with disabilities the freedom of rapid, convenient, subway travel that is such a vital part of living in working in and visiting New York City.

87. Using a taxi either to get to an accessible station or as a substitute for the subway is not a viable option for people with disabilities because less than 10% of the yellow taxi cab fleet is accessible. Uber cars are overwhelmingly inaccessible as well. Like buses, taxis are also unable to operate under hazardous surface conditions that would allow a subway to keep

running, such as snowstorms and serious traffic congestion. Lastly, taxis are significantly more expensive than subways, making them unviable as an everyday mode of transportation for many New Yorkers—especially those with disabilities, who are disproportionately likely to have limited income and economic resources.

E. Harm caused by exclusion of people with mobility disabilities from the subway system is further exacerbated by barriers on pedestrian routes.

88. New York City has a vibrant pedestrian culture. The City's sidewalks, crosswalks, and curb cuts constitute a crucial transportation infrastructure used by millions of people each day to get from their home to the nearest bus stop or subway station.

89. However, very few of these pedestrian routes can be safely used by individuals with disabilities. As a result, people with disabilities find it exceptionally more difficult to obtain access to the benefits of the subway system. (A recent survey conducted by the City's Department of Transportation indicates that over 116,000 corners in the City have defective and/or non-ADA compliant pedestrian ramps.)

90. These dangers and deficiencies in pedestrian ramps make it much more difficult and time consuming for people who use wheelchairs or are otherwise unable to use stairs to reach an accessible subway station. Thus, in cases where accessible stations are separated by over 30 blocks, as is frequently the case in New York City, people with mobility disabilities face the dangerous and daunting task of navigating long stretches of barrier-filled sidewalks and non-compliant curb ramps just to reach a subway station with an elevator.

F. Defendants have the financial means to make the subway system usable for people with mobility disabilities, but still fail to do so.

91. In the time period since their first capital program, authorized in 1982, Defendants MTA and NYC Transit have spent more than \$100 billion on the New York City subway system. Their current revised capital program budget totals \$29 billion.

92. Despite this massive spending, Defendants failed to formulate a comprehensive plan to make the majority of subway stations vertically accessible for people with mobility disabilities or other disabilities affecting the ability to use stairs. Indeed, under the Defendants' present approach, the New York City subway system will remain overwhelmingly inaccessible to people with disabilities in perpetuity.

93. Even where Defendants have spent millions on alterations and renovations to existing subway stations, they have simply ignored the needs of riders with mobility or other disabilities affecting their capacity to use stairs. For example, the Times Square station servicing the S line underwent a massive renovation totaling approximately \$200 million involving the entire Times Square terminal in 1999. Yet, the station still lacks elevator access for riders on the S line.

94. The 95th Street station servicing the R line is currently undergoing renovations that will include such amenities and additions as wider doors, USB chargers, WiFi service, and security cameras. Yet, these planned renovations do not include any accessibility improvements.

HARM TO INDIVIDUAL PLAINTIFFS

G. Harm to Sasha Blair-Goldensohn

95. Sasha Blair-Goldensohn is a manual wheelchair user who tries to rely on the subway to commute to and from work, attend sporting events, and accomplish daily tasks. Mr. Blair-Goldensohn generally prefers the subway to all other modes of transportation. However, the system's pervasive inaccessibility routinely forces him to reroute his travel plans, delay his arrivals for various appointments and events, and on occasion, give up on traveling altogether.

96. Mr. Blair-Goldensohn's commute to and from work is significantly affected by the system's inaccessibility. The subway station closest to Mr. Blair-Goldensohn's home, located at 79th Street on the 1 line, is inaccessible. Mr. Blair-Goldensohn has to instead take the 2/3 line

from the 72nd Street Station to the 59th Street-Columbus Circle station, transfer to the A/C line, and travel to the 14th Street-8th Avenue station each and every time he commutes to his Chelsea office.

97. When the 72nd Street station elevator is out of service, Mr. Blair-Goldensohn must detour to the nearest accessible station at 66th Street-Lincoln Center, thereby lengthening his commute by one-half mile.

98. When the 14th Street station mezzanine or street level elevator is out of service, Mr. Blair-Goldensohn must travel to the West 4th Street Station and take a cab or travel by chair. Each such detour costs him extra money and extends his subway commute over a half mile.

99. Mr. Blair-Goldensohn's commute back home can be even more arduous. Because the elevator on the front end of the platform at the 59th Street Columbus Circle station is regularly out of service, Mr. Blair-Goldensohn is frequently forced to travel all the way to the other end, take an elevator to the mezzanine, ride another elevator to the street, travel across an intersection, and take an elevator from the street to the mezzanine of the uptown 1 train. This alternative route extends his overall commute and requires him to purchase an additional fare to re-enter the gated area unless he is able to convince the station agent to let him re-enter.

100. As a result of these everyday challenges, Mr. Blair-Goldensohn has become accustomed to padding his travel time by giving himself at least an extra one-half hour and asking strangers or police for assistance when he finds himself stranded.

101. Mr. Blair-Goldensohn's recreational activities are likewise affected by subway inaccessibility. For instance, Mr. Blair-Goldensohn would like to use the Mets-Willets Point station on the 7 line to travel to his tennis club on the weekends. However, that station is only

accessible for short periods of time before and after New York Mets baseball games when a particular gate is open to allow individuals in wheelchairs to enter and exit.

102. Mr. Blair-Goldensohn's children attend school near the 96th Street station on the 6 train line, which is not vertically accessible. Therefore, Mr. Blair-Goldensohn cannot use the subway to travel from his office to pick-up his children at school, causing his family additional cost and inconvenience.

103. Mr. Blair-Goldensohn has missed professional opportunities because he is so excluded from a large portion of the subway system, including on one recent occasion, when he was to attend an off-site work event near an inaccessible L train station in Brooklyn.

104. Mr. Blair-Goldensohn remains frustrated by the fact that the subway system's inaccessibility significantly diminishes his ability to have an active and independent life in New York City.

H. Harm to Chris Pangilinan

105. Mr. Pangilinan is a wheelchair user who relies on the subway system for a variety of purposes, including to commute between his home in Brooklyn and his job in Manhattan. He also attempts to use the subway system to attend social and cultural events, visit friends, and participate in work-related activities.

106. When Mr. Pangilinan moved to New York, his housing options were greatly limited due to the lack of accessible subway stations. He focused on just two neighborhoods, Harlem and Downtown Brooklyn, because they alone were affordable neighborhoods that seemed to provide a relatively short distance between at least two wheelchair-accessible stations to ensure that he could access the subway if an elevator at one station was out of service.

107. However, even though he chose his apartment to have reliable access to the subway so that he could commute to and from work and otherwise travel around New York City

with the same speed and convenience as New Yorkers without disabilities, Mr. Pangilinan's travels are nonetheless routinely complicated by various obstacles that effectively exclude wheelchair users like himself.

108. For example, when Mr. Pangilinan travels to his office in the Financial District, he tries to rely on the 4 and 5 train lines to get him from the Borough Hall station to the Bowling Green station. If any of the elevators at either station are out of service—an occurrence that happens about once a week at the Borough Hall station alone and about once every two weeks at the Bowling Green station—he must travel via the A or C train to Fulton Street, and walk an extra half mile to his office, costing him more time.

109. Moreover, Mr. Pangilinan is forced to detour on his way back from work every day because the southbound 4/5 line has never been made accessible at Borough Hall. Instead, he takes the 4/5 line two stops uptown from Bowling Green to Fulton Street, transfers to the Brooklyn-bound A/C line at Fulton Street, and takes that train to Jay Street-MetroTech to get back home. If the closest elevators at the Fulton Street station are out, he must transfer to the A/C line by first exiting Fulton Street, and then re-enter at Nassau Street or William Street, an outside transfer made even more inconvenient in inclement weather.

110. Mr. Pangilinan also struggles to get to City College, where he has been working on a project. There is no elevator on the 1 line at 137th St – City College, nor at the Rector St. station where he could get on the 1 line by his office. Instead, he must take the 4/5 or the A train to 125 St., then take a bus to City College. This circuitous route adds over 15 minutes to his trip.

111. Mr. Pangilinan's life in the City is also otherwise severely complicated by the dearth of accessible subway stations. Mr. Pangilinan would like to travel throughout the City with the same speed and convenience as everyone else, but he is instead excluded from social,

professional, and cultural opportunities because of the pervasive inaccessibility of the subway system.

112. For example, Mr. Pangilinan recently spoke at an event on 23rd Street in Manhattan. Although there was a subway station right next to the event location, he had to take the subway all the way to the 34th Street-Herald Square station and travel 11 blocks downtown in the rain because the closest subway station had no elevators.

113. With the exception of the 23rd Street station on the 6 line, there are no accessible subway stations between 14th and 34th Streets in Manhattan. As a result, it is much more difficult for Mr. Pangilinan to travel to professional and social events in those sections of the city.

114. If the Whitehall Street station on the R and W train lines were wheelchair-accessible, Mr. Pangilinan could use that station to travel to Midtown Manhattan or the Upper East Side for work-related activities and social opportunities. He would also use the Whitehall Street station to commute to and from work when the elevators at the Bowling Green station are out of service.

115. Mr. Pangilinan would also like to use the subway to travel to Chinatown to spend time with friends, eat out, and enjoy cultural events. However, almost all of the subway stations in Chinatown are inaccessible. Mr. Pangilinan is thus forced to wheel a distance of over two miles across the Manhattan Bridge whenever he wishes to reach Chinatown from his home in Downtown Brooklyn.

116. In addition, Mr. Pangilinan has several friends who live in the South Slope and Bay Ridge neighborhoods of Brooklyn, along the R train line. Because there are no wheelchair-

accessible stations south of Atlantic Avenue on the R line—a span of 12 stations—Mr.

Pangilinan cannot visit his friends.

117. Finally, Mr. Pangilinan would like to attend concerts and go to restaurants in the Bushwick and Greenpoint neighborhoods of Brooklyn. Because those neighborhoods are almost exclusively served by inaccessible subway stations, it is virtually impossible for him to take advantage of community life in those neighborhoods.

118. Mr. Pangilinan will be unable to participate in the City's social, cultural, and community life on equal terms with non-disabled residents for as long as the subway system remains inaccessible.

I. Harm to Dustin Jones

119. Mr. Jones has regularly tried to rely on the subway system to attend medical appointments at Mount Sinai Beth Israel, CIDNY board meetings, and various social and civic activities. However, the fact that he is barred from using so many stations poses continuous obstacles to his ability to move about the City on equal terms with non-disabled residents and visitors. He must routinely plan his trips around the fact that the vast majority of stations remain unusable for him.

120. For instance, on January 25th, 2017, Mr. Jones traveled to a CIDNY board meeting on 14th Street using a circuitous route due to the complete absence of elevators on the 4/5/6 station platforms at the 14th Street-Union Square station. In particular, rather than taking the 5 train directly from his home in the Bronx to the meeting, Mr. Jones instead traveled on the 2 train to Times Square-42nd Street, then transferred to a train on the N/Q/R/W line to go downtown.

121. However, upon reaching Union Square, Mr. Jones discovered that the elevator from the platform to the mezzanine was broken, forcing him to search for a personnel member

who could inform him when the elevator would be back in service. When he finally spoke to personnel, he was merely instructed to go to the next station and then turn around. This advice was unhelpful because the next station was not wheelchair-accessible. When he informed the worker of the inaccessibility of the next station, the worker responded with “what do you want me to do?” and turned his back, offering no further assistance.

122. Mr. Jones’s only alternative was to take the downtown Q train all the way to Brooklyn, where the next accessible station was, then turn around, go back to 42nd Street, and board the bus there to return to 14th Street. However, because this alternative was extremely time-consuming and would have caused him to miss his meeting, Mr. Jones was instead forced to flag down a bystander to carry his wheelchair to the upstairs mezzanine elevator leading out into the street. Mr. Jones hopped up the stairs on his foot, feeling embarrassed. Once he was at the top, other passengers again had to help him so that he could get back into his wheelchair.

123. Mr. Jones has repeatedly experienced issues like these, including at the 14th Street-Union Square station; which is meant to be accessible but is repeatedly beset with elevator outages, at the 125th Street stations on the A/B/C/D and 4/5/6 lines which he uses to visit his friends in Harlem; at the Grand Central Station, where Mr. Jones once required police assistance to get out onto the street; and the Wall Street 4/5 station, where Mr. Jones has sometimes had to travel back to the Fulton Street station, then travel an additional several blocks in order to attend City Hall meetings.

124. The lack of elevator access in the subway system has denied Mr. Jones equal access to a program that millions of City residents and visitors rely on every day. Mr. Jones continues to struggle, planning trips around inaccessible stations and getting stuck even at

stations that are meant to be accessible. These significant burdens effectively exclude Mr. Jones from the City's subway system.

V.

CLASS ACTION ALLEGATIONS

125. Pursuant to NY C.P.L.R. § 901, each named Plaintiff brings this action for injunctive and declaratory relief on their own behalf, on behalf of the organizational Plaintiffs' constituents, and on behalf of all people similarly situated.

126. The class that Plaintiffs seek to represent consists of people with mobility or other disabilities affecting their capacity to use stairs, who are being discriminated against due to the lack of accessible vertical access, including elevators, at the vast majority of New York City subway stations.

127. The claims asserted herein are solely for injunctive and declaratory relief for class members. Monetary damage claims are not included in this complaint.

128. The people in the class are so numerous that joinder of all such people is impracticable and the disposition of their claims in a class action is a benefit to the parties and to the Court. *See* NY C.P.L.R. § 901-a(1). Indeed, data from the United States Census American Community Survey conducted in 2008 indicates that more than 535,000 non-institutionalized New York City residents, many of whom use or seek to use the City's subway system, have mobility disabilities.

129. Moreover, proposed class members share a well-defined community of interest with respect to both questions of law and fact involved because they are all being discriminated against by being denied equal access to, and will continue to be denied equal access to, the City's subway system. *See* N.Y. C.P.L.R. § 901-a(2). For instance, whether Defendants' failure to make the subway system accessible for all people who cannot use stairs due to disability

constitutes a discriminatory violation of the NYCHRL is a question common to all class members. Such common questions clearly predominate over any questions affecting individual class members.

130. Plaintiffs are adequate class representatives because they, or the people they serve, are directly impacted by Defendants' discrimination and failure to make the subway system accessible to people whose mobility and other impairments prevent them from using stairs. Plaintiffs' claims are likewise typical of the claims of the class as a whole because all Plaintiffs are similarly affected by Defendants' discrimination and failure to ensure systemic vertical accessibility of its subway system. *See* N.Y. C.P.L.R. § 901-a(3).

131. The interests of the Plaintiffs are not antagonistic, or in conflict with, the interests of the class as a whole. The attorneys representing the class are highly trained, duly qualified, and very experienced in representing plaintiffs in civil rights class actions for injunctive relief. *See* N.Y. C.P.L.R. § 901-a(4).

132. By failing to make the subway program systemically accessible to people who cannot use stairs due to disability, Defendants have acted and/or failed to act on grounds generally applicable to the class as a whole. Accordingly, an award of appropriate final declaratory and injunctive relief with respect to the class as a whole is warranted, and the class action is superior to other available methods for the fair and efficient adjudication of the controversy. *See* N.Y. C.P.L.R. § 901-a(5).

VI.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Violation of the New York City Human Rights Law
(N.Y.C. Admin. Code § 8-101 *et seq.*)

133. Plaintiffs re-allege and incorporate herein all previously alleged paragraphs in this Complaint.

134. N.Y.C. Admin. Code § 8-107(4)(a), provides that “[i]t shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation because of the actual or perceived . . . disability . . . status of any person directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof . . .” Persons include all “natural persons, proprietorship partnerships, associations, group associations, organizations, governmental bodies or agencies, corporations [and] legal representatives . . .” N.Y.C. Admin. Code § 8-102(1).

135. Pursuant to the NYCHRL, disability encompasses any impairment, regardless of whether the impairment substantially limits a person’s ability to engage in major life activities. *See id.* § 8-102(16)(a) (defining disability as “any physical, medical, mental or psychological impairment, or a history or record of such impairment”).

136. The term “place or provider of public accommodation” encompasses “providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold or otherwise made available.” N.Y.C. Admin. Code § 8-102(9).

137. Public transportation services constitute a service, accommodation, advantage, or privilege that is offered to the general public within the meaning of N.Y.C. Admin. Code § 8-102(9). Defendant City of New York owns the New York City subway system. Defendants MTA and NYC Transit act as “managers” of this system in their role as a public benefits

corporation created by the City. Accordingly, Defendants are plainly “persons” within N.Y.C. Admin. Code § 8-102(1).

138. Because the lack of elevator access throughout the subway system discriminates by denying large numbers of people with mobility or other disabilities affecting their capacity to use stairs, the services, accommodations, advantages and privileges of the subway system that Defendants make available to the general public, Defendants, in their role as the system’s owners and/or managers, violate § 8-107(4)(a).

139. Defendants’ conduct also violates N.Y.C. Admin. Code § 8-107 (17), which states that “an unlawful discriminatory practice . . . is established . . . [when plaintiff] demonstrates that a policy or practice of a covered entity or a group of policies or practices of a covered entity results in a disparate impact to the detriment of any group protected by the provisions of this chapter.”

140. By failing to operate this program so that it is readily accessible and usable by people who cannot use stairs due to disability when viewed in its entirety, Defendants have demonstrated a policy or practice that has a disproportionately negative impact on members of the proposed class, each of whom qualifies as a protected group under the provisions of the NYCHRL.

141. The violations at hand are particularly grave in light of the “uniquely remedial” purpose behind the NYCHRL, which provides that each section must be “construed liberally for the accomplishment of the uniquely broad and remedial purposes thereof, regardless of whether federal or New York State civil and human rights laws, including those laws with provisions comparably-worded to provisions of this title, have been so construed.” N.Y.C. Admin. Code § 8-130.

142. Accordingly, Defendants' conduct is subject to a much stricter standard than under state or federal law, and its liability under these provisions must be determined separately and independently from its liability under the disability provisions of either state or federal civil rights law.

143. As a direct and proximate result of Defendants' violations of the NYCHRL, Plaintiffs have been injured as set forth herein.

144. Defendants' conduct constitutes an ongoing and continuous violation of the NYCHRL. Unless Defendants are enjoined from further violations, Plaintiffs will continue to suffer injuries for which there is no adequate remedy at law. In particular, Plaintiffs will suffer irreparable harm in that they will continue to be discriminated against and denied the accommodations, advantages, facilities, or privileges of the subway program as a whole, as well as accommodations that would provide them the opportunity to benefit from it.

145. Thus, Plaintiffs are entitled to injunctive relief and reasonable attorneys' fees and costs.

Wherefore, Plaintiffs pray for relief as set forth below.

SECOND CAUSE OF ACTION
Declaratory Relief

146. Plaintiffs re-allege and incorporate herein all previously alleged paragraphs in this Complaint.

147. Plaintiffs contend that Defendants have failed and are failing to comply with applicable laws prohibiting discrimination against people with mobility or other disabilities affecting their capacity to use stairs in violation of N.Y.C. Admin. Code § 8-101 *et seq.*

148. Defendants disagree with Plaintiffs' contention.

149. A judicial declaration is necessary and appropriate at this time in order that each of the parties may know their respective rights and duties and act accordingly.

Wherefore, Plaintiffs pray for relief as set forth below.

VII.

PRAYER FOR RELIEF

Wherefore, Plaintiffs, on their own behalf and on behalf of the class, pray for the following relief against Defendants:

150. That this matter be certified as a class action with the class defined as set forth above, that Plaintiffs be appointed class representatives, and their attorneys be appointed class counsel;

151. For an order and judgment enjoining Defendants from violating the New York City Human Rights Law, and requiring Defendants to develop and implement a remedial plan to make the entire subway system systemically accessible to the Plaintiffs and members of the proposed class over a reasonable period of time;

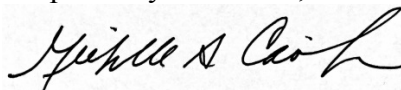
152. For an order and judgment declaring that Defendants' acts and omissions as challenged herein are unlawful;

153. For an award of Plaintiffs' reasonable attorneys' fees and costs; and

154. For such other relief that the Court may deem just and proper.

Dated: April 25, 2017
New York, New York

Respectfully submitted,



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* motions for *pro hac vice* admission to be filed